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Human Trafficking: A Call for Global Action

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Abstract: Human trafficking can and should be regarded as a modern form of slavery. The failure to recognize the correlation between human trafficking and illegal migration explains the setbacks in the pursuit of appropriate policies. The end of the Cold War has increased the flows of illegal migrants, some of which are inevitably falling prey to human trafficking. At the same time, an increasing number of international organizations started tackling this challenge. Yet, so far, international efforts have not paid off and human trafficking is on the rise. The two main problems of the current global approach are that human trafficking is treated primarily as a problem of law enforcement and that the “supply” and “demand” factors are not treated symmetrically. Another approach is needed that corrects the various shortcomings of the present countermeasures. Such an approach could be institutionalized by a global plan of action against human trafficking.

Keywords: human commodity, human trafficking, illegal migration, labor mobility, slavery, United Nations

- 1 Human trafficking has gained increased prominence around the world over the past few years as has been evidenced by numerous international conferences and initiatives as, for example, the initiative UN.GIFT (United Nations Global Initiative to Fight Human Trafficking) launched in 2007 by the United Nations Office on Drugs and Crime (UNODC). UN.GIFT has captured wide international attention and received broad global acclaim in February 2008, when it hosted the Vienna Forum, the biggest ever gathering on trafficking in persons. The initiative was also instrumental in producing a Global Report on Trafficking in Persons in early 2009, which for the first time

provided an extensive picture on human trafficking in terms of global trends, and country-based policies and statistics.

- 2 The salience of the issue was further attested by the United Nations General Assembly's increased focus on human trafficking. In just less than a year, this principal organ of the United Nations has twice discussed the issue of trafficking in persons within its thematic debates – in June 2008 and May 2009. Various human trafficking events, including the latest UN General Assembly debate, prominently featured the idea of a global plan (strategy) of action against human trafficking, which is regarded by many as a new tool that is needed to effectively confront the evils of human trafficking. The negotiations on the global plan of action are due to commence in New York in the fall of 2009.
- 3 This article is a journey across time, events, statistics, opinions, and insights that all combine to show how the problem of human trafficking emerged, how it evolved in time along with our perception of it, and to what extent it is currently being shaped by the law and order agenda. Recognizing that international anti-human trafficking policies have generally failed, we came to appreciate the need for a comprehensive new global instrument against human trafficking.

Human Trafficking in Historical Perspective

- 4 Trafficking in humans has been a feature of human life throughout history. As we understand it today, this phenomenon represents a continuation of the practice of slavery that implies an exercise of total control by one person over another, and, in essence, represents the most prevalent form of slavery in the contemporary world.
- 5 Ancient civilizations, for instance, the Hellenic, Persian, and Roman Empires, were at least partially based on slavery. Slaves were an important source of these societies' economic output. It is not surprising, therefore, that slaves were among the primary prizes of wars and conquests. Moral considerations at the time were built almost exclusively around the category of power, so that the exploitation of people from defeated nations seemed legitimate because they had proven weaker in battle. During Europe's Middle Ages and Early Modern Era, slavery was part of the European colonial empires that saw their formation and extensive development in the fifteenth and sixteenth centuries. During this period, slavery was similarly underpinned by specific economic considerations and social attitudes.
- 6 Colonial-era slave exploitation was highly profitable when it came to managing and pillaging colonial possessions. Portugal and Spain were the first to introduce this practice in their newly acquired South American colonies. England, France, and others soon followed suit. The slave trade was made possible also by social—specifically racial—motives. Failure of some indigenous populations to organize their own viable and effective forms of public life, as well as their inability to withstand European subjugation caused the colonizers to distinguish sharply between “white” and “non-white” races (religious factors were also taken into account when determining potential candidates for

enslavement). The former were taken for granted as superior, while the latter were overwhelmingly perceived as intrinsically inferior. Thus, moral barriers to the slave trade were generally removed.

- 7 What is interesting, however, is that the mortal blow to the slave trade was dealt not so much by the struggle of oppressed peoples and groups,^[1] as by the elimination of the above two factors. In the economic context, the need for colonial powers to perpetuate slave labor significantly subsided by the early nineteenth century. The nascent industrial revolution on the European continent, along with expanded production, made European-wide trade in goods produced on the continent more profitable than the exploitation of colonies by the means of slave labor.^[2] Concurrently, Europe's Enlightenment in the second half of the eighteenth century triggered moral sentiments that invoked among many prominent European politicians and intellectuals the question of whether it was right to tolerate the enslavement and exploitation of "non-white" races.
- 8 The decision taken by Britain's Parliament on 25 March 1807 to prohibit the transatlantic slave trade was of immense importance in this regard. Ever since, Great Britain actively pursued policies aimed at eradicating the practice of slavery, above all by interdicting foreign ships that contained slave cargo. In such an environment, other colonial powers quickly abandoned the slave trade. Yet, the practice of slavery continued and was officially recognized and exercised in the United States of America, specifically, in the American South, where slave labor remained to be highly profitable in the production of cotton. Only the U.S. Civil War in the 1860s could resolve this controversy and eradicate slavery in the United States.
- 9 A new form of human trade, quite distinct from the traditional perception of that phenomenon at the time, emerged in the early twentieth century. The new form was linked to sexual and labor exploitation of "white" people. The main difference between the "white" and the colonial human trade lay in the fact that the latter was government-sanctioned, whereas the former was prosecuted by all countries in the world as illegal activity. Another distinction was that under colonialism a person could become a slave and be born as such, while in the new environment a "white" person could become a slave only as a result of being trafficked.^[3]
- 10 The surge in "white" human trafficking across the world necessitated increased international co-operation. A number of international instruments adopted over the first three decades of the last century attest to that activism: the International Agreement for the Suppression of the White Slave Traffic (1904), the International Convention for the Suppression of the White Slave Traffic (1910), the International Convention for the Suppression of the Traffic of Women and Children (1921), and the International Convention for the Suppression of the Traffic in Women of Full Age (1933). These international instruments have increasingly focused on fighting prostitution, but, unfortunately, failed to acknowledge and confront social, economic, cultural, and physiological causes that lay behind the "white" slavery.
- 11 In 1949, the newly created United Nations adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Convention declared, for the first time ever in an international instrument that "prostitution and traffic in persons

