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"Human Trafficking: the Demand Drives the Trade"
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**“Human Trafficking: the Demand
Drives the Trade”**

**Victoria Kozyr
College Scholars Thesis
6 August 2004**

“You can call me a fool for coming here. That’s my crime. I am stupid. A stupid girl from a little village. But can people really buy and sell women and get away with it? Sometimes I sit here and ask myself if that really happened to me, if it can really happen at all.”¹

For many people, the word slavery conjures up images from history – of the transatlantic slave trade, the practice of buying and selling people that the modern world is supposed to have left behind, and of the 19th century abolitionist movement. But the reality is that not only does slavery exist today, it is expanding. A new form of slavery has recently caught the attention of the public, the media, governments, nongovernmental organizations, and the United Nations. This new form of slavery has been described as human trafficking, the trafficking of persons, the sex trade, the white slave trade, modern day slavery, and, more recently and specifically, the trafficking of women and children. All these phrases accurately describe the phenomenon that has taken its toll in Africa, Asia, South Asia, Latin America, Eastern Europe, Central Asia, North America, and, more recently, the Former Soviet Union. According to the United States Department of State, 600,000 to millions of men, women, and children a year are bought, sold, transported, and held against their will in slave-like conditions.²

The ridiculous gap in the conclusion of the number of women and men sold can be attributed to the clandestine nature of the problem, lack of legislation in many countries to combat the problem, victims’ fear of further abuse by the criminal groups if

¹ Michael Specter, “Trafficker’s New Cargo: Naïve Slavic Women,” *New York Times*, 11 January 1998, p.1

² “Trafficking in Persons Report,” U.S. Department of State, 2004, 1.

they report the problem, and the reluctance of many governments to prioritize research and collect data.³

Among the millions trafficked, a disproportionate number are young women and girls lured, abducted, or sold into forced prostitution and other forms of sexual servitude. Traffickers primarily target women and girls who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, restaurant workers, sales clerk, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor. In turn, migratory restrictions force the women to turn to criminal groups that take advantage of their vulnerability once they leave the comfort zones of their own states.

According to Dr. Louis Shelley, “Organized crime will be a defining issue of the 21st century as the cold war was for the 20th century and that colonialism was for the 19th century.”⁴ In fact, modern-day trafficking is the third largest organized crime behind the illegal sale of drugs and guns.⁵ Trafficking in human beings, particularly of women and children, has been denounced by the international community as a human rights abuse and a particular form of violence against women. Some of the Conventions and Protocols

³ “New IOM Figures on the Global Scale of Trafficking,” *Trafficking in Migrants: Quarterly Bulletin* 23, International Organization for Migration, April 2001, 1.<
http://www.iom.int/documents/publication/en/tm_23.pdf> (9 December 2002).

⁴ Arzu Kilercioglu, “OSCE Responses to Human Trafficking,” Transnational Crime and Corruption Center: Research Staff Publications, American University, 2000, 3.
http://www.american.edu/academic.depts/acainst/transcrime/Publications/arzu_HT.doc, (9 December 2002).

written to combat human trafficking include the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*; *Violence Against Trafficking Victims Protection Act*; *The United Nations Convention Against Transnational Organized Crime*; and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*.

However, despite the large number of trafficked persons, and the increased attention and many documents on the international level, few states have taken adequate measures to protect individuals from such practices, to prosecute traffickers, or to provide effective remedies for victims. International attention has been necessary to bring attention to and define this global problem. However, much of the attention has focused on the supply rather than the demand side of the problem. In fact, human trafficking will be combated more successfully if the destination countries take full responsibility for providing the market and a perfect environment for traffickers.

This paper reaches this conclusion by analyzing the phenomenon of human trafficking. The first part of the paper will describe and explain the rise and causes of human trafficking over the last century. Part two will explain the global consequences of human trafficking and argue why and how prescriptive policies to combat trafficking must focus on the demand market.

⁵ Ibid., 4.

Part I

The Rise of New Slavery

Modern-day slavery actually dates back to the 1800s. After the abolition of the slave trade by colonial powers in the mid 1800s, labor was recruited from India, China, Japan, Vietnam, Indonesia, and the Pacific Islands for the formerly slave-run plantations. Elite, white males from the West also migrated into the colonies for financial opportunities. In turn, this sparked the international traffic in sex workers to satisfy the needs of the often-unattached men. There was a push to supply the labor with sexual services from women of their own race. Therefore, women from Asia as well as the West migrated to fulfill this demand. Anti-Semitic pogroms in Russia in the 1860's contributed to the traffic of Jewish women to Asian colonies.⁶ Chinese women were sold in brothels in Malaya, Thailand, and modern-day Singapore in order to entertain Chinese migrant laborers. In the 1880's Japanese girls were trafficked to South-East Asia to provide sexual services.⁷ After WWII, American militarization of Asia generated a new demand for prostitutes by the troops.⁸ And as economic liberalization in Asia increased the gap between the rich and the poor, rural girls began migrating to more affluent areas to fulfill the desires of the men who were willing to spend money on sex.⁹ While many women did operate autonomously in fair working conditions, many experienced physical abuse and virtual enslavement as they were locked into brothels. By 1854, organized criminal groups began to control the trade because only through these societies could women

⁶ Eileen Scully, "Pre-Cold War Traffic in Sexual Labor and Its Foes: Some Contemporary Lessons," in *Global Human Smuggling: Comparative Perspectives*, eds. David Kyle and Rey Koslowski (Baltimore and London: John Hopkins University Press, 2001), 79.

⁷ Louise Brown, *Sex Slaves: The Trafficking of Women in Asia* (London: Virago Press, 2001), 7-8.

⁸ Scully, 93.

