

## BORN FREE YET EVERYWHERE IN CHAINS\*: GLOBAL SLAVERY IN THE TWENTY-FIRST CENTURY

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### I. INTRODUCTION

The chasm between illusion and reality confronts us in many realms of our world today but nowhere more starkly than in the terrible realization that our global family, striding boldly into a new millennium carrying banners proclaiming the universality of human rights, still tolerates the existence of slavery, the oldest of human crimes. It has been estimated that slavery today “chains” twenty-seven million victims<sup>1</sup> in its cruel grip, a figure approximately equivalent to the population of Venezuela, or Malaysia, or Uzbekistan.<sup>2</sup>

An estimated twenty-seven million people (deemed a “conservative” number)<sup>3</sup> - 80 percent of them women and children<sup>4</sup> - endure the terror and fear of being literally owned by others, their lives prey to violence and intimidation, their entire bleak sojourn on earth one of back-breaking labor and soul-searing humiliation. For them, whether they labor as peasants in Africa or toil as stone cutters in Asia or whether they work as sex slaves in almost every country, any notion that the fine-sounding phrases of the Universal Declaration of Human Rights could even be applicable or germane to their brutal existence on this earth is a travesty of the grim reality that usually only ends with death. Barbara Kralis, Analyst with RenewAmerica commented on the chasm between reality and the law

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\* With apologies to JEAN JACQUES ROUSSEAU, *THE SOCIAL CONTRACT OR PRINCIPLES OF POLITICAL RIGHT* (G.D.H. Cole trans., London and Toronto: J.M. Dent and Sons 1923) (1762), available at <http://www.constitution.org/jjr/socon.htm> (rendered into HTML and text by Jon Roland of the Constitution Society).

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1. KEVIN BALES, *DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY*, 8-9 (Berkeley: Univ. of California Press 1999).

2. See, e.g., *Gobierno Bolivariano de Venezuela*, <http://www.ine.gov.ve> (last visited Sept. 9, 2008) (Population as of Sept. 9, 2008 is 28,006,761); Dep’t of Statistics Malaysia, [http://www.statistics.gov.my/english/frameset\\_keystats.php](http://www.statistics.gov.my/english/frameset_keystats.php) (last visited Sept. 9, 2008) (Population in 2008 around 27,730,000); Central Intelligence Agency, *The World Factbook*, <http://www.cia.gov/library/publications/the-world-factbook/geos/uz.html#people> (last visited Sept. 9, 2008) (July 2008 population estimate of 27,345,026).

3. CAROLINE COX & JOHN MARKS, *THIS IMMORAL TRADE: SLAVERY IN THE 21<sup>ST</sup> CENTURY*, 11 (Oxford: Monarch Books, 2006).

4. iAbolish: American Anti-Slavery Group, *Modern Slavery 101 Fast Facts* (2008), [http://www.iabolish.org/modern\\_slavery101](http://www.iabolish.org/modern_slavery101).

stating that “[n]o government in the world today officially endorses slavery. Banned worldwide, slavery thrives in every nation on the face of the earth.”<sup>5</sup>

Most horrifying of all is the fact that this terrible crime, now universally declared illegal even though it prevails globally, holds millions of children in its grip. The United Nations estimated in 2004 that 700,000 children were forced into domestic servitude in Indonesia; 559,000 in Brazil; 264,000 in Pakistan; 200,000 in Kenya; and 250,000 in Haiti.<sup>6</sup> These millions of children are deprived of healthcare, decent food, a normal family life, education, and all the rights that the United Nations has proclaimed as fundamental in a plethora of international covenants.<sup>7</sup>

The enslavement of children, particularly young children, is the most heinous form of cruelty. However, one cannot overlook the fact that millions of adults, men and women are trafficked annually and forced into lives of near-bestiality to provide the profits that are the allure for so many slavers and traffickers. The State Department of the United States estimated in 2006 that approximately 600,000 to 800,000 victims are trafficked across the world every year.<sup>8</sup> The State Department also estimated in 2007 that eighty percent of victims are female, with up to fifty percent being minors.<sup>9</sup> The end of the Cold War and ensuing financial disaster for the former states that comprised the Soviet Union, brought slavery and international trafficking into the lives of many nationals of that region. Eastern European women have been trafficked all over the world, mainly into prostitution, and have suffered both physical abuse, exposure to diseases such as AIDS, emotional and psychological trauma, and the mental havoc caused by subjection on a daily basis to violence and degradation.<sup>10</sup> Through the lens of the trafficking and slavery situation, it seems as though millions of people are on the move. Asians, Africans, Latin Americans, East Europeans, all peoples are being caught in the

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5. Barbara Kralis, *Different Forms of Human Slavery*, RENEW AMERICA, July 20, 2006, <http://www.renewamerica.us/columns/kralis/060720>.

6. Int'l Labour Org. [ILO], *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it*, 2004 (prepared by June Kane) noted in DAVID BATSTONE, NOT FOR SALE: THE RETURN OF THE GLOBAL SLAVE TRADE-AND HOW WE CAN FIGHT IT, 6-7 (HarperCollins, 2007).

7. See, e.g., International Covenant on Civil and Political Rights, G.A. Res. 2200A(XXI), arts. 18(3), 23(1), 24(1), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (Dec. 16, 1966) [hereinafter International Covenant on Civil and Political Rights]; International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A(XXI), arts. 10(1), 11, 13, 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc A/6316 (Dec. 16, 1966) [hereinafter International Covenant on Economic, Social and Cultural Rights]; Universal Declaration of Human Rights, G.A. Res. 217A(III), art. 26-27, U.N. GAOR at 71, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 10, 1948).

8. HUMAN SMUGGLING AND TRAFFICKING CTR., U.S. STATE DEP'T, *Human Trafficking: Better Data, Strategy, and Reporting Needed to Enhance U.S. Antitrafficking Efforts Abroad 2* (2006), available at <http://www.gao.gov/new.items/d06825.pdf>.

9. Off. to Monitor and Combat Trafficking in Persons, *Trafficking in Persons and International Military Organizations 1* (2007), U.S. STATE DEP'T, available at <http://www.state.gov/documents/organization/82447.pdf>.

10. See generally Francis T. Miko & Grace Park, *Trafficking in Women and Children: The U.S. and International Response*, 6-7, CRS REPORT FOR CONG, U.S. STATE DEP'T, Mar. 18, 2002, available at <http://fpc.state.gov/documents/organization/9107.pdf> (discussing the trafficking of Eastern European Women and the abuse they have suffered).

coils of this particularly evil manifestation of globalization. As the United Nations has explained: "No country is immune from the crime of human trafficking, either as source or destination countries."<sup>11</sup> According to Barbara Kralis, forced labor exploitation exists on every continent except Antarctica.<sup>12</sup>

Although the clandestine nature of the crime and the fear instilled in its victims bedevils attempts at statistical precision, there can be no doubt that the problem is both global and very large.<sup>13</sup> Scholars and legislators come up with varying statistics, but it is important to focus on the massive amount of human suffering implicit in those bare numbers. The divergence in numbers should not hinder us to the urgent necessity for action. Most authorities agree that despite the divergent numbers, it seems apparent that the majority of those trafficked across the world, women and children,<sup>14</sup> face conditions of brutality and bestiality that are almost beyond comprehension. In those states that denigrate the role and significance of women on the basis of tradition or historical cultural systems, women and young girls are particularly at risk.<sup>15</sup> If slavery is a globalized crime that encompasses twenty-seven million people as its victims, it bears frequent repeating that the female ratio has been estimated by the United Nations at nearly eighty percent.<sup>16</sup> The detrimental impact on so many millions of people uprooted from their own countries and forced into alien environments and a brutally degrading life is hard to reconcile with the progress and economic betterment globalization has produced for those lucky enough never to have been enslaved. The slavers and traffickers have utilized all the tools of globalization to accomplish their goals, including ease of communications, particularly cell phones and the internet, and the simplicity of moving money and people.<sup>17</sup> Consequently, the "traffickers' web spans the whole planet."<sup>18</sup>

While this crime exists and involves millions of people, it is a criminal action that is perceived as abhorrent and illegal throughout most of the civilized world.<sup>19</sup> There are several international agreements, conventions, and covenants that outlaw slavery and trafficking and condemn its practice.<sup>20</sup> If a flood of words alone could

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11. U.N. OFF. ON DRUGS & CRIME [UNODC], Annual Report 2008: *Human Trafficking: A Crime That Shames Us All* 5 (2008), available at [http://www.unodc.org/documents/about-unodc/AR08\\_WEB.pdf](http://www.unodc.org/documents/about-unodc/AR08_WEB.pdf).

12. Barbara Kralis, *21<sup>st</sup> Century Slavery*, RENEWAMERICA, July 18, 2006, <http://www.renewamerica.us/columns/kralis/060718>.

13. *Id.*

14. Miko & Park, *supra* note 10, at 4.

15. *Id.* at 5.

16. *Trafficking in Persons and International Military Organizations*, *supra* note 9.

17. See generally U.N. INTER-AGENCY PROJECT ON TRAFFICKING IN WOMEN AND CHILDREN IN THE MEKONG SUB-REGION, *Globalization, Migration and Trafficking: Some Thoughts from the South-East Asian Region* (2001) (prepared by Phil Marshall), available at [http://www.un.or.th/TraffickingProject/Publications/globalisation\\_paper.pdf](http://www.un.or.th/TraffickingProject/Publications/globalisation_paper.pdf).

18. U.N. OFF. ON DRUGS AND CRIME [UNODC], *Trafficking in Persons: Global Patterns* 11 (Apr. 2006), [http://new.vawnet.org/category/www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://new.vawnet.org/category/www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf).

