

Trafficking in Persons and International Trade

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Abstract: - Trafficking in persons is considered a multifaceted crime and an illegal business that undermines the rule of law and creates instability. As a global phenomenon, a contemporary or a modern form of slavery, it has profound social and economic implications, which affects, on one hand, the security of the state, and, on the other hand, the fundamental human rights and dignity of the victims. For this reason, we call it a form of inhuman trade that is internationally present in any country that may be a territory of destination, transition or a source country. Over the last decades, trafficking in persons became the second large illegal activity and source of income for criminal organizations, at the national and international levels. While this crime has been recognized, condemned and prosecuted by the international community, national governments still lack an effective response, mainly because many of them misunderstand this complex issue and they do not have effective policies designed to combat human trafficking. Moreover, national policies do not provide good regulations to deal with such global problem or effective tools with which to dismantle organized crime structures and their transnational alliances. In order to fight against this worldwide phenomenon, national authorities should design legal provisions consistent with international law and responsive to national specifics. The present paper seeks to examine this international problem, addressing the following questions: How does this global phenomenon manifest itself? Does the international organizations make sufficient efforts to respond to the human trafficking issue? How does a company ensure there is no association with human trafficking in its operations or supply chain? How weak does Governments remain in the fight against trafficking in persons with regard to their citizens?

Key-Words: - trafficking, human trafficking, international trade, inhuman trade, slavery, modern-day slavery

1 Introduction

Trafficking in human beings is a complex and evolving international problem, which is present everywhere, from the most developed countries to the poorest states of the globe. It devastates individuals' lives and undermines national economies, while generating billions of dollars through illegal exploitation and abuse. This black market funds support other illegal activities like corruption and transnational crimes.

International statistics show that there are today more slaves than any time in our history. Official international reports of 2012 talk about 20.9 million victims of human trafficking [1], but some international NGOs' reports say that there are more than 25 million slaves [2], while the doctrine have mentioned 27 million people trafficked [3]. Moreover, 2 people are sold or resold every minute and 3 of 1000 people worldwide are in forced labour for an estimated profit of 25 billion dollars annually.

These figures represent only “the tip of the iceberg” of the identified and presumed victims of trafficking in human beings, but there are many others that could not be found and some of them will never be. The hidden nature of human trafficking makes it difficult to estimate the real size of this global phenomenon.

During the last years, relevant international organizations started to rigorously monitor this transnational criminal phenomenon that is in constant and rapid growth. They focus on the efforts undertaken by national governments to prevent and combat trafficking in human beings or to assist the victims.

However, there is a strong need for a common international effort to try to put an end to this odious phenomenon. The recent reports of the International Labour Organization (ILO), United Nations Office of Drugs and Crime (UNODC), the Council of Europe – Group of Experts on Action against Trafficking in Human Beings (GRETA), as well as

of the European Union's specialized bodies reflect clearly increasing trends on trafficking in human beings. There is a need for an international effort to end the trade in humans, to protect victims and prosecute traffickers.

2 Trafficking in Human Beings as an International Inhuman Trade

Trafficking in persons has increased throughout the world in recent years, mainly because of the globalization process. The problem is exacerbated in both, size and seriousness, while the nature of the victims' exploitation involves human rights abuses that, often, amounts to new forms of slavery.

The global phenomenon of human trafficking have become an important issue of debate among international community's experts, government officials, intergovernmental and non-governmental organizations, as well as researchers. Therefore, in 1999, it was established the Global Programme against Trafficking in Human Beings of the United Nations Office on Drugs and Crimes in order to motorize the international dimension of this global problem. The Programme sets regional and interregional trends, takes stock of promising practices worldwide and carry out specific projects in order to integrate policy-oriented research and technical cooperation among interested states and regions.

Every year, hundreds of thousands of victims are trafficked into many countries by increasingly sophisticated criminal groups. For traffickers, this implies the transfer of knowledge, facilities and networks used for smuggling "humans as goods" to a highly profitable market. The persons who are brought into another country are often seen as parties to a criminal transaction. In reality, they are victimized economically, physically and physically. They are often deceived about the trip and sometimes forced to engage in prostitution or criminal activities in the destination country. In this case, the organized crime groups commit the two offences of smuggling and human trafficking.