⁹ Brown, 16.

afford to make the long journey abroad.¹⁰ White Russian women who exported to Manchuria and China after the Bolshevik Revolution were under control of managed criminal groups who sold them as prostitutes to elite Asian males.¹¹

While the trafficking of women transcended ethnic and national boundaries, it was “white slave trade” that grabbed the sympathy of anti-abolition groups in Western Europe. London Vigilance Association (LVA) began the outcry to halt the illegal migration of European prostitutes to the South and emphasized the need for international agreements. An International Agreement for the Suppression of the White Slave Traffic (March 18, 1904) asked signatories to collect and share information, establish national supervisions, and establish national authorities to deal with the problem. In 1910, fourteen states ratified the International Convention for the Suppression of White Slave Traffic.¹² In the 1920s, the League of Nations began taking responsibility for the sex trade. It abandoned the racist definition of “white slave trade,” acknowledging the diverse scope of the problem. Until the establishment of the United Nations, various conventions were signed to control the problem.¹³ However, the many efforts to control the problem of traffic experienced little success for reasons similar to today: “lack of consensus as to the meaning and morality of prostitution, the ease of concealment, the adaptability of entrepreneurs to changing policing strategies, and the durability of demand.”¹⁴

In 1949, the United Nations General Assembly designed a new convention to replace the attempts of the League of Nations. Seventy-two countries ratified the

¹⁰ Scully, 77-78.

¹¹ Ibid., 90.

¹² Ibid., 96.

¹³ Ibid., 88.

Convention for the Suppression of Traffic in Persons and of the Exploitation of Prostitution of Others. However, it addresses trafficking solely for the purpose of prostitution, excluding other forms of the trade. The Convention was ineffective because there was no higher authority to implement the law and the countries had the primary responsibility for reporting their findings.¹⁵ Not until recently was there a widely accepted definition of human trafficking that included all aspects of the trade and addressed the modern-day problem.

Since the abolition of legal slavery in the nineteenth century, the word “slavery” has been used to describe many different things. More than 300 international slavery treaties have been signed since 1815, but none have defined slavery in exactly the same way. It is important then to distinguish between colonial slavery and modern-day slavery. Slavery remains the same in that one person has complete control over another person. However, how the owner gains control of another person has changed from time to time and place to place. According to Kevin Bales, modern-day slavery differs from slavery in the past in three important ways. First, slaves today are cheaper than they were in the past. It is possible today to buy a slave for as little as \$10 in some parts of the world. Second, the duration of enslavement has also decreased. In the past, slave owners bought slaves for the duration of that slave’s life. This meant that they also invested money in caring for that slave so that their contribution could be maximized. Today, due to the low cost of slaves, slavery is a temporary condition, lasting a few years to as little as two

¹⁴ Ibid., 92.

¹⁵ Ibid., 93.

months. Third, today slavery is globalized. This means that slavery is very similar in different parts of the world.¹⁶

These differences help explain why new slavery has become a tremendous global market. Today, slaves keep the holders' costs low and return on their investments high. It is not about owning people, since no legal documents are signed, but about controlling them completely. Slaves are not obtained through ownership, but through violence. Therefore, the slaveholders may dispose of the slaves at any time after the slave can no longer contribute services. For example, if a sex worker contracts HIV or AIDS, her master will have no qualms about disposing of her, since she will have already made a profit much above her original cost. In summary, the slaveholders have all of the benefits of ownership without the legalities and responsibility. The disposability of the slaves has also contributed to the large number of slaves today. Brothel owners, for example, are always interested in new, young girls, some of whom would satisfy customers interested in virgins.

Trafficking Today

In order to fully understand human trafficking as a truly global problem, it is first important to consider the numbers of people trafficked around the world. According to the U.S. Department of State *Trafficking in Persons Report* (2004), each year, an estimated 600,000 – 800,000 men, women, and children are trafficked across international borders (some international and non-governmental organizations place the numbers far higher). This figure does not include the even larger number of people who

¹⁶ Kevin Bales, *New Slavery: A Reference Handbook* (Santa Barbara: Contemporary World Issues ABC-CLIO, 2000), 4.

are trafficked within countries. Also, the report estimates that over half of all victims trafficked internationally are trafficked for sexual exploitation. According to the United Nations estimates, one quarter of the four million people trafficked each year (this estimate includes persons trafficked within countries) are trafficked for the purpose of sexual exploitation.¹⁷

Figures also show that most countries have some form of slavery. Less than one country in five has no reported slavery, and a little under a third of all countries have very little or rare slavery. Slavery is a regular and persistent feature of life in just over half of all countries. Just under one country in ten has slavery regularly contributing to many sectors of their economy. About two-fifths of all countries have smaller amounts of slavery that are, nonetheless, constant feature in their national economy.¹⁸

While trafficking has been increasing worldwide, definitions have also been expanding to include various forms of trafficking.

According to the International Organization on Migration, trafficking occurs:

*when a migrant is illegally engaged (recruited, kidnapped, sold, etc.) and/or moved, either within national borders or across international borders by intermediaries (traffickers) who during any part of the process obtain economic and other profit by means of deception, coercion, and/or other forms of exploitation under conditions that violate the fundamental human rights of migrants.*¹⁹

The United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations*

¹⁷ Donna M. Hughes, "The 'Natasha' trade: The transnational shadow market of trafficking in women," *Journal of International Affairs* 53, 2 (Spring 2000): 626.

¹⁸ Bales, 76.

¹⁹ "New IOM Figures on the Global Scale of Trafficking," 1.

Convention Against Transnational Organized Crime expands the definition of modern trafficking to include

...the recruitment, transportation, within and across borders, transfer, harboring 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 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. 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.²⁰

In both definitions of trafficking above, there are common key elements that inform the trafficking process that are worth highlighting. These include:

- **Recruitment** of persons for trafficking through voluntary or involuntary means
- **Movement** or transportation of recruited persons from home country to a destination country
- **Alienation** of trafficked persons from families and friends during bondage period of a few months to three or four years
- **Traffickers** or intermediaries who engage in recruitment, provision of false traveling documents, transportation and sale of trafficked persons to prostitution brokers, or slaveholders in general
- **Profit making** through sexual labor exploitation that violate the fundamental rights of the migrant

²⁰ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*. G.A. res. 55/25, annex II, 55 U.N. GAOR Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), 2.