19. KEVIN BALES, *ENDING SLAVERY: HOW WE FREE TODAY'S SLAVES* 17 (Berkeley: Univ. of California Press, 2007).

20. See, e.g., International Covenant on Civil and Political Rights, *supra* note 7, art. 8;

eradicate this hideous crime, the verbal efforts of the United Nations would have freed every man, woman and child on this planet from bondage. Unfortunately, words alone will not solve this problem. Both the United Nations and its predecessor, the League of Nations framed international agreements against trafficking.<sup>21</sup> Slavery and the slave trade are specifically prohibited in Article 5 of the Universal Declaration of Human Rights.<sup>22</sup> The issue has emerged in various human rights conventions and covenants, which have been accepted and ratified by most of the nations of the world. To mention only some of these instruments, Article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women (1981)<sup>23</sup> calls for the suppression of all forms of traffic in women; Article 10 of the International Covenant on Economic, Social and Cultural Rights (1976)<sup>24</sup> protects children from economic and social exploitation; Article 8 of the International Covenant on Civil and Political Rights (1976)<sup>25</sup> outlaws slavery, the slave trade, and forced labor.

Most relevant of these agreements is the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.<sup>26</sup> This international agreement supplemented the United Nations Convention Against Transnational Organized Crime, which was adopted by the General Assembly in 2000 and entered into force in 2003.<sup>27</sup> The Protocol is the first "global legally binding instrument with an agreed definition on trafficking in persons."<sup>28</sup> Having articulated the first internationally accepted definition of trafficking, the Protocol required that countries criminalize trafficking in human beings.<sup>29</sup> The Protocol provided for the protection of victims and cooperation among States.<sup>30</sup> The question that springs to mind is, why, in the face of so much globally expressed abhorrence for this crime, the existence of so many international prohibitions on its practice, and the daily evidence of the suffering it causes around the world, is this allowed to persist? Why are the eloquent words not supplemented with firm action to eradicate this terrible evil? What will it ultimately take for the world to realize

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International Covenant on Economic, Social and Cultural Rights, *supra* note 7, art. 5-6; G.A. Res. 217A(III), *supra* note 7, art. 4-5.

21. See BATSONE, *supra* note 6, at 179-80.

22. G.A. Res. 217A (III), *supra* note 7, art. 5.

23. Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, U.N. Doc. A/Res/34/180 (July 17, 1980).

24. International Covenant on Economic, Social and Cultural Rights, *supra* note 7.

25. International Covenant on Civil and Political Rights, *supra* note 7.

26. U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 55/25, Annex II, U.N. Doc A/Res/55/25/Annex II (Nov. 15, 2000).

27. See U.N. OFF. OF DRUGS & CRIME, *United Nations Convention against Transnational Organized Crime and its Protocols*, <http://www.unodc.org/unodc/en/treaties/CTOC/index.html> (last visited Oct. 2, 2008).

28. *Id.*

29. U.N. INTER-AGENCY NETWORK ON GEN. AND WOMEN EQUALITY, *United Nations Peacekeeping in the Service of Peace: Human Trafficking and United Nations Peacekeeping 4*, DPKO POLICY PAPER (Mar. 2004), <http://www.un.org/womenwatch/news/documents/DPKOHumanTraffickingPolicy03-2004.pdf>.

30. United Nations Convention Against Transnational Organized Crime and its Protocols, *supra* note 26.

that twenty-seven million men, women, and children cannot simply be ignored as so many disposable people?<sup>31</sup>

According to writer E. Benjamin Skinner, “Annually, traffickers now take more slaves into the United States than seventeenth century slave traders transported to pre-independence America.”<sup>32</sup> That the United States of America views the continuation of this crime as a serious matter is proven by the bipartisan attention that has been paid to articulating concern about it. Democratic President Bill Clinton signed the Trafficking Victims Protection Act in 2000.<sup>33</sup> This legislation was reauthorized in 2003 and in 2005.<sup>34</sup> In 2003, Republican President George W. Bush expressed his nation’s concern about this global crime when he addressed the General Assembly of the United Nations and informed its members that annually nearly a million human beings are bought, sold, and forced across the borders of the world.<sup>35</sup> President Bush commented in his inaugural address in 2005 that “[n]o one is fit to be a master, and no one deserves to be a slave.”<sup>36</sup>

Assuming the international responsibility befitting its superpower status, the United States instituted in this legislation a process for ranking countries and preparing annual reports according to the performance of nations in combating human trafficking.<sup>37</sup> Tier One countries are deemed to have complied with the minimum standards of the Trafficking Victims Protection Act; Tier 2 countries demonstrated, on the basis of U.S. investigation, inadequate compliance but significant efforts in that direction.<sup>38</sup> By contrast, Tier 3 countries are determined to be in a state of non-compliance and lack significant efforts to achieve the standard.<sup>39</sup> Tier 3 countries would, after a period, be subject to sanctions by the United States.<sup>40</sup> David Batstone, reflecting the views of abolitionists and human rights advocates, critiqued the implementation of this promising plan alleging that “geopolitical politics” influenced the report for the year 2002.<sup>41</sup> Batstone found Tier 3 countries are often on hostile terms with the United States, while friendly countries with terrible trafficking records were listed in the top two tiers.<sup>42</sup>

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31. BALES, *supra* note 18, at 8.

32. E. BENJAMIN SKINNER, *A CRIME SO MONSTROUS: FACE-TO-FACE WITH MODERN-DAY SLAVERY* 265 (Free Press: A Division of Simon 2008).

33. *Id.* at xvi.

34. Jim Finckenaue & Min Liu, *State Law and Human Trafficking* 8-9 (draft presented at *Marshalling Every Resource: State Level Responses to Human Trafficking Conference* 2006), available at [http://www.princeton.edu/prior/events/conferences/past\\_events/conference\\_39.html\\_1](http://www.princeton.edu/prior/events/conferences/past_events/conference_39.html_1).

35. George W. Bush, President, U.S., Speech to the United Nations General Assembly (Sept. 23, 2003), available at <http://www.whitehouse.gov/news/releases/2008/09/20080923-5.html>.

36. George W. Bush, President, U.S., Inaugural Address (Dec. 7, 2005), available at <http://www.whitehouse.gov/inaugural/>.

37. See e.g., U.N. OFF. TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, *2005 Trafficking in Persons Report*, U.S. DEP’T OF STATE, June 3, 2005, available at <http://www.state.gov/g/tip/rls/tiprpt/2005>.

38. *Id.*

39. *Id.*

40. *Id.*

41. BATSTONE, *supra* note 6, at 193.

42. *Id.* at 192-93.

Unlike the nineteenth century when slavery was a legitimized, even accepted, institution in so many parts of the world, today it is internationally outlawed, globally condemned, and yet it persists. Worse, there are more slaves today than ever in the past, although because of the global population explosion they represent a smaller percentage of the total.<sup>43</sup> According to Batstone, “more slaves are in bondage today than were bartered in four centuries of the transatlantic slave trade.”<sup>44</sup> The persistence of slavery despite its global condemnation and illegal status begs the question as to why this hideous form of discrimination cannot be removed when there are ample international instruments and national, state, and provincial laws in many nations that forbid its practice and threaten serious penalties for slavers and traffickers. This article seeks to understand some of the reasons why even though there are such good intentions to eradicate the evil, the problem continues to plague the world. The problem of slavery has caught the attention of governments, political leaders, abolitionists, community activists, journalists, and academics. There is no shortage of excellent suggestions for its speedy eradication. Yet it persists, and in the process twenty-seven million people pay the price for the world’s apparent inability to come to grips with this practice.

Because it is illegal, slavery now lurks in hidden corners of the world’s economy and spreads its tentacles in secretive areas where people are forced to labor for bare subsistence with little or no possibility of escape. This is the clandestine economy that partially provides us in North America with cheap goods and enables us to indulge in an orgy of consumerism. In the words of Antonio M. Costa, Executive Director of the United Nations Office on Drugs and Crime, “[t]he blood, sweat and tears of trafficking victims are on the hands of consumers all over the world.”<sup>45</sup> Because free slave labor is highly profitable for those who are not averse to exploiting their fellow human beings, slavery has spread internationally. The United Nations has estimated the total market value of human trafficking at \$32 billion, with \$10 billion being made on the sale of individuals and the rest being profits on the victims’ labor.<sup>46</sup> The globalized market system brings the products made by slaves into homes all over the world, with a financial return from slavery ranging by one estimate, as high as 800 percent.<sup>47</sup> The United States Government’s Department of Health estimated in 2004 that trafficking was the “fastest growing criminal industry in the world,” second only to drug dealing<sup>48</sup> in terms of its money-making potential. The irony is that globalization and the expansion of the free market system were supposed to usher in a world of better economic conditions in poor countries, a higher standard of living, and increased

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43. SKINNER, *supra* note 31, at xi.

44. BATSTONE, *supra* note 6, at 6.

45. Press Release, U.N. OFF. OF DRUGS & CRIME, *First Ever Global Forum on Human Trafficking to Launch United Campaign to Fight the Crime*, Feb. 12, 2008 (statement by Executive Director of the U.N. Office on Drugs and Crime, Antonio Maria Costa), <http://www.unodc.org/unodc/en/press/releases/2008-02-12.html>.

46. U.N. OFF. OF DRUGS & CRIME, *supra* note 11, at 25.

47. BALES, *supra* note 18, at 12.

48. Loring Jones et al., *Globalization and Human Trafficking*, J. OF SOC. & SOC. WELFARE 118 (June 1, 2007).

economic opportunity. That has occurred to some extent. However, the dark side of globalization has been the demand for very cheap goods that can only profitably be made by slave labor. As consumers, all of us bear a responsibility to consider whether or not our purchasing power is being used to provide economic betterment or to further the crime of slavery. Globalization will, in this century, be about individual responsibility for actions taken internationally. While the prospect is daunting, the possibilities for having a salutary impact are challenging and should enthuse, not discourage, those who wish to see the world finally rid itself of this evil practice that has prevailed for thousands of years. The cost in terms of human deprivation, sacrifice and waste alone justify that we now pay attention to the ideas for eradication and commit our energy to this cause. To return to Rousseau, if all of us are really born free, then sixty years after the enactment of the Universal Declaration of Human Rights (1948)<sup>49</sup> and nearly two and half centuries after Rousseau penned those famous words that inspired a revolution in France, it would appear to be timely to bring concrete reality to the ideal that individual freedom is a universal right and has to be universally applicable whether a person is born in the United States of America or in any other part of the world.

