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## Human Rights and Human Trafficking: Introduction

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## Human Rights and Human Trafficking: Introduction

### Abstract

Much like the first iteration of this Topical Digest on human trafficking and modern slavery, with an "Introduction" by Dr. Kevin Bales, this second iteration covers a wide range of subjects, moving from country specific and regional to broad subjects and issues of international jurisprudence. This survey of literature on human trafficking is of critical importance, especially in a young, emerging, and controversial field.

### Keywords

Human rights, Human trafficking, Contemporary slavery, Forced labor

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## Human Rights and Human Trafficking

**Introduction By Prof. Claude d'Estrée, M.T.S., J.D.**

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Much like the first iteration of this Topical Digest on human trafficking and modern slavery, with an “Introduction” by Dr. Kevin Bales, this second iteration covers a wide range of subjects, moving from country specific and regional to broad subjects and issues of international jurisprudence. This survey of literature on human trafficking<sup>1</sup> is of critical importance, especially in a young, emerging, and controversial field. In the last decade, the field of human trafficking has changed from an almost unknown and largely unreported phenomenon to a *cause celebre* motivated by sensational and disturbing stories reported in the media daily. This is for good reason: government statistics show that the illicit funds generated by human trafficking are second only to the illegal sale of drugs worldwide and, as noted by Dr. Bales, there are more slaves now than at any other time in history. In response, government agencies, international organizations, non-governmental organizations, faith-based organizations, and the private sector are reallocating and mobilizing some of their resources to combat this ancient scourge made modern. In the United States, the Departments of State, Justice and Health and Human Services offer substantial financial grants to fight human trafficking (albeit pennies to the dollar in comparison to the “war on drugs”). And herein actually lies the problem. The vast majority of anti-human trafficking money is being offered to organizations involved in rescue and rehabilitation work. While this is commendable, it also potentially puts the cart before the horse. The funding for research, data collection and analysis is rare and very hard to find either for short-term or longitudinal studies. The result is that governments and international organizations are being forced to make important policy decisions based on very few substantial analysis of the problem. A review of the literature on human trafficking, county by county, region by region, and topic by topic, is the critical first step to understanding the scope of the problem, but also, perhaps more importantly, to finding the gaps in the knowledge base so that coordinated research can be directed to those areas. Without research and attendant analyses, policymakers are making decisions in the dark and are wasting precious and limited resources.

The digest entries that follow cover a good cross-section of important topics in human trafficking and point to underlying issues, problems, and possible solutions. Annie Dullum shows us a picture of the People’s Republic of China. China’s issues are classic and could be attributed to a wide range of countries. Prostitution may make up a large portion of those trafficked, but perhaps an even larger portion of the trafficked population is in the area of forced labor abroad. And even these numbers may pale in comparison to the number of persons trafficked within China’s own

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<sup>1</sup> The term “human trafficking” has become a term of art to mean modern and contemporary slavery and forced labor, including, but not limited to, the commercial sex trade, agriculture, manufacturing, domestic servitude, tourist industry and child soldiers. It is somewhat of a misnomer as human trafficking indicates a process that leads to slavery and not slavery itself. As an example, a person who is smuggled into a country may be working in violation of that country’s domestic laws, but she is free to accept or reject job offers. On the other hand a person who is trafficked into a country is forced to work without compensation and has no freedom of choice in his job selection. Some would also argue that the term “human trafficking” is too antiseptic and legalistic and avoids the emotional and historic impact of calling the problem what it is – slavery. Organizations like the United Nations go to great lengths to avoid using the term “modern slavery” or “modern-day abolitionist.”

borders. China is at the same time a source, transit, and destination country. So while human beings are trafficked from China to other countries, significant numbers are also trafficked into China. Organized crime plays a significant role, but so does political and police corruption. These themes are continued in Kate Zdrojewski's piece on Central America and in Megan Walker's piece on the United States.

Frequently at issue in many of the entries, but not explicitly stated, is the tension between immigration and migration. Domestic immigration laws of nation-states are often at odds with the broader international human rights laws pertinent to migration. Domestic immigration laws regulate the number of non-citizens that can enter and be part of the social and political fabric of a country. They are seen as legal barriers that protect the borders and the sovereign integrity of a country. International migration laws, on the other hand, are crafted to protect the human rights of individuals, whatever their designated citizenry may be. International migration laws recognize the right of any human being to be free from mortal danger, whether natural or human-made, and the right to move to a place on the planet of relative safety. Domestic immigration laws are often designed to keep those very same endangered people from entrance. A few of the many consequences of this tension include illegal smuggling and human trafficking, because desperate people do desperate things for themselves and their children.

Globalization, as noted in Devin Brewer's piece, also plays a significant role. The International Organization on Migration (IOM) has been studying the movement of people across international borders for decades. The numbers of people who are uprooting themselves and traveling thousands of miles to find employment is vast. They have become the new nomads. These workers are often exploited, with up to 1.2 million of them trafficked in modern slavery each year. While the outsourcing of labor made possible by globalization increased profits, eventually someone took note that the most profitable employee is one that you do not have to pay at all. This was not part of some conspiracy by those leaders within the globalization movement. However, it is now part of the "dark side" of globalization and it must be recognized and dealt with. Fortunately, there is leadership emerging within the private sector, such as Manpower, Inc. and The Gap who have taken it upon themselves and their corporate culture to combat exploitive and forced labor.

Lindsay King's and Carolyn Burke's pieces consider the role of international law, its supportive agencies, and enforcement mechanisms. International law has made great strides in the past couple of decades in dealing with human trafficking, as evidenced by the Palermo Protocol, which contains 143 signatures. It has been the mission of the United Nations Office on Drugs and Crime (UNODC) to get as many countries signed on to the various international instruments dealing with human trafficking as possible. However, despite broad international consensus, UNODC and IOM would both acknowledge that the real problem has been domestic compliance and enforcement. One of the chief factors driving this inconsistency has been a mix of cultural barriers and high corruption indexes. The difference between human smuggling and human trafficking is still clearly misunderstood, and gender discrimination is endemic. These are significant issues that need to be addressed before the vision of international law can be realized.

Finally, Christopher Anderson points to the problem of demand. It is not enough to be aware of criminal enterprise, whether at the "mom and pop" level or at the level of international organized crime. This issue continues to haunt the "war on drugs" and is very much a part of the human trafficking landscape. One has to recognize that supply will always try and meet demand. In the

United States, which is chiefly a destination country, there is a demand for sex, a demand for agricultural labor, a demand for domestic servants, and a demand for construction. Because of the very high standard of living in the United States, human trafficking is prevalent, and the desire to obtain goods and services at the lowest prices possible perpetuates the demand. The suppliers know this. The traffickers know this. And we are willing to turn a blind eye to the invisible ones in our society.

Perhaps what is necessary is not a worldwide solution, but various regional ones. To overcome the vulnerability experienced by single countries, as well as the often-cumbersome nature of international affairs, countries have banded together to find financial solutions and to increase their prosperity. These same associations, based on economic and cultural ties, can also work together to formulate policy and to create solutions to the problem of human trafficking. But to do all of this, much more research is needed. This work by the graduate students of the Josef Korbel School of International Studies for *Human Rights & Human Welfare* is part of the solution.

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