These definitions and key terms accurately and completely describe the problem of modern slavery. The protocol, for example, varies from former UN definitions in that it includes trafficking for the purpose of sexual exploitation, whether the person left home voluntarily or not. Forms of trafficking include trafficking for non-sexual purposes such as the cases of Chinese workers forced to work without pay in Belgium after being stripped of their documents and seventy Thai workers held in virtual slavery in a garment industry sweatshop in the US as they were forced to work 16-hour days with almost no wages. However, women and children are the predominant targets of traffickers.²¹ What makes the trafficking of women unique is that most women voluntarily leave their homes, but are later tricked and forced into prostitution.

It is therefore important to differentiate between trafficking and smuggling, which are two different phenomena. Smugglers of human beings are paid for their services by the individuals who seek to move to another country. There is a voluntary relationship between the person who is smuggled and the smuggler. In some cases, the smuggler merely moves the individual across a border. In other cases, where the distances are longer and the costs of travel are much further, the individual may owe money to the smuggler upon arrival in his country of destination. Therefore, smuggled individuals may be under the control of smugglers once they are in the new country of residence.

Trafficking in human beings involves deception and coercion in relation to the individual who is moved. The women rarely pays for the “services” of traffickers in advance but is forced to pay for these services on arrival, often forcing her into a situation of permanent bondage. In other cases, deception is at the core of this activity. For example, a woman may be recruited to perform sexual services or be a dancer overseas.

²¹ Kileicioglu, 5.

The woman may have no illusions about what she will be doing, but she is often deceived about the conditions under which she will be working. For example, she is not aware that her passport will be taken away, that she will not be paid for her service, and that she will probably have no way out. Often, the slaveholders will claim that she now must repay the amount for her transfer. It may take the woman months or years to repay that amount. In other cases, there is even more large-scale deception. Women recruited as nannies and have been instead forced into a brothel.²²

Several opinion polls have been conducted in the USSR that demonstrate the ignorance of trafficked women. When asked about their chances of finding employment overseas not related to the sex industry, 49% of women from various cities in the Russian Federation said that it would be tough but possible. When asked what kinds of work they would choose, an absolute majority chose work as nannies, maids and models: only 4 percent said they would choose *intimnye uslugi*, or intimate services.²³ The above polls show that most young women from the Russian Federation chose not to submit voluntarily to prostitution, and certainly not in exploitative conditions. It follows that such women must be tricked and forced into prostitution. The following is a common scenario for women forced into prostitution:

Irina, aged 18, responded to an advertisement in a Kyiv, Ukraine newspaper for a training course in Berlin, Germany in 1996. With a fake passport, she traveled to Berlin where she was told that the school had closed. She was sent on the Brussels, Belgium for a job. When she arrived she was told she needed to repay a debt of US\$10,000 and would have to earn the money in prostitution. Her passport was confiscated, and she was threatened, beaten and raped. When she didn't earn enough money, she

²² Louise Sheley, "Transcript of "Trafficking and Smuggling in Human Beings," delivered at the "Corruption Within Security Forces: A Threat to National Security," sponsored by George C. Marshall European Center for Security Studies. (Garmisch-Partenkirchen, Germany: 14-18 May 2001).

²³ Johanna Granville, "From Russia without Love: The 'Fourth Wave' of Global Human Trafficking," *Democratizatsiya* 12,1 (Winter 2004): 150.

was sold to a Belgian pimp who operated in Rue d'Aarschot in the Brussels's red light district. When she managed to escape through the assistance of the police, she was arrested because she had no legal documentation. A medical exam verified that she had suffered, such as cigarette burns all over her body.²⁴

This scenario demonstrates a typical route for a victim of trafficking. The victims usually start out in a developing country such as Ukraine, Moldova, or Thailand, and make their way to the developed countries where there is a demand for labor. The victim begins the journey in a “source” country. Some respond to employment agencies and some are sold to traffickers because their families cannot afford to take care of them. A few are tricked into traveling with a “family friend” or “uncle” to a large city to go shopping, only to discover too late that they have been kidnapped by the traffickers. In many cases, before arriving at their destinations, the victims are sent to “transit countries,” where traffickers make it clear that they have no choice but to accept prostitution, debt bondage, or other forms of involuntary servitude. Trafficking is a recent manifestation of the North/South, East/West political-economic divide. This brings the focus to the causes of human trafficking.

The Causes of Human Trafficking

Globalization, the ease and speed of travel, the breakdown of barriers between east and west, the emergence of a market that has become much more cosmopolitan, and the desires of customers who are enticed by the exotic elements provided by foreign prostitutes have all greatly contributed to the rise in human trafficking. Flows of goods and capital between rich and poor countries spurred by globalization did not reduce

²⁴ Hughes, 627-628.

international migration flows of people. In fact, the total number of migrants around the world now surpasses 120 million – up from 75 million in 1965 – and continues to grow.²⁵ This has favored the emergence of commercial “migration industry,” which includes the trafficking in people.