## II. THE PROBLEM

### A. *Definitions*

As slavery has persisted for thousands of years, one cannot but wonder why there is still so much debate and discussion about the definition of slavery. It is not my intention in this paper to debate the definitional disputes. That task has already been addressed comprehensively and exhaustively. Rather, my task is to explore the consensus on definition and provide an introduction to the causes and scope of the problem.<sup>50</sup> It would be preferable to suggest that implementation of the existing law, not more verbiage about definition, has to be our priority if slavery is to be eradicated in the near future. Universal acknowledgment and realization that this is a “crime that shames us all,”<sup>51</sup> would hopefully galvanize the international community to meaningful action.

Much energy has been expended delineating the precise nexus between slavery and trafficking and the equally particular distinctions between smuggling and trafficking. Trafficking per se is perceived via a lens focusing on its components, servitude, debt bondage, sexual exploitation, and peonage.<sup>52</sup> It is suggested that smuggling, although a crime, does not involve the exploitation of the person smuggled, which trafficking clearly does.<sup>53</sup> In reality, cases of voluntary smuggling can in a second become cases of trafficking when the smuggler refuses to release his passengers and turns them into slaves. For years

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49. G.A. Res. 217A (III), *supra* note 7.

50. See Kevin Bales, *Defining and Measuring Modern Slavery*, FREETHESLAVES.NET, 2007, available at <http://216.235.201.228/NETCOMMUNITY/Document.Doc?id=21>.

51. U.N. OFF. OF DRUGS & CRIME, *supra* note 44.

52. Finckenauer & Liu, *supra* note 33, at 3.

53. ORGANIZED CRIME: FROM TRAFFICKING TO TERRORISM 388 (Frank G. Shanty & Patit Paban Mishra eds., ABC-CLIO, vol. 1, 2008).

now, academics, lawyers, and legislators have pondered the precise and applicable definition that would meet the requirements of a particular law.<sup>54</sup> While these debates have rambled on, millions of men, women and children have paid the price for the dilatoriness of the world in addressing their plight and acting to stop the annihilation of their hopes for a decent existence. Were we or our children caught in the coils of a slaver, would we be so patient with the ponderings about precise definitions that have taken priority over the urgent and immediate right of all people to be free; to be not merely born free but to live their lives as free individuals?

A significant amount of time has also been spent on the nexus between prostitution and slavery; the debate focusing on whether prostitution is automatically slavery or only when force is involved.<sup>55</sup> It might be timely now to get past the barriers established by this desire to delineate on the basis of our ideological inclinations and proceed instead to implement with vigor the laws that are already in existence along with the universal norms established by the United Nations.

To cut the Gordian knot of definitional disputes and competitive agendas with respect to which aspects of the problem deserve priority, some authors have sought an inclusive methodology for identifying the components that constitute this crime so that laws can be applied and perpetrators can be prosecuted.<sup>56</sup> For instance, the definition prepared by E. Benjamin Skinner is useful; he states that a slave is "someone who is forced to work, through fraud or threat of violence, for no pay beyond subsistence."<sup>57</sup>

With respect to trafficking, United Nations Office on Drugs and Crime (U.N.O.D.C.) has specified that "[t]rafficking involves the forcible movement of persons from one location to another for the purposes of exploitation and for commercial gains. Victims are recruited and transferred either against their will or through deception."<sup>58</sup> With respect to the differentiation between smuggling and trafficking, many writers on this subject agree now that all too frequently individuals, particularly from poor countries, pay handsomely for their facilitated illegal immigration to a rich Western country only to find themselves, once across the border, in the hands of thugs and gangs that hold them for forced labor including prostitution against their will. In such a situation, the distinction between a person who is smuggled and a person who is trafficked dissolves in the brutal reality that he or she (as is often the case) has paid to enter into captivity;

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54. See Kevin Bales & Peter T. Robbins, "No One Shall Be Held in Slavery or Servitude:" *A Critical Analysis of International Slavery Agreements and Concepts of Slavery*, HUM. RTS. REV., Jan. 01, 2001.

55. See KEVIN BALES, *UNDERSTANDING GLOBAL SLAVERY: A READER* 62-64 (University of California Press 2005).

56. See A. Yasmine Rassam, *Contemporary Forms of Slavery and the Evolution of the Prohibition of Slavery and the Slave Trade Under Customary International Law*, 39 VA. J. INT'L L. 303, 349-51 (1999).

57. SKINNER, *supra* note 31, at 289.

58. U.N. OFF. ON DRUGS & CRIME, *supra* note 11, at 18.

dreams of a better financial life destroyed for the illicit profits of the smugglers/traffickers. The ultimate challenge lies not in the words that define the facets of this crime but in recognizing its occurrence and in turning the spotlight of world public opinion on the prevalence and proliferation of the problem. As more and more people become aware that the clothes they wear, the food they eat, and the toys their children enjoy come with a possible trail of human tragedy, hopefully the moral conscience of the world will acknowledge the evil of this crime and work actively to eradicate it.

Because of its chameleon-like nature and the necessity to hide itself from the law, slavery can today be disguised, hidden and passed off as adoption (in the case of young children); generosity to poor relatives; compassion to unemployable persons; and work aid projects for destitute peasants.<sup>59</sup> Cruel exploitation can be represented as the most compassionate form of kindness. Hence it is not so much that we cannot define slavery as that it is sometimes hard, particularly for the uninitiated, to recognize and identify situations of slavery when they are encountered. In view of the fact that slavery prevails in virtually every country on this planet, it ought not to be so hard to locate slaves. By training professionals, particularly police officials and social workers, the initial identification of a slave situation could be facilitated. The record thus far is not very promising. With respect to the United States of America, although awareness of crime has definitely increased and there have been prosecutions and convictions, between 2000 and 2006, by one estimate, this nation liberated less than two percent of its slaves.<sup>60</sup>

Kevin Bales, a professor and President of Free the Slaves, one of the leading abolitionist organizations, has suggested that the poorest countries in the world have the highest incidence of slavery while the richest nations also have significant pockets of this crime because nationals of poor countries are trafficked for labor to the rich countries.<sup>61</sup> Explaining that no country is immune from trafficking, the United Nations Office on Drugs and Crime explained in its 2008 Annual Report that “victims from 127 countries undergo exploitation in 135 nations.”<sup>62</sup> Professor Bales has also emphasized the tragedy of over one billion people today living on one dollar per day or less; these are the families most vulnerable because their “children are regularly harvested into slavery.”<sup>63</sup> By way of contrast, the average cow in North America and Europe is provided a subsidy of two dollars per day.<sup>64</sup>

Although it is useful to delineate, define, and document the problem, it is more important to eradicate the crime and free the victims who have been trapped. U.S. Ambassador to Monitor and Combat Trafficking in Persons, John Miller, concluded that slavery is “one of the great moral struggles of our day.”<sup>65</sup>

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59. See *Temporary Slavery Commission Report to the Council*, League of Nations Doc. A.17 1924 VI (1924), quoted in Bales & Robbins, *supra* note 53, at 21.

60. SKINNER, *supra* note 31, at 282.

61. BALES, *supra* note 1, at 16.

62. U.N. OFF. ON DRUGS & CRIME, *supra* note 11, at 25.

63. BALES, *supra* note 1, at 15-16.

64. *Id.* at 168.

65. Derek Ellerman, “The John Miller Interview,” Polaris Project, February 13, 2003; cited DAVID

### B. Causes of Slavery

The causes of slavery and all the attendant crimes of kidnapping, torture, rape, murder, mutilation, and forced labor can be linked directly to every negative aspect of the state of today's world. According to Professor Phyllis Coontz and Catherine Griebel, Case Manager for an anti-trafficking program in a non-profit organization, "[c]oncern about trafficking lay dormant throughout most of the Cold War, but interest was rekindled in the late 1980s with the growth of the sex industry, globalization, and the collapse of the Soviet Union."<sup>66</sup> Commenting on the significance of trafficking by the early 1990s, these two authors explain the reasons as related to escalating concerns with "transnational crime, particularly with such activities as money laundering, drug trafficking and the trade of weapons, human organs and people."<sup>67</sup>

The creation of a global market place has brought significant prosperity to many areas of the developing world and there is evidence of a growing middle class in economically booming countries like India and China.<sup>68</sup> However, the wealth has not trickled down sufficiently nor has it touched the rural core of these ancient societies.<sup>69</sup> In Southeast Asia, the problem is compounded by the instability of governments, a growing terrorist threat, and religious conflict.<sup>70</sup> The rapidity of economic change and the onset of global involvements have multiplied the scope of the problem. As David Batstone commented: "Whenever a society faces seismic changes, the powerless suffer most."<sup>71</sup> According to Nobel Peace Prize winner, Muhammad Yunus, the explanation is the global income distribution:

Ninety-four percent of world income goes to forty percent of the people, while the other sixty percent must live on only six percent of world income. Half of the world lives on two dollars a day or less, while almost a billion people live on less than one dollar a day.<sup>72</sup>

Traditional ways of living have crumbled before the demands of a growing market

BATSTONE, NOT FOR SALE 4, (New York: HarperOne, 2007).

66. Phyllis Coontz & Catherine Griebel, *International Approaches to Human Trafficking: The Call for a Gender-Sensitive Perspective in International Law*, WOMEN'S HEALTH J., Apr. 2004, at 47, 49.

67. *Id.* at 49-50.

68. Barbara Stark, *When Globalization Hits Home: International Law Comes of Age*, 39 VAND. J. TRANSNAT'L L. 1551, 1561 (2006).