Over the last decades, trafficking in persons become the second illegal activity and source of income for criminal organizations, at the national and international levels. More than 20 million persons are victims of the "barbarity" perpetrated by the global criminal enterprises of human trafficking that generate an estimated \$32 billion annually [4]. These funds are usually used to pay the members of the network, to set up logistics needed for communication and transport, to bribe some state

officials and, often, for judicial assistance of the traffickers that have been discovered with the view to obtain their freedom or to ensure a more lenient penalty [5].

2.1 Legal Delimitation of Trafficking in Persons

Trafficking in persons or human trafficking is a recognized violation of human rights, prohibited by international law, which affects all countries of the globe. This phenomenon, often organized crime, knows no geographical, cultural, political or religious boundaries; there is no region immune to it.

In order to fight against human trafficking, national authorities should design legal provisions consistent with international law and responsive to national specifics. The central guiding international instrument for combatting trafficking in persons is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter, Palermo Protocol), which supplement the United Nations Convention against Transnational Organized Crime.

2.1.1 Trafficking in Persons as a Global Problem

Human trafficking has been recognized by international tribunals as a contemporary or modern form of slavery. However, it is more subtle than slavery itself because this illegal action does not necessarily entail the idea of "ownership of a person", but rather allows traffickers to exert their control over the victim using specific means like threat, coercion and deception.

The global phenomenon of human trafficking generates tens of billions of dollars annually for international criminal groups, lone perpetrators, facilitators and exploiters. The victims of this profitable crime see nothing of these profits, but only exploitation, psychological trauma and physical pain. Therefore, this illegal activity in not only a crime against state security, but against individual, too. It represents a failure of the national authorities to adequately protect the citizens and to prevent such crime against individual's fundamental rights.

The 2012 International Labour Organization's Report that covers the period of 2002 to 2011, shows that, globally, 20.9 million people are presumed to be held in a modern-day form of slavery. It states that 26% of identified and presumed victims are children, which means that 5.5 million minors are globally enslaved today. More than 18.7 million people are exploited in the private

economy: 4.5 million are victims of forced sexual exploitation and 14.2 million are compelled to work in agriculture, construction, manufacturing, domestic work, etc.

The main forms of victims' exploitation are forced labour and/or forced begging, sexual exploitation and removal of organs. In some African countries (e.g. Nigeria) has been discovered the practice of exploitation of women and girls for giving birth to the babies that were sold for international illegal adoption. Exploitation for human organs is an increasing issues among most vulnerable segments of the population from many poor countries.

2.1.2 International Legal Provisions to Combat Human Trafficking

Trafficking in persons is considered a multifaceted crime and an illegal business. Palermo Protocol is the international human rights law that punish the crime of trafficking and provide a comprehensive framework for victim protection, promoting the now internationally accepted definition of trafficking in persons.

Article 3 of the Protocol states that “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

ACT	MEANS	PURPOSE	
Recruitment	Threat or use of force	Exploitation, including	= TRAFFICKING
Transport	Coercion	Prostitution of others	
Transfer	Abduction	Sexual exploitation	
Harbouring	Fraud	Forced labour	
Receipt of persons	Deception	Slavery or similar practices	
	Abuse of power or vulnerability	Removal of organs	
	Giving payments or benefits	Other types of exploitation	

Fig.1: Palermo Protocol's definition of human trafficking

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or

services, slavery or practices similar to slavery, servitude or the removal of organs”.

Furthermore, the Palermo Protocol establishes that the consent of a victim of human trafficking to the intended exploitation set forth in the first paragraph is irrelevant where any of the means presented above have been used. Also, the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is considered human trafficking, even if this does not involve any of the means set forth in the first paragraph of the Article 3.

Article 2 of the United Nations Transnational Organized Crime Convention defines an organized criminal network as a structured group of “three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit”. Further, it establishes that a serious crime is conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or an even more serious penalty.

At the same time, article 4 of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings defines a victim as “any natural person who is subject to trafficking in human beings”. The identification of victims depends on the national legal and administrative systems of each state party to this Convention. So, an identified victim is any person who has been identified by a formal authority of a state as a victim of human trafficking, and a presumed victim is a person who has met the criteria, but has not been formally identified by the relevant authorities as a victim or who has declined to be legally identified as trafficked.