According to Dr. Sally Stoecker, the export and exploitation of women and children is a growing problem and one that is the result of several economic and technological trends:

- The globalization of the economy and the increasingly rapid movement of labor across borders
- The feminization of poverty; where by the numbers of poverty-stricken and unemployed women greatly exceed that of men
- The rising demand for personalized services in the developing world – sexual or other – such as domestic servitude as the gap between rich and poor countries continues to widen
- The technological revolution which has enabled persons to “shop” for women and children via the Internet and to make contact
- act with them quickly and inexpensively²⁶

It is worthwhile to examine the causes for the increase in human trafficking more closely. Many facets of globalization have directly contributed to the business of the slave trade. Globalization along with rapid social and economic change following

²⁵ Lydio F. Tomasi, “Globalization and human trafficking.” *Migration World Magazine* 28, 4 (2000): 4.

colonialism widened the divide between developing and developed countries. In many developing countries, the postcolonial period brought immense wealth to the elite and continued or increased the poverty of the majority of the population. Countries with little to sell on the world market have been put deeply into debt to pay for the weapons the dictators needed to hold on to power. Meanwhile, traditional ways of agricultural life and farming were sacrificed to concentrate on cash crops needed to pay off those foreign debts. As the world economy grew and became more global, it had a profound impact on people in the Third World and the small-scale farming that supported them. The shift from small-scale farming to cash-crop agriculture, the loss of common land shared by all the people in the village, and government policies that pushed down farm income in favor of cheap food for city workers have all helped to bankrupt millions of peasants and drive them from their land. At the same time, the demand for cheap labor and services increased in the developed world and became a driving force for trafficking.²⁷

In the case of the Soviet Union, the fall of the iron curtain facilitated the disintegration of the “social contract” whereby Soviet citizens were guaranteed employment, housing, medical care, and other subsidized services in exchange for supporting the regime. After the fall of the Soviet Union, unemployment in the Russian Federation, as well as in other former republics, skyrocketed. According to recent surveys, half of the adult population is out of work and only one quarter of those employed are getting paid on a regular basis.²⁸ Also, after the collapse, the informal economic networks of the Soviet era expanded to become transnational criminal

²⁶ Sally W. Stoecker, “The Rise of Human Trafficking and the Role of Organized Crime,” *Demokratizatsiya* 8, 1 (Winter 2000): 1.

²⁷ Bales, 5.

²⁸ Kilercioglu, 13.

networks that increasingly operate beyond the reach of law enforcement in any one state. More ominously, they operate in cooperation with law enforcement and government officials in some states. In turn, while globalization aided the rise of human trafficking, government corruption and the mafia have supported this global business.

The collapse of the Soviet Union seriously weakened governmental control over the economy and law enforcement. This void has quickly been filled by organized criminal groups, which have capitalized on a legacy of corruption and underground networks. According to the Russian Ministry of Internal Affairs, in 1993 there were at least 5,000 organized crime groups in Russia, with an estimated leadership of 18,000 and a membership of 100,000. By 1994, the number of criminal gangs in Russia grew to approximately 8,000.²⁹ For the mafia, no matter how small or large the investment, the risk factor is low because most laws and law enforcement efforts target the sex worker, rather than the trafficker.³⁰

Many times, instead of attempting to curb the mafia, government officials are themselves involved in human trafficking efforts. In the Russian Federation, for example, male officials themselves have bought women in prostitution.³¹ In Eastern and Central Europe enforcement authorities approved or supported the trade. In Bosnia, local and international police along with foreign peacekeepers were found to have been involved in the trade as clients and traffickers. Many failed to act at the knowledge of illegal brothels.³²

²⁹Gillian Caldwell et al., "Capitalizing on Transition Economies: The Role of the Russian Mafiya in Trafficking Women for Forced Prostitution," in *Illegal Immigration and Commercial Sex: The New Slave Trade* ed. Phil Williams (London: Frank Cass Publishers, 1999), 51.

³⁰ Ibid., 52.

³¹ Hughes, 632.

³² Caldwell, 51.

The mafia, in turn, preys on the weak social and economic situation of the people in the origin countries, who are desperate for opportunities abroad. Women are the main victims of poverty and social inequality and, therefore, the main targets of traffickers. For the women and girls who are the targets of the traffickers, poverty and lack of economic opportunity are major forces propelling the trafficking industry. Traffickers capitalize on rising unemployment and lack of viable economic opportunities in countries of origin, as well as the low status of women in many countries. Children and girls in particular, are pulled out of school early, enhancing the likelihood that they will fall into the hands of traffickers. In the Russian Federation, half of the adult population is out of work. Seventy percent of the unemployed are women.³³ In case of the Russian federation, the women are educated but are experiencing discrimination, which is tolerated by the government. In other countries, women are forced into prostitution because it is a quick financial fix. In Asia, for example, the customarily low status of women in society increases women's vulnerability and allows them to be more easily manipulated for the purpose of sexual exploitation.³⁴ In West Africa, social and cultural factors play a role in gender decisions over whether girls or boys are sent out to work in order to send money back to the family. Girls are less valued than boys because they are expected to leave the home.³⁵

Most women and girls in the sending countries become vulnerable to trafficking and subsequent prostitution out of sheer want and thwarted and crippled aspirations, while others become so due to poor and cruel life at home. For many young women who are particularly at risk of being trafficked, their parents lack resources to educate them.

³³ Kilercioglu, 13.

³⁴ Brown, 27.

³⁵ Beth Herzfeld, "Slavery and gender: women's double exploitation," in *Gender, Trafficking, and Slavery*, edited by Rachel Masika. (Oxford: Oxfam Publication, 2002): 51.

As a result, they have no skills and, therefore, have fewer opportunities to earn a living. They succumb to sex trafficking as a way of earning income for personal and family survival, even though it means risking prosecution as illegal immigrants. The feminization of poverty and the unequal social status of women in many societies, along with the forces of globalization, have greatly contributed to the increased trafficking of women and girls around the world.

Males – usually boys and teenagers – are also exploited as male servants, yard workers, pornographic models, and prostitutes. However, this is rare: only about 2 percent of all victims are male. Women are easier to exploit, given their higher rate of unemployment, physical weakness, and lower status in society.³⁶

The evaluation of the roots and causes of human trafficking raises many important questions. First, why is it important to raise awareness of human trafficking? What implications does human trafficking have in local communities as well as the global social and economic environments? What have the international community and nation-states themselves done to combat the problem of human trafficking? Why is it that these efforts have had little or no effect on curbing this global business? Finally, what policies should be adopted in order to eradicate the trafficking of human beings for the purpose of exploitation?