69. See J. Wyatt Kendall, *Microfinance in Rural China*, 12 N.C. BANKING INST. 375, 387-88 (2008).

70. See generally Mohammad Sadli, *Restoring Investor Confidence in Indonesia*, 12 INST. OF S.E. ASIAN STUD. 3 (2000), available at <http://www.iseas.edu.sg/trends1220.pdf> (explaining that continuing political instability will produce sharp devaluation of Indonesia's currency); Hist. Peace Churches Int'l Conf., "Peace in Our Land": Historic Peace Churches in the Asian Context of Religious Pluralism, Poverty and Injustice (Dec. 2-7, 2007) (unpublished conference handout) (stating that careless religiosity can be fatal for the poor); Press Release, General Assembly, Poverty Reduction, Terrorism, Disarmament, Humanitarian Relief Discussed as General Assembly Continues Review of Secretary-General Report, U.N. Doc. GA/9917 (Sept. 9, 2001) (describing the eradication of terrorism as essential to development and poverty reduction).

71. BATSTONE, *supra* note 6, at 21.

72. MUHAMMAD YUNUS, CREATING A WORLD WITHOUT POVERTY 3 (PublicAffairs 2008).

economy where cash rather than crops dominates; where diversified agrarian systems have bent to the necessity for cash crop production; where farmers cannot focus on growing food to feed their families but must grow the one crop that can be sold.<sup>73</sup> Meanwhile, the price for any such cash crops is determined not by the farmers but by speculators in far-away countries who trade in the peasants' labor for greater personal profits.<sup>74</sup> Such peasant farmers in countries in Asia are so beaten by the economic cruelty of the world that encompasses them that they are forced to conclude that the only hope for survival is to send family members – often the youngest and the brightest – to the cities to make some kind of a decent wage and keep the family financially afloat. The rural poor are the most likely to fall victim to the lures put out by slavers and traffickers who appear in villages and “recruit” youngsters for impossibly wonderful “opportunities,” preying on the gullibility born of naiveté of the parents, who sometimes out of sheer love send their children, they think, to a better life. These are the targets who wind up as slaves, working long hours making rugs, matches, crushing stone, performing servant chores, in fact any kind of work that yields a profit. They get very little food, rarely any money, and cannot leave for they are trapped not just by the slaver but by their own fears. They are routinely tortured and raped to ensure that terror will hold them in bondage. Hence it is that Asia, moving upward and booming economically in some sectors, also provides, because of searing poverty, a plentiful harvest of people, mainly young people, for the labor and prostitution markets of the world.

In Africa, dictatorship, tribal and ethnic conflict, along with the predatory actions of egomaniacal warlords and their followers, have virtually decimated the traditional structures and agrarian way of life of society in states like Somalia, Sudan, and Zimbabwe.<sup>75</sup> Decades of war, the absence of stable governments, the non-existence of democratic structures in a number of failing or failed African states make any notion of human rights impossible to implement. Africa provides evidence of the abduction of thousands of young children and their brutal conversion into child soldiers, a phenomenon that has raised international concern but still persists.<sup>76</sup> By one estimate, forty thousand children have been turned into child soldiers or sex slaves in just one country, Uganda.<sup>77</sup> Save the Children has estimated that approximately 11,000 children are being held by various groups fighting each other in the Democratic Republic of Congo.<sup>78</sup> This problem of using

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73. Peter Straub, *Farmers in the IP Wrench -- How Patents on Gene-Modified Crops Violate the Right to Food in Developing Countries*, 29 HASTINGS INT'L & COMP. L. REV. 187, 197-98 (2006).

74. See generally Robert F. Blomquist, *Globoecoprmatism: How to Think (and How Not to Think) About Trade and the Environment*, 55 U. KAN. L. REV. 129, 142 (2006) (demonstrating how financial pressure from the I.M.F. and World Bank forces farmers to intensify cash crop production).

75. For insight into the impact of cash crop economies in the West African production of cocoa, see Humphrey Hawksley, *Child Cocoa Workers Still 'Exploited'*, BBC NEWS, Apr. 2, 2007, <http://news.bbc.co.uk/2/low/africa/6517695.stm>.

76. See generally BALES, *supra* note 1, at 159-60 (explaining efforts by U.N. peacekeepers to curb violence in countries that have seen increasing slavery of child soldiers).

77. BATSTONE, *supra* note 6, at 18.

78. HumanTrafficking.com, A Report by Save the Children Reveals Millions of Children Live as

children to fight is not confined to Africa. According to UNICEF, more than 300,000 children under the age of eighteen are being utilized in over thirty armed conflicts in various parts of the world.<sup>79</sup> Some of these children are just seven years old.<sup>80</sup>

Africa's rich mineral wealth has bred more misery as the famous gold and diamond mines are sometimes manned by forced labor, the gems being utilized to purchase weapons to continue the nightmare of tribal conflict and warfare.<sup>81</sup> In the case of jewelry particularly in the developing world, from the mines to the stone cutters and polishers, to the gold setters to the wholesale and retail vendors the gem can travel through many slave hands before gracing the ring finger of a well-off purchaser.<sup>82</sup> Efforts have been made internationally to curtail the trading of "conflict diamonds."<sup>83</sup> Slavery in the gem industry has not been adequately addressed.

Poverty and structural breakdown of the pillars of society can also account for the vast numbers of slaves that have been trafficked from Eastern Europe to markets all over the world. Massive unemployment resulted from the political and social breakdown of the governmental systems that had dominated Eastern Europe for much of the twentieth century.<sup>84</sup> The power vacuum was filled by criminal gangs who networked very rapidly across the globe and preyed on their own people for a pool of labor that provided huge profits for very little investment. By one estimate, the ranks of the poor in Eastern Europe climbed from 14 million in 1989 to 147 million in 1999.<sup>85</sup> Traditional society virtually imploded in those states that made up the former Yugoslavia, as ethnic cleansing and war became part and parcel of everyday life. Russia became the Wild Wild East as the twentieth century wound down and a new millennium emerged, trailing a host of problems, including massive corruption, rampant crime, poverty, hunger, and war. The fall of communism should have heralded a new era of democracy and individual rights and freedom. Instead, it brought a Darwinian social environment where the most corrupt and criminal triumphed and those who were unable to ride the wave to success became victims and its slaves. The International Organization for Migration estimated that between approximately 1991 and 2004, about a quarter of a million women were trafficked from Eastern to Western Europe.<sup>86</sup>

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Child Slaves, <http://www.humantrafficking.org/updates/707> (last visited Sept. 16, 2008).

79. U.S. DEP'T OF STATE, *Trafficking in Persons Report 21* (2008), available at <http://www.state.gov/documents/organization/105501.pdf> [hereinafter Dep't of State 2008 Trafficking in Persons Report].

80. Barbara Kralis, *Combatant Human Slaves*, RENEWAMERICA, July 25, 2006, <http://www.renewamerica.us/columns/kralis/060725> (last visited Sept. 16, 2008).

81. See generally BALES, *supra* note 1, at 159 (describing how various forms of slavery, including gold and diamond mining, are used to fund warlords).

82. *Id.* at 181.

83. See *Id.* at 170.

84. BATSTONE, *supra* note 6, at 170.

85. SKINNER, *supra* note 31, at 134.

86. See generally INT'L ORG. FOR MIGRATION [IOM], *Changing Patterns and Trends of Trafficking in Persons* (2004), available at

Latin America, having endured decades of guerrilla wars, terrorist attacks, dictatorship, and deprivation, particularly for the aboriginal people, also experienced economic poverty on a massive scale. The United Nations has estimated that in that region the “richest one tenth of the population earn 50 per cent of income, the poorest tenth earning 1.6 per cent.”<sup>87</sup> The evidence was seen daily in the numbers rushing to the borders of the United States of America, where they hoped to make a decent living. Those illegal migrants frequently wound up as trafficked persons and, once in the United States, disappeared into a murky world of hidden and clandestine slavery where exploitation and cruelty accompanied by rape, torture, and back-breaking labor became their only knowledge of the Land of the Free and the Home of the Brave.

It is indeed true that “[s]lavery feeds on poverty, insecurity and ignorance.”<sup>88</sup> Were the problems of poverty, hunger, economic deprivation and landlessness as well as rural indebtedness alleviated, even in some measure, the human well spring which is now exploited for the profits of criminals could be the source for on-site development and rural reinvigoration. The irony is that while human beings survived long before industrialization and machinery dominated the world, no civilization can sustain itself without food, which comes from its agrarian base. By depleting the rural base of so many countries and by denigrating its significance, we are virtually dooming the sustainable future of the entire planet.

According to the United Nations trafficking “takes many different forms. It is dynamic and adaptable and, like many other forms of criminal activity, it is constantly changing in order to defeat efforts by law enforcement to prevent it.”<sup>89</sup> Traffickers today are vigilant, flexible, and able to move slaves from one location to another to prevent any groups from attempting to free them. Only surprise raids on known slave locations can enable abolitionists to rescue these victims.

A related challenge is evident in the nexus between human trafficking and human smuggling, both distinct crimes, but as the United Nations admits, “they represent overlapping crime problems.”<sup>90</sup> One distinction between smuggling and trafficking that has been emphasized is the fact that “smuggling is always transnational in nature, but trafficking may or may not be.”<sup>91</sup> The problem lies not just in catching the criminals but in prosecuting them and convicting them particularly when aspects of their crimes are transnational, their targets are multinational and their ill-gotten gains are secreted in tax haven shelters. The legal challenges are obvious but when the human cost is factored in as a priority, the

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[http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/changing\\_patterns.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/changing_patterns.pdf), noted in *BATSTONE*, *supra* note 6, at 172.

87. U.N. OFF. ON DRUGS & CRIME, *Alternative Development: A Global Thematic Evaluation*, at v, U.N. Sales No. E.05.XI.13 (2005), available at [http://www.unodc.org/pdf/Alternative\\_Development\\_Evaluation\\_Dec-05.pdf](http://www.unodc.org/pdf/Alternative_Development_Evaluation_Dec-05.pdf).

88. BALES, *supra* note 1, at 59.

89. U.N. OFF. ON DRUGS & CRIME, *Toolkit to Combat Trafficking in Persons*, at ix, U.N. Sales No. E.06.V.11 (2006), available at [http://www.unodc.org/pdf/Trafficking\\_toolkit\\_Oct06.pdf](http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf).

90. *Id.* at xiv.