This definition of victim seems to be internationally accepted, since the Convention has been open for signature, ratification and accession by any interested country, part of the world community.

2.2 Forced Labour and International Trade

The official international reports state that the largest number of victims are compelled to forced labour in private economies. The Global Initiative to Fight Human Trafficking – UN.GIFT has established that trafficking for forced labour covers four main areas: bonded labour, involuntary servitude, domestic servitude, and child labour.

“Bounded labour” or “debt bondage” is a form of force or coercion that use a bond or debt to keep a person in subjugation. Many workers around the

world fall victims to debt bondage when they assume an initial debt as part of the terms of their employment. This phenomenon is largely spread among economic migrants. The Palermo Protocol prohibits this kind of exploitation and associate it with trafficking in persons.

Involuntary servitude appears when people believe that an attempt to escape from their present conditions may cause serious physical harm or use of legal coercion, such as threat to deportation. Victims of this form of forced labour are usually economic migrants or unskilled workers who are trafficked from poor countries to prosperous and developed places. Many of these victims face physical and verbal abuse, threat to breach their contract of employment, and captivity.

Domestic servitude occurs when people are trapped in servitude by use of force or coercion, such as physical or emotional abuse, including sexual violence. Children are vulnerable to domestic servitude, which takes place in private homes and lack an efficient regulation by public authorities.

Child labour is prohibited under international and national legislation that allow children to be legally engaged in light work that do not harm their development or dignity. Any kind of labour that affects the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out, is considered illegally performed by children. However, a large number of children are engaged in this form of human trafficking.

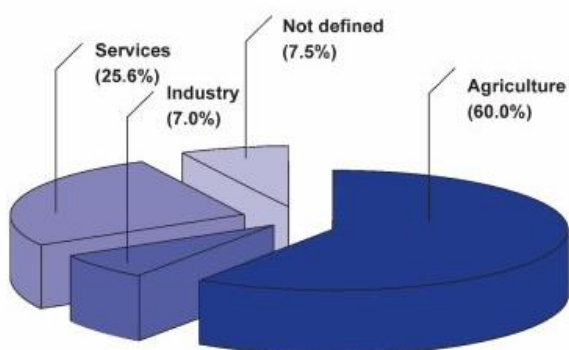


Fig.2: Child labour distributed by branch of economic activity

The data collected by the International Labour Organization for 2013 shows that the largest percent of child labour is used in agricultural system (including hunting and fishing), more than a quarter of the trafficked children are met in the service industry (wholesale and retail trade; restaurants and hotels; transport, storage, and communications; finance, insurance, real-estate, and business

services; and community as well as social personal services), while more than 7% are working in other industries (manufacturing, mining and quarrying, construction, public utilities – electricity, gas, water)..

2.2.1 Human Trafficking - an Issue for Business

Trafficking in persons is not very well integrated into the international norms and programmes related to corporate responsibility. In the last decade, very few companies started to engage in the fight of this phenomenon, but the changes has been slow.

Some companies may be affected by human trafficking, being directly linked to the practice of recruitment, transport, harbouring or receipt of a person for the purpose of exploitation if the traffickers use their promises, products or services in order to achieve trafficking activities (transport, tourism, hospitality enterprises). Often, businesses are indirectly linked to human trafficking through the actions of their suppliers or other business partners like labour brokers or private employment agencies. In this way, they end up to produce goods or provide services by using trafficking victims whose fundamental rights have been violated.

Trafficking in persons is a violation of international human rights law and a criminal offence punishable in most countries worldwide. In order to prevent a scandal on their reputation, companies should prevent human trafficking through their codes of conduct and corporate responsibility. Multinational companies, mainly, those that have significant brand value, face high expectations from consumers related to the compliance with international human rights norms in the production process of their goods.

Human trafficking represents a huge risk to business, within global supply chain and amongst business partners, because it is a crime in most countries of the world and may be a threat to company brand or reputation. So, enterprises, especially multinational companies, should try to identify trafficking victims within their business activities and supply chain and, also, to take preventive and corrective action. Moreover, the companies' involvement in the fight against human trafficking offers them the opportunity to become leaders amongst industry peers and within society at large.