Part II

The Consequences of Human Trafficking

There is no doubt that the consequences of trafficking are grave for the women and countries involved. A major cause of trafficking is the inequality of women around the world. In turn, trafficking promotes further inequality by preventing many young girls from having a chance of education and further disempowering them. Many girls, after being trafficked, are afraid to return back home because they will not be accepted in their families. Also, the physical and moral damage that the women experience prevents them from leading normal lives if and when they return.

The gravity of the consequences for the trafficked women cannot be overstated. These women endure chronic sexual abuse, with all the dangers of injury and severe health risks it entails. The women may be deprived of their documents and forced into a situation of severe dependence, comparable to being a slave. They are often subject to violence by traffickers and clients alike, deprived of basic human rights, and forced to live in sometimes unbearable conditions. Some women die as a direct result of abuse and exploitation by traffickers. The mental and emotional consequences for the victims can be as severe as and longer lasting than physical scars. For many, it is difficult to talk about the ordeal and impossible to return to normal life. In some countries, a woman may be ostracized from the community if it becomes known that she has worked as a prostitute.³⁷

³⁶ Granville, 149.

³⁷ "Special Issue for the European Conference on Preventing and Fighting Trafficking in Human Beings," *Trafficking in Migrants: Quarterly Bulletin* 26, International Organization for Migration, September 2002, 3. <http://www.iom.int/documents/publication/en/tb26.pdf> (9 December 2002).

Trafficking of women for the purpose of sexual exploitation also undermines public health. Victims of trafficking often endure brutal conditions that result in physical, sexual and psychological trauma. Sexually transmitted infections, pelvic inflammatory disease, and HIV/AIDS are often the result of forced prostitution.³⁸ Many victims know little or nothing of AIDS, but even if they did they would not be allowed to demand that their clients use condoms. In turn, the clients' fear of AIDS would have them search for younger and younger girls. AIDS is a part of the international political economy of sex, and it demonstrates how permeable state borders and people's bodies are to certain kinds of international traffic.³⁹ The threat of the spread of AIDS puts many developing countries in danger of a public outburst of this epidemic, which will be difficult to control.

The local communities of trafficked women also experience disadvantages. The women often end up with nothing. The money made by the criminal networks does not stay in poor communities or countries, but is laundered through bank accounts of criminal bosses in financial centers, such as the United States, Western European countries or in off-shore accounts. In fact, international money laundering schemes often include proceeds from trafficking in women. In Israel, for example, organized crime groups from the former Soviet Union have invested profits from trafficking into legitimate businesses.⁴⁰ The money is invested in destination countries, and prolonged poverty in the countries of origin will continue to force many women to turn to trafficking.

³⁸ "Trafficking in Persons Report," US Department of State, 2004, 8.

³⁹ Andrea M. Bertone, "Sexual Trafficking in Women: International Political Economy of Sex," *Gender Issues* 18, 1 (Winter 2000): 11.

⁴⁰ Hughes, 8.

The International Labor Organization (ILO) recently completed a study on the costs and benefits of trafficking. The ILO estimated the economic gains from eliminating the worst forms of trafficking at tens of billions of dollars annually because of the added productive capacity a future generation of workers would gain from increased education and improved public health.⁴¹

The profits the criminals groups make empower the criminal groups in the countries of origin. For example, in the Russian Federation many mafia members are former employees of the military and the national security agency, the KGB, which was replaced in 1991 by the FSB (the state intelligence bureau). The money and the insight of the Russian mafia, along with government corruption, allow it to continue its business in human trafficking.⁴² Human trafficking is the third largest criminal enterprise worldwide, generating an estimated 9.5 billion USD in annual revenue.⁴³ In turn, these criminal networks further weaken the governments and the rule of law.

There is a strong link between human trafficking and national security. The following case demonstrates how human smuggling by Russian criminal groups affects the national security of many countries

Ludwig Fainberg, also known as Tarzan, owned a strip club near the Miami airport. Members of Colombian drug organizations came to the club to see the shows and use the services of the trafficked women. At meetings at his club, Fainberg negotiated the sale of Russian helicopters to the cartel. Then he and his drug trafficking associates decided to purchase a submarine or another piece of large military technology. The undercover investigation resulted in Fainberg's arrest before the sale could occur... He turned over photographs of his trips to Russia to make the arms purchases that were subsequently introduced as evidence at his trial. The photographs showed him with the high level military personnel

⁴¹ "Trafficking in Persons Report," 9.

⁴² Caldwell, 51.

⁴³ "Trafficking in Persons Report," 7.

*with whom he negotiated the sale of Russian submarines from the Baltic fleet.*⁴⁴

This case clearly shows that international criminal groups are often closely connected, and that one form of trafficking may foster another. In summary, human trafficking is closely connected with money laundering, drug trafficking, and document forgery, all of which may present a threat to national security.

Efforts to Combat Human Trafficking

The consequences of human trafficking have definitely caught the attention of the international community. Proof that the international community recognizes the existence and impact of this lucrative business and will not tolerate it, at least formally, is the existence of a number of international conventions that address the problem of trafficking. These conventions outlaw trafficking in women, recognize it as a violation of human rights treaties, outlaw prostitution, and outlaw slavery or servitude. The most recent document on human trafficking is the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*. These conventions have been helpful in providing information about human trafficking and setting certain standards about how it should be combated. However, international treaty law lacks enforcement:

*Like much of international law legal instruments are difficult to enforce because they are qualified by reservations that eliminate the binding effects of these treaties and they are left to be implemented by obscure committees in the UN bureaucracy.*⁴⁵

⁴⁴ Shelley, 3.

⁴⁵ Bertone, 16.