91. *Id.*

nations of the world have to overcome these obstacles and ensure that their governments are focused on the freeing of slaves and the eradication of all aspects of this criminal activity. Admittedly, law enforcement is consistently playing catch-up with criminals who form part of elaborate international networks.<sup>92</sup> Such criminals now have the means to shuffle victims freely across borders that sometimes become porous when corruption eases the transportation routes.<sup>93</sup>

### *C. Scope of Slavery*

The scope of slavery and trafficking encompasses the entire globe. The United Nations Office on Drugs & Crime estimated in 2006 that trafficking affected human beings from 127 countries and they were exploited in 137 countries.<sup>94</sup> To consider the situation only in the United States, the abolitionist organization Free the Slaves determined from its research that between 1998 and 2003, trafficking victims brought to the U.S.A. came from thirty-five countries with the majority of slaves being found in states such as California, Florida, Texas, and New York.<sup>95</sup> The research team from Free the Slaves and the Human Rights Center at the University of California, Berkeley, concluded on the issue of the scope of slavery, that forced labor prevailed in five sectors of the American economy: prostitution and sex services (46%), domestic service (27%), agriculture (10%), sweatshop factory work (5 percent), and restaurant/hotel work (4%).<sup>96</sup>

Although some advocates of the abolition of slavery focus on the illicit sex trade, indentured bondage is a far more prevalent manifestation of trafficking.<sup>97</sup> This is particularly true in countries like India, Pakistan, Bangladesh, and Nepal, where it is estimated that there are at least fifteen million bonded slaves<sup>98</sup> working in fields, mines, and quarries, brought to dire straits by loans, sometimes of less than one dollar, a sum sufficient to tie a family to indenture for generations.

The gruesome reality is that, although definitions vary and statistics are sometimes intelligent estimates, slavery has been recognized as existing in a huge variety of agricultural, craft, and industrial enterprises around the world. As attorney Elissa Steglich commented: "Trafficking is an equal opportunity crime affecting a diverse pool that includes all nationalities and education levels."<sup>99</sup> Slaves produce and harvest basic foods such as rice, coffee, cocoa, sugar, beef, fish, vegetables, and fruit; apparel basics such as cotton; building requirements like

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92. *Id.* at xx.

93. *Id.* at 179.

94. UNODC, *supra* note 17, at 17.

95. Free the Slaves & Human Rights Ctr., *Hidden Slaves: Forced Labor in the United States*, at 7 (2004), CORNELL UNIV. ILR SCHOOL, available at <http://digitalcommons.ilr.cornell.edu/forcedlabor/8/>, quoted in BATSTONE, *supra* note 6, at 227-28.

96. *Id.*

97. See generally Off. to Monitor and Combat Trafficking in Persons, *How Can I Recognize Trafficking Victims?*, U.S. STATE DEP'T., July 28, 2004, <http://www.state.gov/g/tip/rls/fs/34563.htm>.

98. BALES, *supra* note 1, at 9, quoted in BATSTONE, *supra* note 6, at 11.

99. Elissa Steglich, Address at Princeton University's Woodrow Wilson School Conference: Defining Trafficking Concepts from the States (Dec. 1, 2006), available at [http://uc.princeton.edu/main/index.php?option=com\\_content&task=view&id=1341](http://uc.princeton.edu/main/index.php?option=com_content&task=view&id=1341).

timber and brick; metals including iron, steel, gold, and tin; gemstones like diamonds; and crafts such as jewelry making.<sup>100</sup> Slaves have been discovered making sporting goods, clothing, rope, rugs and carpets, shoes, and fireworks.<sup>101</sup> As Bales explains: “Slavery in the product chains of the food we eat, the clothes we wear, and the cars we drive is an ugly blot on our lives.”<sup>102</sup> Although the proportion of such items produced by free labor as opposed to slave labor varies depending on the country, the region, economic necessity, and a host of other variables, the infiltration of slave-made goods into the product chain for so many commodities that are in regular use throughout the world makes the task of identifying and uprooting the illicit producer, who uses slaves, from the ranks of the genuine producers who pay regular wages a real challenge in every society.

David Batstone lists various areas where the victims of slavery can be found working at cleaning homes and landscaping and gardening. They can be found at construction sites, casinos, hotels, strip clubs, massage parlors, and brothels.<sup>103</sup> “Hidden in plain sight,”<sup>104</sup> slaves can be found at a significant variety of employment locations including even modeling studios, bars, escort services, and adult bookstores.<sup>105</sup>

Assessing the scope of the crisis of slavery, researchers have discovered that this crime is prevalent in certain sports as well, specifically camel racing in the Persian Gulf States.<sup>106</sup> The U.S. State Department has found that annually, children as young as two years are trafficked from countries like Sudan, Pakistan, and Bangladesh for use as camel jockeys for the entertainment of camel racing fans in the Gulf States.<sup>107</sup> These children are “often sexually and physically abused; most are physically and mentally stunted, as they are deliberately starved to prevent weight gain.”<sup>108</sup> These young children are often seriously injured, stampeded to death by camels, and live as isolated prisoners without family contact in camps surrounded by barbed wire.<sup>109</sup> They are said to number in the thousands.<sup>110</sup>

The scope of human trafficking has been manifested in the global spread of sexually transmitted diseases and the higher incidence of HIV among victims.<sup>111</sup>

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100. BALES, *supra* note 1, at 181.

101. *Id.*

102. *Id.* at 201.

103. BATSTONE, *supra* note 6, at 265.

104. BALES, *supra* note 1, at 133.

105. Off. to Monitor and Combat Trafficking in Persons, *supra* note 96.

106. Off. to Monitor and Combat Trafficking in Persons, *The Facts About Children Trafficked for Use as Camel Jockeys*, U.S. STATE DEP’T., Aug. 8, 2005, <http://www.state.gov/documents/organization/51161.pdf>.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.*

111. Jay C. Silverman et al., *HIV Prevalance and Predictors of Infection in Sex-Trafficked Nepalese Girls and Women*, 298 THE J. OF THE AM. MED. ASS’N, 536, 540 (Aug. 1, 2007), noted in U.S. STATE DEP’T., OFF. TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, *Health Consequences*

Children are particularly vulnerable. Referring to medical research, the State Department explained, "HIV prevalence among women trafficked from Nepal and prostituted in India is 38%. The rate of HIV infection exceeded 60% among girls prostituted prior to 15 years of age."<sup>112</sup>

The globalization of slavery today is evident from the conclusion of the U.S. State Department that "traffickers are seizing upon any targets of opportunity for exploitation and relying on vast distances and cultural and linguistic differences to increase the vulnerability of victims."<sup>113</sup> Hence, Zambian girls were trafficked to Ireland for sexual exploitation; Filipina women were trafficked to Cote d'Ivoire for the same purpose; Vietnamese children were trafficked to the United Kingdom for work in drug smuggling; Thai men were trafficked to the U.S.A. for labor work; Dominican women were trafficked to Montenegro for sexual exploitation as similarly were Chinese women sent to Afghanistan; and Russian students were trafficked to the U.S.A. forcibly to sell ice cream.<sup>114</sup> Clearly, the "slave trade is driven by the dynamics of supply and demand."<sup>115</sup> Antonio Costa, head of the United Nations Office on Drugs and Crime, explained the dynamic:

Like any other market – and it is a perverse kind of market – there is a supply in terms of people who are duped, coerced, or tricked, and a demand, in terms of people who may be buying the sort of commodities we are talking about. And there is the act of connecting the supply and demand – those who do the trafficking.<sup>116</sup>

### III. THE SOLUTION

#### A. Eradicating Slavery: The Challenge Ahead

Transnational crimes require international intervention. The globalized world has grasped the reality that when markets internationalize and travel restrictions ease, crime and victimization can spread across the world. Human trafficking will require firm and determined global measures to bring about its eventual eradication. The United Nations has admitted that "human trafficking is a crime of such magnitude and atrocity that it cannot be dealt with successfully by any Government alone."<sup>117</sup> There is no shortage of suggested remedies, a plethora of legal instruments exist, both international and national, and there are plenty of very pertinent and relevant suggestions that abolitionists, lawyers, politicians, and social workers have made to alleviate the worst excesses of this widespread crime and assist in its permanent eradication. If the United Nations and its sovereign state members will commit funding and resources with a determined will to work together to eradicate slavery, much could be achieved. The ideas exist; what is

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*of Trafficking in Persons*, Aug. 8, 2007, <http://www.state.gov/documents/organization/91537.pdf>.

112. *Id.*

113. Dep't of State 2008 Trafficking in Persons Report, *supra* note 78, at 7.

114. *Id.* at 7.

115. BATSTONE, *supra* note 6, at 9.

116. Stephanie Holmes, *Trafficking: A Very Modern Slavery*, B.B.C. NEWS, Feb. 15, 2008, available at <http://www.bbb.co.uk.2/hi/europe/7243612.stm>.

117. U.N. OFFICE ON DRUGS AND CRIME, *supra* note 17, at 26.

needed is the will to implement those ideas and to pursue slavers and traffickers and rid the world of this terrible crime. The international effort is grounded in the provisions of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which entered into force on December 25, 2003.<sup>118</sup> The global measures focus on three principles: prevention, prosecution, and protection.<sup>119</sup>

The initial step is to acknowledge across the world that this crime extends beyond national boundaries and requires international intervention. Because it takes advantage of the facilities available in an increasingly globalized world, slavery has to be confronted and challenged both within and outside the bounds of national sovereignty. The United Nations admitted the challenge involved: "Trafficking is frequently a crime of an international nature, crossing national borders and jurisdictions. Law enforcement efforts can often be confounded by the need to conduct investigations or pursue criminals across international borders."<sup>120</sup>

The twentieth century has seen the scope of international intervention expand considerably in terms of protecting populations at risk, for example, in cases of genocide and ethnic cleansing. One possibility would be to expand this international cooperation that has sent United Nations peacekeepers to the far corners of the world and extend this mandate to policing against slavery and protecting populations at risk of being trafficked. The existence of disciplined, dedicated international forces in failing states could be a usual preventive measure in terms of protecting civilians against slavery. Where genocide is occurring, or even ethnic cleansing or war, there is always a greater risk of slavery and trafficking being utilized by one side against the civilians of an opposing group. Kevin Bales has suggested the creation of a United Nations force with a specific anti-slavery mandate.<sup>121</sup> Equally interesting is Bales' proposal for United Nations slavery inspectors, much like the weapons inspectors<sup>122</sup> who went to Iraq.