2.2.2 The Positive Case of Gap Inc.

Gap Inc. is one of the leading companies in the fight against human trafficking in the global garment industry. It works in the northern region of India, Mewat, which is vulnerable to child labour and

human trafficking. In October 2007, the company started to investigate an allegation related to child labour at an unauthorized, makeshift facility in India that was working on a product for the GapKids line. Gap Inc. cancelled the product order, ensured that the garment would not be sold and the subcontractor was prohibited from any future production of Gap Inc. products. Furthermore, a meeting was held with company's vendors in order to reinforce its "zero tolerance" policy against child labour.

To protect itself from this phenomenon, the company designed an unusual program of collaboration among representatives of the Government, NGOs and suppliers who normally do not work together. The handwork that appears embroidered on pieces of clothing is beautiful designed in Indian tradition. The women who do a large part of the handwork cannot work in the factory because it is culturally unacceptable for women to work alongside men.

To protect these women, the company limited the number of work hours subcontracted and made vendors responsible to provide details of their handwork supply chain, developed a system to monitor subcontractors and randomly visit homes where the work takes place, and involved local NGOs in their activities. Gap Inc. aims to raise awareness among fashion schools and management institutions of this difficult and growing phenomenon of human trafficking and child labour.

Moreover, the Government of India set up a think tank for the garment industry with representatives from businesses in order to design a strategy to combat human trafficking and child labour.

2.2.3 Chocolate Slavery or the Case of Ivory Coast's Cocoa

The Ivory Coast produces nearly 35% of all the world's cocoa, part of an industry that creates billions of dollars a year. International organizations reports state that almost entire human resource used on the plantations of cocoa is trafficked from the neighboring countries. It is estimated that 1.8 billion children are involved in growing cocoa in the western African countries that cover 69% of the world's cocoa production.

The child trafficking that takes place in the African Cocoa Coast has become a normal thing and it is part of life in the region. Traffickers recruit boys between 5 and 16 years old from Mali, Benin, Burkina Faso, Ghana and Togo with the promise of a good salary for their hard work, but afterwards children are forced to work more than 12 hours a day without any pay. The accommodation

conditions are very poor and the food offered to children is insufficient. They are often beaten for not being able to work so hard. Many of them are abnormally developed for their age because of the hard labour that they are force to do.



Fig.4: A 9 year old child carrying sacks of cocoa pods on plantation (photo: Daniel Rosenthal)

The victims cannot leave the farms and they do not go to school, but this does not upset them. They know nothing else to do and this is their life that, for them, seems to be a normal one. Most of the children have never seen a chocolate and they have no idea of what happens with the cocoa beans they harvested.

Companies involved in the cocoa trade or chocolate production have never seen these farms where children have been enslaved for all their childhood. In 2002, the major players in the chocolate industry promised to contribute to the eradication of child slavery in Ivory Coast. However, today not much has changed. They excuse themselves saying that it is extremely hard to find victims of child trafficking on those remote plantations where from they buy cocoa.

3 Possible Solutions to This Problem

Many countries do not have effective policies designed to combat human trafficking. Moreover, national policies do not provide good regulations to deal with such global problem or effective tools with which to dismantle organized crime structures and their transnational alliances.

Trafficking in human beings, in many countries, is not effectively controlled and prevented. The national policies and practices of border control are, often, concentrated on the illegal aspects of migration, leaving aside the involvement of organized criminal groups in the trafficking of human beings. As a consequence, the primary target

of control investigations are the illegal migrants, not the criminal organizations involved in the exploitation of human beings.



Fig.4: Criminalization of trafficking in persons – status of national legislation, by country (source: UNODC/UN.GIFT)

Furthermore, in many countries, investigations of the heads of the organized criminal groups involved in human trafficking lack the linkages to strategies against corruption. Other countries do not have the capacity to respond adequately to human trafficking. Legal provisions of these states allow often the creation of “safe havens for traffickers”.