Many key states, whether of origin or destination, have not ratified the previously mentioned protocol. Some of these include Russia, Ukraine, Moldova, Germany, Republic of Moldova, Israel, The Netherlands, and Slovenia. Also, the protocol uses weak language. For example, it states that nations “shall adopt” measures that are necessary to establish criminal offenses. It is up to the states to report the findings.

While many states have made informal efforts to combat human trafficking, few have made trafficking a criminal offense. One of the first countries to criminalize trafficking was the Ukraine. In 2001, the new criminal code of Ukraine came into force. Article 149 of the new code makes human trafficking a crime. As stipulated by the law:

A person who is found guilty of involvement in direct or indirect, open or hidden trafficking in human beings with the intent to sell them for sexual exploitation, pornographic business, or use in military conflict, as well as any person who adopts children for commercial purposes, will face criminal charges and will be punished by imprisonment for a period of three to eight years. A person who is involved in the sale of children or an official abusing his or her position in relation to trafficking will be punished by imprisonment for a period of five to ten years. In situations where the trafficking has led to serious consequences, is managed by a criminal organization, or is intended for the transplantation of human organs, the punishment increases to eight to fifteen years.⁴⁶

This article is more in accordance with the international standards stipulated by the UN Protocol. However, the number of trafficked persons in the Ukraine is still on the rise. The fact is that combating human trafficking in the countries of origin has done little to curb the trafficking of people. In many of the countries of origin, government corruption has restrained any efforts made to punish the criminal groups involved in

⁴⁶ Olga Pyshchulina, “An Evaluation of Ukrainian Legislation to Counter and Criminalize Human Trafficking,” *Demokratizatsiya* 11, 3 (2003): 405.

trafficking. In fact, many government officials themselves are a part of the trafficking business.

Research in western Ukraine on the Polish-Ukraine border points to the serious problems of corruption in the local police, the border guards and customs services which allows so many individuals to be smuggled across the border.⁴⁷ In Russia, for example, criminal organizations have penetrated the financial structures and political circles. Russia appears not only to be penetrated, but also ruled by corrupt officials and financial oligarchs, and involved in crime and corruption at all levels of society. Many mafia members are former employees of the military and national security agency, the KGB, which was replaced after 1991 by the FSB. As security police often have political connections, access to weapons, and knowledge of the banking and business worlds, they are well positioned to participate in domestic and international criminal activities.⁴⁸ According to survey research conducted in Russia by MiraMed, an NGO working to combat trafficking, many citizens mistrust law enforcement personnel, believing law enforcers are highly corrupt. Passport services under the control of the Ministry of Interior issue phony passports to facilitate trafficking. For example, false documents are issued on the Jewish origins of the women facilitating trafficking to Israel, where under the law of return they can immediately obtain Israeli citizenship. Payoffs are made at the border to bribe border guards to look the other way.⁴⁹ Male officials have also been known to buy women in prostitution.

This corruption is not only confined to former Soviet States. In Thailand, law enforcement personnel were deeply involved in the trade in women and also received

⁴⁷ Shelley, 3.

⁴⁸ Caldwell, 51.

very significant payoffs from brothel owners, which were then passed up the chain of command within the police organization. Investigators at the U.S. State Department found that a Czech working in the visa division of the U.S. embassy in Prague was issuing visas for Czech traffickers to bring women to the United States. In Bosnia, local and international police along with foreign peacekeepers were found to have been involved in the trade as clients and traffickers.⁵⁰

The corruption within the governments of these states prevents the ability to enforce laws and, in turn, contributes to the trafficking in women. Therefore, any effort to change the laws of these states will not produce great results for curbing the slave trade. In many countries of origin, there have been prevention education projects aimed at potential victims of trafficking, and non-governmental organizations have established hotlines for victims of trafficking or women seeking accurate information about the risks of accepting job offers abroad. The spread of information will help some women avoid the ads promising jobs abroad. However, the mafia will still have the power and influence to traffic many others abroad.

Kevin Bales's long-term solution to the problem of trafficking is imposing sanctions on the countries of origin, making trafficking less profitable.⁵¹ However, economic sanctions would further impoverish the poor, and they will have little or no effect on the mafia groups. In turn, economic sanctions might further promote peoples' desire to immigrate to developed countries, and, in turn, fall prey to the traffickers.

Consequently, in order to curb the trafficking of human beings, it is more important to focus on the demand side of the problem rather than supply. Focusing on the

⁴⁹ Shelley, 3.

⁵⁰ Shelley, 5.

destination countries, such as the United States and the European states, will more effectively help to curb the trafficking of people. This means recognizing the human rights of trafficked people rather than simply viewing them as illegal immigrants, and, in turn, taking more actions to prosecute the traffickers themselves.

The Demand Drives the Trade

In 1998, 20 Ukrainian representatives from government ministries, law enforcement, social services, media and non-governmental organizations came to the United States for training on trafficking in women. The conference was held in New Jersey, where hundreds of Ukrainian women have been trafficked into strip clubs and massage parlors. A Special Agent from the United States Department of Justice, Immigration and Naturalization service told the Ukrainian audience, “This is your problem that you are going to have to solve. Like drugs you have to get at the root of the problem, which is overseas.”⁵¹ The agent located the problem in the country of origin, even though there had been little action against traffickers and pimps in the receiving country – the United States – or the demand made by the illegal sex industry. However, as previously stated, more of the attention needs to focus on the immigration and prosecution laws of the destination countries.

One of the most difficult realities facing persons trafficked into forced labor, slavery, or servitude is the propensity of governments worldwide to treat trafficked persons as criminals or illegal migrants rather than as human beings bearing basic human rights. Trafficking has long been identified as a migration issue. Approaches to prevention and suppression of trafficking raise important migration and freedom of

⁵¹ Kevin Bales, *Disposable People* (Los Angeles: University of California Press, 1999): 33.