The greater challenge, in view of the continuing, frequently insistent emphasis of governments on the supremacy of national sovereignty, is to find an international solution within states that are not failing or suffering from civil war but nevertheless are negligent about the prevalence of slavery and trafficking. Greater awareness and the growth of an articulate public opinion about the evils of slavery and a refusal to accept its existence in any country might serve to jog negligent governments into dealing with this problem. The new abolitionists are both articulate and very eloquent in highlighting the impact of this crime and in galvanizing public opinion.<sup>123</sup>

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118. U.N. OFF. ON DRUGS AND CRIME, *Signatories to the CTOC Trafficking Protocol*, U.N.Doc. A/55/383 (Dec. 25, 2003).

119. Loring Jones et al., *supra* note 47.

120. U.N. OFF. ON DRUGS AND CRIME, *supra* note 17, at xx.

121. BALES, *supra* note 1, at 162.

122. *Id.* at 25.

123. *See generally* BALES, *supra* note 18 (highlighting ways in which abolitionists have raised awareness of slavery).

According to the United States State Department, “[b]ecause trafficking in persons is usually an ‘underground’ crime, it can be difficult for law-enforcement personnel, the public, or service providers to readily identify a trafficking victim and/or a trafficking scenario.”<sup>124</sup> Within states, there is a clear need to educate police, social workers, community activists, and any one else who wishes to get involved to the need to identify and recognize signs of this clandestine crime; to work to ensure that the law enables perpetrators to be prosecuted and convicted; and that governments are not ambivalent about the need to eradicate slavery within their borders. Although many states have a tolerable legal framework to address the issue, the implementation of the law is perceived as difficult if not impossible. This occurs because the crime is often unreported; slaves are too terrified to testify against their exploiters for fear that their families may be targeted for reprisal and, in the case of children and women who have been tortured, too traumatized to cope with the stress of enduring a judicial procedure.<sup>125</sup> Having been kept in virtual isolation, slaves are often unfamiliar with either the language or the customs of the country to which they have been trafficked. They are terrified of the unknown and fear authority figures like policemen. They have learned the brutal way not to trust anyone and are unlikely to reveal much until those barriers are broken down. There is also the ancillary problem whereby freed slaves can themselves face prosecution, either as illegal immigrants or as criminals where they have been forced to work as prostitutes.<sup>126</sup> Often the victims have no identification papers as their exploiters all too often take their documents away. These legal anomalies whereby victims are criminalized by the law are being redressed in some countries.<sup>127</sup>

The United Nations has suggested that member states establish domestic laws that would criminalize any involvement with trafficking, with appropriate penalties for perpetrators, protection for victims, including medical assistance, and the opportunity of voluntary return to their home countries.<sup>128</sup> Additionally, the United Nations recommended the implementation of training programs for officials involved in the prevention, prosecution, and protection aspects of the slavery problem.<sup>129</sup> These excellent suggestions, if implemented internationally, could seriously erode the arrogant defiance of the law, a hallmark of slavers and traffickers.

The American experience demonstrates the significant impact of increased awareness about the problem and systematic training of law enforcement at every level including judges. Within the United States, the Federal Department of Justice reported that it had increased prosecutions since 2001, obtaining thirty-six convictions on human trafficking in 2007 and ninety-eight convictions in 2006.

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124. Off. to Monitor and Combat Trafficking in Persons, *How Can I Recognize Trafficking Victims?*, U. S. STATE DEP'T., July 28, 2004, <http://www.state.gov/g/tip/rls/fs/34563.htm>.

125. U.N. OFF. ON DRUGS AND CRIME, *supra* note 17, at xxi.

126. *Id.* at 126.

127. *Id.* at 128.

128. *Id.* at 12.

129. *Id.*

The same report also specified that between 2001 and 2006, the Civil Rights Division and U.S. Attorneys' Offices had prosecuted 360 defendants, secured 238 convictions and guilty pleas and opened 639 new investigations.<sup>130</sup> These figures were considerably higher than for the previous six years.<sup>131</sup> Although these efforts are worthwhile, their impact has to be weighed against the fact that there are an estimated 50,000 slaves in the United States of America.<sup>132</sup>

If these efforts against traffickers succeed, an ancillary but significant impact could be a salutary and useful detriment to organized crime in America. The nexus between slave trafficking and organized crime is evident in many nations of the world. Trafficking assists in the growth of organized crime and this "criminal activity has increased social costs, undermined and corrupted governments, broken down social systems, and damaged public health."<sup>133</sup>

The vast profits to be made from trafficking have generated an emphasis on the importance of running parallel financial investigations with respect to exposing the perpetrators and the extent of their profits. The United Nations deems such financial investigations critical and emphasizes the golden rule: "Follow the money and you will find the trafficker."<sup>134</sup> This type of financial investigation can only be conducted on a transnational basis, given the ease with which traffickers can whisk their money electronically around the globe. Seizing the assets of those who have profited from trafficking and compensating the victims from those assets ought to become standard practice. A number of abolitionists have suggested that conviction must be accompanied by financial restitution for the freed slaves.<sup>135</sup>

#### *B. The United Nations Protocol*

On November 15, 2000, after two years of intensive negotiation,<sup>136</sup> the United Nations General Assembly passed Resolution 55/25 adopting the United Nations Convention against Transnational Crime.<sup>137</sup> This Convention included supplemental agreements titled the Protocol to Prevent, Suppress, and Punish trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea, and Air.<sup>138</sup> A third Protocol dealt with the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.<sup>139</sup> The Protocol against trafficking in persons entered into force on December 25, 2003.<sup>140</sup> While, because of space limitations, it is not my

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130. U.S. DEP'T. OF JUSTICE, *Fact Sheet: Civil Rights Division Efforts to Combat Modern-Day Slavery* (Jan. 31, 2007), available at [http://www.usdoj.gov/opa/pr/2007/January/07\\_crt\\_061.html](http://www.usdoj.gov/opa/pr/2007/January/07_crt_061.html).

131. *Id.*

132. SKINNER, *supra* note 31, at 265.

133. Sharon Anne Melzer, *International Trafficking of Men, Women, and Children in 1 ORGANIZED CRIME* (Frank G. Shanty & Patit P. Mishra eds., ABC-CLIO, Inc., 2008).

134. U.N. OFFICE ON DRUGS AND CRIME, *supra* note 17 at 76.

135. *Id.* at 52.

136. Finckenauer and Liu, *supra* note 33 at 6.

137. U.N. OFFICE ON DRUGS AND CRIME, *supra* note 17 at 2.

138. G.A. Res. 55/25, Annex II-III, U.N. Doc. A/RES/55/25 (Nov. 15, 2000) [hereinafter *Convention against Transnational Organized Crime*].

139. G.A. Res. 55/255, U.N. Doc. A/RES/55/255 (May 31, 2001).

140. U.N. OFF. ON DRUGS AND CRIME, Protocol to Prevent, Suppress and Punish Trafficking in

intention here to analyze in great detail the significance and impact of the Protocol, it is important to emphasize that this document reflects a global realization that the world needs a “comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights.”<sup>141</sup> Referred to as the Palermo Protocol because it was signed in that Italian city in 2000, this international instrument explains its purpose as being to prevent and combat trafficking in persons, particularly women and children; to protect and assist the victims; and to promote cooperation among States to fulfill these objectives.<sup>142</sup>

The United Nations tackled the problem of defining this crime with a broad and comprehensive approach. Although somewhat wordy, the definition seeks to cover many of the possible methods by which slavery becomes a brutal reality for so many millions of people. The U.N. definition states:

‘Trafficking in persons’ shall mean 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. 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.<sup>143</sup>

The Protocol also specifies, in relation to the above definition, that the victim’s consent is irrelevant. Children under 18 years are provided broad protections from trafficking.<sup>144</sup> A conviction that the epidemic of “human trafficking is a crime against humanity,”<sup>145</sup> impelled the member states to adopt the Protocol and commit to adopting domestic legislation to implement its provisions.<sup>146</sup> The United Nations confined the specific application of the Protocol to offences that were “transnational in nature,” and to those that involved an “organized criminal group.”<sup>147</sup> The United Nations defined this latter factor 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

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Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, <http://treaties.un.org/Pages/ViewDetails.aspx?src=UNTSO&tabid=2&id=375&chapter=18&lang=en> (last visited Sept. 18, 2008).

141. Convention against Transnational Organized Crime, *supra* note 137, at Annex II Preamble.

142. Convention against Transnational Organized Crime, *supra* note 137, at Annex II art. 2.

143. *Id.* art. 3(a).

144. *Id.* art. 3(d).

145. U.N. OFF. ON DRUGS AND CRIME, *Annual Report 200*, at 18, [www.unodc.org/documents/about-unodc/AR06\\_fullreport.pdf](http://www.unodc.org/documents/about-unodc/AR06_fullreport.pdf) (last visited Sept. 19, 2008) [hereinafter *Annual Report 2007*].