Usually, victims of human trafficking lose their freedom and dignity, becoming modern-day slaves. They experience permanent physical and psychological harm and limited opportunities for personal development. Often, victims of human trafficking are considered perpetrators of illegal acts and are convicted for violation of immigration laws, prostitution or other criminal offences, being psychologically dependent on their traffickers. Therefore, the lack of victims’ cooperation ends up in inefficiency of investigation and prosecution of traffickers.

The national authorities should implement the minimum international standards in order to eradicate trafficking in human beings. They have to identify the important smuggling routes in the region and to work close with the authorities of the neighboring countries, to establish a cooperation procedure among most important national agencies involved in combating the phenomenon of trafficking, to efficiently and impartially investigate the perpetrations and to support and assist victims.

In order to fight against human trafficking, national authorities should design legal provisions consistent with international law and responsive to national specifics. While this crime has been recognized, condemned and prosecuted by the international community, national governments still lack an effective response, mainly because they misunderstand this complex crime and the need to recognize and provide assistance and compensation to victims.

So, each government should respect the 3Ps: prevent, protect and punish, with regards to eradication of human trafficking. The most important way to prevent trafficking in human beings is to raise the level of life among poor communities, which is the most vulnerable population and to raise awareness among young people and other possible victims of trafficking.

States should improve the level of protection for victims of human trafficking, both nationals and foreigners, and provide specialized attention to the needs of the victims in order to reduce their chance of re-victimization.

Long-term rehabilitation and social reintegration of the victims, especially minors, should be a strong preoccupation of any authority responsible for combating and preventing human trafficking. Governments should properly investigate and prosecute acts of trafficking committed by or with support of the state officials.

A public-private partnerships seem to work very well to achieve future positive results in combating trafficking and forced labour. In this respect, End Human Trafficking Now and the United Nations Global Initiative to Fight against Human Trafficking (UN.GIFT), in partnership with Microsoft, designed an e-learning tool for businesses, which helps the identification of human trafficking within the supply chain of that company. These kind of partnerships should be promoted and supported by international intergovernmental organizations and national authorities. Also, companies should be encouraged to introduce norms related to forced labour in their codes of conduct. The Luxor Implementation Guidelines, that facilitate integration of anti-trafficking values, and the Dhaka Principles that outline measures to support migration with dignity should be known by all companies’ managers. These international efforts are able to, efficiently, design solutions especially against forced labor as a specific form of trafficking in human beings where the largest number of victims are coming from.

Also, technology plays an important role nowadays in the chain of human trafficking. The perpetrators use it to advertise their services and to recruit, manipulate and lure potential victims. Social media platforms should become a vehicle for rising awareness on human trafficking, not a way of recruitment. For these reasons, state authorities should promote public-private partnerships with companies from the field of information technology and communications. The IT&C business environment manipulates huge amounts of money related to online advertising – if just a small percentage might be diverted from the classical

marketing campaign to a socially-targeted one [6], through the application of such public-private partnerships as mentioned above, the level of awareness about these issue would rise exponentially. The society should unite against this 21st century slavery-model as united and strong as our ancestors during the last two centuries – and the IT&C, the trade mark of the 21st century seems to be one of the best tools for the job. The IT&C environment is build, mainly, around and for the youngest and most active parts of the society; exactly these groups of people would have the courage, the means and the will to determine a focused and powerful reaction that might one day bring the human trafficking issue closer to extinction.

4 Conclusion

Trafficking in persons is an international crime of the twenty-first century, adaptive, cynical, sophisticated, existing all over the world, in the developing and most developed countries alike.

It is quite clear that the international community, mainly important states and IGOs/NGOs, has decided recently to take many measures to combat transnational crimes. A good number of international and regional structures and law enforcement agencies responsible for the fight against human trafficking, as well as other national or local authorities involved in the care, protection and social integration of victims work closely together with civil society organizations in an important partnership that fights this phenomenon.

In order to combat trafficking in persons, international community should work together to design efficient international policies that involves international intergovernmental organizations and state official, universities and researchers, business representatives and civil society.

An important role on the long way of the process of human trafficking eradication must have national government that should implement international standards to eradicate human trafficking and to protect individuals from violations of their basic rights. Also, international community and national governments should rise the standards of living because human trafficking thrived in conditions of poverty, whereby people were lured from their homes by promises of wealth and security.

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