⁵² Hughes, 634.

movement issues, from control of borders to the consequences of immigration law and policies on law enforcement and protection of victims. There is a need to balance border control with freedom of movement, but to do so in a non-discriminatory way. Also, it is important to consider the extent to which existing immigration laws and policies contribute to trafficking. Because of strict migration regimes in Western Europe and North America, for example, people seeking work or a better life turn to criminal networks and employment or marriage brokers to provide access to the West. Once the victims fall into an abusive situation, lack of papers and fear of arrest or deportation often prevent trafficked people from leaving or seeking help. Therefore, the changes in policies must begin at the border. Once inside, governments must change immigration law to protect the victims and punish the traffickers and customers.

The fight against human trafficking should begin at the point of entry. At the point of entry, a victim may or may not be aware that she is being trafficked or holding false documents. Immigration officials should be trained to ask questions of potential victims of trafficking in a safe and confidential environment. They should be separated from their traveling companions in order to increase the possibility of obtaining the truth. The immigration officials should be trained on how to question the women without violating their human rights.

In many countries, artistic or entertainer visas are obtained by criminal groups for the victims. Thousands of women are granted these temporary visas in the expectation of legitimate employment in the entertainment or hospitality industries. Such visas are typically granted upon presentation of a work contract or offer of engagement by a club owner, proof of financial resources, and/or medical test results. On arrival at their

destinations, however, the victims are stripped of their passports and travel documents and forced into situations of sexual exploitation or bonded servitude. It is reported that Japan issued 55,000 entertainer visas to women from the Philippines in 2003, many of whom became trafficking victims.⁵³ Canada is one of the few countries that passed a law concerning these visas. The 1997 law makes women who seek to enter the country as “entertainers” prove their profession.⁵⁴

While increased border controls will help to curb trafficking, this by no means suggests that the laws should restrict the free movement of women. Bangladesh, for example, has enacted a law preventing single women from traveling across its borders. Aside from being discriminatory, these laws increase the chances of women being trafficked. If no legal options are available to them, women seek other ways to leave the country and fall into the hands of traffickers. In order to avoid authorities, the traffickers also seek hazardous routes out of the country, therefore placing the women at risk.⁵⁵

Change in immigration laws is necessary in order to provide appropriate treatment of trafficked persons and offer them legal protection as victims of criminal human rights violations. Often victims of trafficking are treated as criminals rather than as victims of crime, and such treatment leads to further victimization. In Belgium, when a woman managed to escape through the assistance of police, she was arrested because she had no legal documentation.⁵⁶ When a brothel is found, trafficked women are typically taken into custody by local police, who turn them over to immigration authorities. Then, usually a bond of approximately \$5,000 is posted. Many times, the traffickers will post bond and

⁵³ “Trafficking in Persons Report,” 7.

⁵⁴ Bertone, 11.

⁵⁵ Smarajit Jana et al, “A tale of two cities: shifting the paradigm of anti-trafficking programmes,” in *Gender, Trafficking, and Slavery*, edited by Rachel Masika. (Oxford: Oxfam Publication, 2002): 70.

the women are never heard from again, making it difficult to prosecute the traffickers, since there are no witnesses available to testify. The women are cycled back to the same situation of bondage, and the bond will be added to the sum of the debt bondage.⁵⁷ Alternatively, the victims of trafficking may be held in detention while serving as designated witnesses in criminal cases against traffickers. If a brothel gets raided in Israel, women without good false documents are taken to prison. If they are deported, the charges against them are dropped. But if a woman wants to file a complaint, she must stay in prison until the trial is held.

In order to press charges against the traffickers, the trafficked women must testify against them. Some countries have fared better in prosecuting traffickers because they provide residency permits to trafficked persons to enable them to access certain rights. Italy, the Netherlands, and Belgium have all, in their own ways, addressed this issue by funding shelters and providing victim and witness protection. It has been found that persons who are able to have a delay of at least three months, which allows them to remain in the country legally while they recover from their situation, are more likely to be willing to participate in efforts to prosecute traffickers. Thailand, for example, is having a difficult time convincing women to participate in prosecutions against traffickers because it does not give incentives and protection to them while they await the trial.⁵⁸

⁵⁶ Hughes, 628.

⁵⁷ Kathryn McMahon, "Trafficking of Women: A Report from Los Angeles," paper for the Workshop "The Traffic in Women Revisited: Women Speak Out from WWI to the Present," Berkshire Conference on the History of Women, 3-6 June 1999, www.castla.org (5 December 2002).

⁵⁸ Andrea Bertone, "Transnational Activism to Combat Trafficking in Persons," *Brown Journal of World Affairs* 10, 2 (Spring 2004): 19.

In the United States, legislation was proposed in the form of Senate Bill S. 600: “A bill to combat the crime of international trafficking and to protect the rights of victims.” The bill provides humanitarian aid and temporary nonimmigrant status to trafficking victims while in the United States. It does not provide for legal status should the safety of trafficked persons be in jeopardy upon return to country of origin. The bill also does not include a clause for the release from detention of victims of trafficking. In 1999, the bill was referred to the Committee on Foreign Relations and never heard from again.⁵⁹ Realistically, the bill will be tough to pass given the anti-immigrant climate of the country.

Destination countries must also increase the penalties for trafficking. While most destination states do not have criminal laws stating the punishment for trafficking, some countries have recently increased their penalties. Canada, for example, increased the fine of Can \$10,000 for a conviction for trafficking to Can \$100,000 and/or a term of imprisonment not exceeding 5 years. For persons organizing or attempting to organize the illegal entry of groups of 10 or more undocumented migrants, the penalty is Can \$500,000 and/or a term of imprisonment not exceeding ten years. In Italy, a group of three or more persons who bring illegal aliens into Italian territory for profit is liable for imprisonment for up to 6 years. In the United States, the 1996 crime bill made the smuggling of aliens into the country punishable by a term of 20 years in prison if anyone is injured during the act of smuggling; in an incidence of death, the penalty is death or life imprisonment.⁶⁰

⁵⁹ “Senate Bill S. 600: A bill to combat the crime of international trafficking and to protect the rights of victims,” introduced in 1999.