146. Convention against Transnational Organized Crime, *supra* note 137, at Annex I art. 5.

147. *Id.* art. 4.

established in accordance with the Convention, in order to obtain, directly, or indirectly, a financial or other material benefit.”<sup>148</sup>

In setting up a number of specific tasks for States parties to undertake, the United Nations in this Protocol formulated the creation of a nation-by-nation structure of law and policies that might someday eradicate slavery, provided nations are willing to commit funding and demonstrate a will to implement the directives.<sup>149</sup> Besides formulating appropriate legislation to prevent trafficking, prosecute perpetrators, and protect slaves, the Protocol also asks States to conduct research and mass media campaigns along with social and economic initiatives to combat this crime.<sup>150</sup> The involvement of non-governmental organizations is mentioned and there is a call to tackle problems such as poverty and underdevelopment, which lead to trafficking.<sup>151</sup> Additionally there are provisions asking States’ officials in law enforcement and immigration to exchange information; to spot possible perpetrators and victims as they cross borders.<sup>152</sup> Making various officials aware of and sensitive to the slavery issue has also been stressed in this Protocol.<sup>153</sup> Additionally, the Protocol required States parties to provide legally relevant information to victims and it opened the possibility of compensation for victims.<sup>154</sup>

The Protocol obtained 117 signatures and 111 ratifications by the end of 2006,<sup>155</sup> reflecting a global dedication, at least in theory, to its principles. The reality, however, is far different as the “custodian” of the Convention,<sup>156</sup> the United Nations Office on Drugs and Crime, admitted in its 2007 Annual Report: “Translating the Protocol into reality remains problematic. Very few criminals are convicted and most victims are probably never identified or assisted.”<sup>157</sup> The Protocol has also been criticized for not representing an international consensus with respect to its wordy definition, which has been considered “too conceptually comprehensive to be effectively understood.”<sup>158</sup> Despite these critiques, it is important to remember that the purpose of the international instrument is to “establish minimum standards. States parties are bound to adhere to this threshold

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148. U.N. OFFICE ON DRUGS AND CRIME, *Trafficking in Persons Global Patterns*, at 6, [www.unodc.org/pdf/traffickinginpersons\\_report\\_2006-04.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006-04.pdf) (last visited Sept. 19, 2008) [hereinafter *Global Patterns 2006*].

149. Convention against Transnational Organized Crime, *supra* note 137, at Annex II.

150. *Id.* art. 9(2).

151. *Id.* art. 9(3).

152. *Id.* art. 10(1)(a).

153. *Id.* art. 10(2).

154. U.N. OFF. ON DRUGS AND CRIME, *Toolkit to Combat Trafficking in Persons*, at 163, [www.unodc.org/pdf/Trafficking\\_toolkit\\_Oct06.pdf](http://www.unodc.org/pdf/Trafficking_toolkit_Oct06.pdf) (last visited Sept. 20, 2008) [hereinafter *Toolkit*].

155. Annual Report 2007, *supra* note 144, at 18.

156. *Global Patterns 2006*, *supra* note 147, at 68.

157. Annual Report 2007, *supra* note 144, at 19.

158. Phyllis Coontz & Catherine Greibel, *International Approach to Human Trafficking: The Call for a Gender-Sensitive Perspective in International Law* (Feb. 12, 2008), <http://www.awid.org/eng/Issues-and-Analysis/Library/International-Approaches-to-Human-Trafficking-The-Call-for-a-Gender-Sensitive-Perspective-in-International-Law>.

but may still adopt stricter measures.”<sup>159</sup> The United Nations Office on Drugs and Crime has assisted a number of countries such as Armenia, Lebanon, and South Africa to draft appropriate anti-human trafficking laws and has additionally trained officials from Nigeria, Ghana, Togo, and Ukraine and other nations in this field of law enforcement.<sup>160</sup> Victim referral services have been established with United Nations expertise in the Czech Republic, the Philippines, Poland, Moldova, and the Slovak Republic.<sup>161</sup>

The United Nations Office on Drugs and Crime in 2007 established a Global Initiative to Fight Human Trafficking (UN.GIFT), described as “an innovative programme whose ultimate mission is nothing less than the eradication of human trafficking.”<sup>162</sup> To fulfill this mandate UN.GIFT has dedicated itself to raising international awareness, assisting states to draft legislation, writing training manuals for law enforcement personnel and judges, and standardizing systems for collection of data and its analysis.<sup>163</sup> There has been a considerable amount of recent activity under the aegis of the United Nations Office on Drugs and Crime toward these aims. In 2007, this widespread activity included a conference in Uganda to train peacekeepers to detect and prevent trafficking; a meeting in Brazil to develop national plans; an event in Thailand to discuss criminal justice options; an innovative event in South Africa entitled “Interfaith dialogue: what the religious community can do to combat human trafficking;” a conference in India to consider trafficking and sexual exploitation; a prevention-oriented conference in Lithuania; and a workshop in Egypt to consider legislative options.<sup>164</sup> Time alone will determine whether all these efforts will substantially reduce, if not eradicate, the problem of trafficking. Former Secretary-General of the United Nations, Kofi Annan, pleaded for effective action in an address before the British Houses of Parliament: “Let us take action to prevent any more victims from having their dreams of a better future turn into nightmares of exploitation and servitude.”<sup>165</sup> Despite its international activities the United Nations drew criticism with respect to its handling of the problem of slavery. As Bales explained: “The U.N. is trying hard, but in ways that are hamstrung by national governments, stymied by bureaucrats in its own ranks, and scattered and disorganized across a range of its own agencies.”<sup>166</sup> Bales concluded that “the United Nations suffers terribly from the distance between dream and reality.”<sup>167</sup> While the governments and law enforcement agencies train and prepare themselves to do battle with trafficking and slavery, the slaves around the world continue their lives of unremitting toil and degrading humiliation. Men, women, and children who are no longer owners of

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159. Toolkit, *supra* note 153, at 2.

160. Annual Report 2007, *supra* note 144, at 22.

161. *Id.* at 21.

162. U.N. Office on Drugs and Crime, *Annual Report 2008*, at 25, [www.unodc.org/documents/about-unodc/AR08\\_WEB.pdf](http://www.unodc.org/documents/about-unodc/AR08_WEB.pdf) (last visited Sept. 20, 2008).

163. *Id.* at 26-27.

164. *Id.* at 27, 28, 48.

165. *Id.* at 25.

166. BALES, *supra* note 1, at 140.

167. *Id.*

their own bodies, are used and abused until their brutal existence on this planet has ended in the only escape they have: death. There are no acceptable global statistics on the number of slaves who escape and who can lead somewhat normal lives after their ordeal. The reality is that percentage is miniscule. Time alone will tell whether the flurry of bureaucratic and legislative activity on a global scale has a significant or negligible impact on the number of slaves and on the crime of trafficking. While it is beneficial to have the international agreements, unless there is a universal will to implement their provisions, this activity and the lofty speeches denouncing the evils of slavery will be meaningless and of little consequence: full of sound and fury, signifying nothing.<sup>168</sup>

*C. Some Additional Suggestions to Deal With the Problem*

According to Baroness Caroline Cox and Dr. John Marks, if “slavery is to be abolished in the twenty-first century. We need first to break the bonds of ignorance, silence, interest, ideology, complacency, and complicity.”<sup>169</sup> While implementing the ideas of the United Nations Protocol on Trafficking would constitute a very significant step for all nations of the world, there are numerous other ways in which governments, legislators, and law enforcement personnel along with academics, media representatives, members of non-governmental organizations, and community activists - indeed each citizen - can play a vital role in utilizing varied expertise to alleviate some aspects of this vast problem on a daily basis. Many authors who have been horrified by the plight of slaves have provided plenty of useful and helpful ideas. It would be worthwhile to examine some of these suggestions because they are pragmatic and practical. All that is required is a sense of dedication to implementation and a commitment to utilize one’s energy toward helping to free those in bondage around the world. Although ultimate eradication may well take a massive international campaign, this particular cause can also be assisted by each of us as citizens of the world and of our nations. Because the products of slavery are so pervasive in our society, we are bound by intangible threads to those who work under such brutal conditions to provide us with our consumer comforts. We are in a position as citizens of free societies, as consumers, ultimately as members of an increasingly globalized market economy, to have an impact however small on this problem.

One fundamental methodology is to raise awareness and to write and publish materials about this criminal practice.<sup>170</sup> Slavery is so clandestine and so low on the scale of media priorities that it often remains hidden and slavers prefer to live unobtrusively, shielding the reality of the dark side of their lives from even their closest friends. Bales has commented that “slavery can be hard to see if you are not used to looking for it.”<sup>171</sup> The increasing level of public awareness can only result in an enhanced capacity for people to recognize, identify, and point the finger at perpetrators. Bringing this terrible evil out from hiding is one way that

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168. *Id.* at 139-42.

169. COX & MARKS, *supra* note 3, at 155.

170. BALES, *supra* note 1, at 235-36.

171. *Id.* at 225.

every person who constitutes that wonderful force we call world public opinion can play an active role in this cause. Slavers and traffickers do not want to face the glare of publicity. They definitely do not want to be named or publicly exposed. Media managers have to be convinced to bring this issue to the forefront of their information dissemination agenda so that populations, especially in the free world, will be galvanized to look for slavery and, when they identify it, to go to the authorities. Many writers have suggested the importance of initiating discussions on this subject through our schools and universities, our community groups, even our neighborhoods. According to Barbara Kralis, “[t]he greatest weapon against human trafficking and slavery is inquisitive neighbors.”<sup>172</sup> By increasing public awareness, particularly in the democratic countries, it will be possible to hold governments accountable for the measures they have taken to eradicate slavery. At one time, a few short decades ago, environmentalism was hardly on the public radar. The work of environmental activists, the convening of international conferences like the Rio Earth Summit in 1992,<sup>173</sup> and the heightened global interest and awareness have now made environmentalism mainstream in our thinking. Indeed those who oppose environmentalism are the anachronistic elements, demonstrating how far public opinion has traveled in a short time span. With that much effort placed on slavery and slave trafficking and with greater awareness globally, this terrible evil already outlawed in much of the planet and certainly in international fora, could be eradicated.

Because slave-made goods are mixed-in with legitimate products, it is impossible for the average consumer to determine whether or not slavery has tainted any product he is consuming. Nowhere is the need for precise information more important than in this realm of awareness raising. Given enough incentive and consumer prodding, the large multinational corporations could conduct extensive investigations to ensure that no slavery has entered their product lines. These ideas have floated for years but successful implementation on a significant scale has still not occurred. Louisa Waugh suggests in her book, *Selling Olga*, that if “retailers were held legally responsible for the workers who produce the goods they sell, this would make a vital difference.”<sup>174</sup> The Bureau of International Labor Affairs of the United States Department of Labor has committed to preparing and publicizing a list of goods believed to be produced by forced labor and child labor.<sup>175</sup> The State Department announced at the commencement of 2008 that a globally oriented list of such products is slated for publication by 2009.<sup>176</sup>

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172. Barbara Kralis, *Catholic Church Fights Human Trafficking & Slavery*, RENEWAMERICA, Aug. 4, 2006, <http://www.renewamerica.us/columns/kralis/060804>.

173. See RANEE K.L. PANJABI, *THE EARTH SUMMIT AT RIO: POLITICS., ECONOMICS, AND THE ENVIRONMENT*, 25-27 (Northeastern University Press 1997).

174. LOUISA WAUGH, *SELLING OLGA: STORIES OF HUMAN TRAFFICKING AND RESISTANCE* xvi (Phoenix 2006).

175. Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, tit. I, §105(b), 119 Stat. 3558 (2006).

176. Off. to Monitor and Combat Trafficking in Persons, *U.S. Government Efforts to Fight Demand Fueling Human Trafficking*, U.S. DEPT OF STATE, Jan. 7, 2008,

The secrecy surrounding actual cases of slavery has bedeviled attempts at statistical measurement of the problem. Increasing awareness, particularly on a public scale of its existence, will undoubtedly bring more and more cases to light and, eventually, this may enable statisticians to deal with definitive figures and statistics on the extent of the crime. The importance of basing research on clear statistical data is obvious. However, we have to remember that the priority is to free the slaves as fast as possible. Where so many human lives are at stake, we cannot afford the luxury of insisting first on counting the victims and focusing so much on studying the problem that we neglect actively dealing with it. That said, it is important to note the remarks of researchers who formulated a paper on the quantification issue for the February 2008 Vienna Forum to Fight Human Trafficking.<sup>177</sup> These researchers suggested that in “the absence of systematic and reliable statistical time series, we do not even know with any degree of precision if the number of reported trafficking cases is increasing or decreasing and why this might be so.”<sup>178</sup> Baroness Caroline Cox and Dr. John Marks put this issue in appropriate perspective when they pointed out that “behind each statistic is a human being – a man, woman or child; and behind each human being is a family and a community, which have been devastated or destroyed by the horror of slavery in our world today.”<sup>179</sup> The secrecy enables slavery to continue and persist. Emphasizing this aspect of the problem, Terry Coonan, Executive Director of the Center for the Advancement of Human Rights at Florida State University, commented that “[w]e need to crack this code of silence.”<sup>180</sup> Public awareness, greater involvement, active discussion and sharing of information all form part of the methodology by which the veil of secrecy will eventually be lifted.

It is important as well for us in North America and Europe to insist that our governments provide resources to increase awareness about this terrible crime in the countries of origin, which are in the developing world. It is imperative that the message gets out to the villages and small towns of Asia, Africa, Latin America, and Eastern Europe so that parents, aware of the threat, will not so easily be gulled into handing over their children to slavers posing as compassionate philanthropists. The people of rural areas have to be warned about the potential danger and alerted to the tactics and wiles utilized by traffickers to lure victims into this terrible situation. Women in particular have to be enlightened about the dangers of trusting people to smuggle them across borders, under the illusion that a new life of freedom and economic betterment awaits them. Traffickers are initially con artists and heightened awareness has to be raised in those areas most vulnerable to their lures. It is also important that the message be conveyed in a manner that is clear and coherent and believable by people, the majority of whom cannot read and

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<http://www.state.gov/g/tip/rls/fs/08/100208.htm>.

177. The Vienna Forum to Fight Human Trafficking 13-15 Feb. 2008, Austria Center Vienna Background Paper, *024 Workshop: Quantifying Human Trafficking, Its Impact and the Responses to It*, U.N. GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING, UN.GIFT B.P.: 024 (2008).

178. *Id.* at 2.

179. COX & MARKS, *supra* note 3, at 15.

180. *Report: Modern-Day Slavery Alive and Well in Florida*, CNN, Feb. 25, 2004, <http://www.cnn.com/2004/US/South/02/25/human.trafficking.ap/>.

most of who have an ingrained distrust of authority figures like policemen and government bureaucrats. Those of us whose entire working day is meshed with the technology of modern communications have to understand and appreciate that the internet, radio, newspapers, and television may not have penetrated to the remote areas where traffickers seek out victims for their hideous trade. We will need 'low tech' methodologies to reach and convince some of these remote villages. One possibility might be to utilize the services of local residents who have suffered the ordeal and been freed to raise the awareness of their own family, relatives, and neighbors. This system has apparently worked in countries like India and should be widely utilized. Schools and religious institutions in developing countries could be urged to provide information to children about the threat of abduction and kidnapping and about the necessity to be alert to the perils. Bales has suggested that an anti-slavery lens be the methodology for perceiving many other realms of political and economic activity, particularly with respect to development assistance programs.<sup>181</sup> As he stated: "If the World Bank reviews each of its grants and loans through an antislavery lens, it will ensure that no projects would increase a local population's vulnerability to slavery."<sup>182</sup> Similar levels of heightened awareness of the need to eradicate slavery incorporated into the daily programs and deliberations of the World Trade Organization would bring the matter to the forefront of the global economic agenda.<sup>183</sup>

Similarly, most authors have emphasized, as has the United Nations, the need for extensive training for law enforcement personnel.<sup>184</sup> The United States Government has mandated anti-trafficking training for all of its service members including civilians working for the Department of Defense.<sup>185</sup> The United States Departments of Labor and Homeland Security and other governmental agencies are involved in various plans that target human trafficking.<sup>186</sup>

Space constraints prevent detailed discussion and analysis of the multiplicity of ideas that abolitionists have provided for implementation by all sectors of society, working together to eradicate slavery. The existence of so many suggestions, proposals and plans makes the route ahead easier because the paths have already been charted.<sup>187</sup> The range of ideas is extensive; from prevention programs to deter traffickers to awareness projects that can slave-proof entire rural communities; from legislative action to prohibit these crimes, to law enforcement action to prosecute and convict perpetrators; from rehabilitation proposals to curtail the horror of poverty and hunger, to elaborate funding and development schemes to revitalize economies; from protection and the provision of shelter for rescued and freed slaves, to fulfillment of their dream of a new life with adequate

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181. BALES, *supra* note 1, at 237-41.

182. *Id.* at 166.

183. *See Id.* at 171-75.

184. *See* Finckenauer & Liu, *supra* note 33, at 13.

185. Off. to Monitor and Combat Trafficking in Persons, *supra* note 9.

186. Off. to Monitor and Combat Trafficking in Persons, *Facts About Human Trafficking*, U.S. DEP'T OF STATE, Dec. 7, 2005, <http://www.state.gov/g/tip/rls/fs/2005/60840.htm>.

187. *See generally* BALES, *supra* note 1.

financial and educational resources and finally, to reunification of families torn apart by the horrors of this vicious crime.

The irony is that the eradication of slavery is almost a motherhood issue, arousing no opposition to its agenda and no detractors. Eradication commands extensive support, both internationally and within many nations and yet slavery persists and may, with the market demands of globalization, even be increasing. Its prevalence makes a mockery of the altruistic efforts of those who seek to eradicate this crime. What this indicates is that human trafficking requires greater effort, more dedication and more active participation on a global level to bring about its destruction. If the proliferation of slavery has been one tragic consequence of globalization, perhaps in its eradication via international efforts mankind can find some redemption for the suffering of millions of men, women, and children who have been the innocent victims of this crime. Pope Benedict XVI has referred to trafficking in human beings as a “scourge;” appropriate terminology, echoing the horror of his predecessor, Pope John Paul II, who called this trade “a shocking offense against human dignity and grave violation of fundamental human rights.”<sup>188</sup>

#### IV. CONCLUSION

Today, “[h]uman trafficking and slavery flourish in the form of sex slavery, domestic servitude, forced debt bondage, involuntary servitude, combatant slaves, child sex tourism, child sports slaves, contract slavery, and cheap child labor.”<sup>189</sup> The eradication of all these crimes will take enormous dedication and commitment. As John R. Miller, United States Ambassador tasked to deal with this problem, said, “[a]ll of us must be committed to the new abolition movement of ending human trafficking.”<sup>190</sup>

Antonio M. Costa, Executive Director of the United Nations Office on Drugs and Crime, eloquently summarized the challenge ahead when he said,

We have to decrease the number of victims by preventing trafficking, we have to increase the number of victims who are rescued and supported and we have to increase the number of traffickers who are convicted. We have the tools to do this, but we do not have the political will, large-scale public awareness or the resources to make it happen.<sup>191</sup>

This article has sought to explore aspects of the problem and to discuss some of the many suggestions and proposals for its elimination. Whether or not all of us are up to the challenge that lies ahead; whether we will find the will and the energy to confront the criminals and convict them; whether we can return the millions to freedom and assure them of justice; whether this new millennium will be lauded for its liberty or derided for its indifference to human misery, remain to be seen.

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188. Kralis, *supra* note 171.

189. Barbara Kralis, *Human Trafficking: A Trans-National Criminal Enterprise*, RENEWAMERICA, July 28, 2006, <http://www.renewamerica.us/columns/kralis/060728>.

190. Barbara Kralis, *Exposure of Evil Makes Way for the Good*, RENEWAMERICA, Aug. 8, 2006, <http://www.renewamerica.us/columns/kralis/060808>.

191. Annual Report 2008, *supra* note 11, at 25.

Ambassador John R. Miller has warned that the “struggle will be a long one.”<sup>192</sup> However if in the future we succeed in this great venture, which is certainly not beyond the scope of our planet, then the words of Rousseau might quite appropriately and aptly be misquoted in context: “People are born free and are finally, nowhere in chains.”

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192. John R. Miller, Dir. of the Office to Monitor and Combat Trafficking in Persons, Remarks at the Underground Railroad Freedom Ctr. Dedication (Aug. 23, 2004) (transcript available at <http://www.state.gov/g/tip/rls/rm/43617.htm>).