The Prostitution Debate

The recent focus on sex trafficking has rekindled the decades-long dispute between different camps of feminism: should prostitution be legalized? There are basically two camps – those seeking to eliminate prostitution, like the non-governmental Coalition Against Trafficking in Women and prostitutes' rights groups. The dividing line between the two camps lies in distinctions between “free” and “forced” prostitution. Abolitionists generally maintain that the vast majority of women are forced into prostitution, while many sex workers insist that this is not necessarily the case. The Coalition argues that the “distinctions between free and forced prostitution obscure the powerful structural socio-economic conditions – like poverty, marginalization, lack of opportunities, and prior sexual abuse – that often drive women and children straight into prostitution.”⁶¹ Moreover, according to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which has been ratified by 72 states, “prostitution and the accompanying evil of the traffic in person... are incompatible with the dignity and worth of the human person.” While a general debate on whether prostitution should be legal is outside the scope of this discussion, when it comes to curbing the sex trade, organized and accepted prostitution within the borders of a developed country paves the way for organized trafficking of women from developing countries.

In fact, there is an evident correlation between countries where prostitution is legal and the gravity of the sex trade. Even if there are women who chose to be prostitutes, their numbers do not meet the demand of the sex trade. The fact is that the

⁶⁰ Bertone, “Sexual trafficking in Women,” 16.

most popular destinations for trafficked women are countries in which prostitution is legal. In the Netherlands, for example, in 1991, approximately 60% of the 20,000 prostitutes were foreigners. Amsterdam's sex industry exploits 7,000 women and girls from the Dominican Republic alone. When figures are combined with data from other Western European countries, it becomes evident that as many as 100,000 women in Europe are existing in conditions of sexual exploitation, most trafficked from non-European countries.⁶² In Australia, legalizing prostitution and brothels resulted in a rise in organized crime and an increase in trafficking and enslavement of women.⁶³ Criminal groups operate illegal brothels even where prostitution is legal. In the Netherlands, Dutch-born prostitutes work in relatively luxurious government-approved brothels where customers are often required to use condoms. This pales in comparison next to the experience of the Asian and Latin girls who, working in a nearby illegal brothel, are sometimes required to service three or four times as many customers who are not required to wear condoms.⁶⁴

Abolishing prostitution will reduce the number of trafficked women in the states where prostitution is legal. Some of these states include Brazil, Canada, Denmark, Greece, Turkey, India, Senegal, and Thailand. However, as stated before, in order to prosecute the traffickers the trafficked women must be empowered and treated as victims rather than perpetrators. Where prostitution is illegal, women are arrested for the act of prostitution even if they were victims of trafficking groups who tricked them into the sex

⁶¹ Amy Otchet, "Should prostitution be legal?" www.unesco.org/courier/1998_12/uk/ethique/txt1.htm (10 June 2004).

⁶² Dorchen Leidholdt, "Sexual Trafficking of Women in Europe: A Human Rights Crisis for the European Union," in *Sexual Politics and the European Union: A New Feminist Challenge*, Amy Elman ed. (Oxford: Berghahn Books, 1996), 86.

⁶³ Hughes, 635.

⁶⁴ Leidholdt, 89.

trade. In the United Arab Emirates, a woman who escaped her traffickers was arrested and sentenced to three years in prison for working in a brothel.⁶⁵ One measure that would help to protect the rights and dignity of the trafficked people would be decriminalization. Decriminalization would repeal laws used to punish prostitutes in seeking to protect public decency and order.⁶⁶ The law must ensure that trafficked women are protected and given time to recuperate in order to be able to prosecute their perpetrators.

Conclusion

Human trafficking is a modern day slave trade that is consuming increasing numbers of people, especially women. Most analyses of trafficking in women focus on the supply side in the sending countries, with economic factors assumed to be the primary cause of trafficking. In fact, poverty does not automatically and in every case lead to the traffic in human beings; it only creates the necessary conditions. Trafficking will appear only when criminal elements take advantage of the people's desire to emigrate, and traffic them under false pretences. It is therefore important to shift the focus to the demand for trafficked women. It is up to the governments of the destination countries to protect the victims of trafficking by means of appropriate immigration laws, and to prosecute the traffickers and buyers of sexual services. In addition, it is important to note the gendered nature of supply and demand. It can't be ignored that women are the all-to-typical victims of trafficking for prostitution and that men create the vast majority of the demand for them.

⁶⁵ Ibid., 628.

⁶⁶ Otchet, 3.

Sweden was the first, and still one of the only, countries to take a drastic stance toward violence against women and the sex trade. It passed a law on violence against women that created a new offense – “gross violation of a woman’s integrity.”⁶⁷ The purchase of sexual services was included in the law as a type of violence against women. Violation of the law was punishable by fines and/or imprisonment up to six months.⁶⁸ This new offense of the violation of a woman’s integrity and of the prohibition on purchase of sexual services aims to eliminate acts of violence that stand in the way of equality for women. This new law is the first that aims to protect women from violence by holding men accountable and thereby addressing the demand for women to be trafficked.

This does not mean, however, that the countries of origin are freed of the responsibility to stop this trade in humans. With the help of many NGOs committed to this cause, countries of origin must develop information campaign to warn potential victims, the general public and officials of the hazards and consequences of trafficking. Since many women who are trafficked do not willingly chose to perform sexual services, the information campaigns will prevent many women from falling prey to the criminal groups. On the international level, the fight against trafficking is a part of the continuing fight against poverty, especially gender-biased poverty. Empowering women and enhancing their economic role is one of the main solutions for poverty and the patriarchal nature of the world.

⁶⁷ Hughes, 11.

⁶⁸ Ibid.

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