were incompatible with the dignity and worth of the human person and endanger the welfare of the individual, family and community.”

- 12 In spite of the active efforts in the first half of the past century in this area, the problem of human trafficking did not end, what ceased was only the major powers’ political will to tackle this problem. The U.S. and the Soviet Union, along with their respective allies, were forced to confront the geopolitical realities brought forth by the Cold War (1947-1989). In that strategic climate, the fight against human trafficking receded for decades into the background. Moreover, with the borders between the two ideological camps tightly closed, there were hardly any significant flows of people between them prior to 1989. For that reason, human trafficking was not a matter of great concern to either of the superpowers.

Contemporary Human Trafficking

- 13 The issue of human trafficking began to loom larger on the international agenda in the 1990s as the result of structural geopolitical and functional changes. Geopolitically, the end of the Cold War was instrumental in opening borders in Europe and other parts of the world. However, this was mainly true with regard to trade, financial, and some other borders, but not with respect to the free movement of labor across national frontiers. Markets were enabled to expand by gaining access to heretofore-closed areas, but their further expansion required additional inputs to the existing labor force that was not yet freed from national territorial confines by the opening of “political” and other kinds of borders. Thus, large-scale illegal migration from the world’s underdeveloped areas emerged to meet the growing demand for labor in the affluent world.
- 14 Human trafficking after 1989 was treated within the larger context of illegal immigration. Indeed, human trafficking can be seen as a corrupted mode of migration that has transformed the initial specific migratory projects of many people into a nightmare. Yet, in spite of many existing similarities between the issues of illegal migrants and trafficking in persons, they represent two different phenomena, each requiring separate examination and corresponding actions. These two issues differ principally in three aspects: the status of crime, method of crime, and purpose of crime.
- 15 First, in terms of status, illegal migration is a crime against the state, involving the migrant’s illegal crossing of borders, whereas trafficking in humans is a crime against an individual, who is the object of exploitation. Second, as far as the methods are concerned, illegal migration is a voluntary act of an individual to cross knowingly and illegally a state’s borders. Human trafficking, in turn, is overwhelmingly an act of violence or deception against an individual, as a result of which the individual ultimately becomes a victim of exploitation. Third, the purpose of illegal migration is an illegal migrant’s desire to attain improved well-being, while the purpose of human trafficking is sexual or labor exploitation of entrapped people.
- 16 As of late, an understanding of the tripartite division of the question

has been grasped by the international community, and is reflected in two separate protocols on human trafficking and illegal migrants adopted by the General Assembly in 2000 within the context of the United Nations Convention against Transnational Organized Crime (the so-called Palermo Convention and Protocols). At the same time, the decoupling of human trafficking from illegal migration and a separate focus on each has served to downplay the linkage between them. As will be demonstrated below, such a development explains many setbacks in the fight against human trafficking.

- 17 In terms of functional causes, a significant contribution to the growing awareness of the evil of trafficking in persons was made by numerous global initiatives over the last two decades of the twentieth century; these efforts were aimed mostly at improving the status of women. The promulgation of the Decade of Women in 1975 served as a catalyst to all these efforts. In 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women. As a result, the 1980s saw the birth of a multitude of international non-governmental organizations (NGOs) engaged in efforts to eliminate discrimination and violence against women. The issue of women's rights became a major topic of the World Conference on Human Rights held in Vienna in 1993. The Fourth World Conference on Women held in Beijing in 1995 focused exclusively on that issue. All these initiatives and events have contributed to a better understanding of the issue of human trafficking. So, what is the contemporary situation of human trafficking?
- 18 Admittedly, almost all of world's countries are affected by this problem, though to varying degrees. Western states are overwhelmingly the countries of destination for the "live commodity" of trafficked humans (human commodity), while developing states and countries with emerging economies, as well as those with economies in transition, are primarily the countries of origin. Many states from both groups simultaneously belong to the category of transit countries. At the same time, there is trafficking that occurs domestically in many countries.
- 19 Various UN-related publications, as well as publications by individual states, give quite different statistics with regard to the annual numbers of victims of human trafficking. These figures can range from 800,000 [4] to more than 2 million people.[5] Such varied estimates indicate that the problem of human trafficking remains understudied, in spite of the growing awareness of the phenomenon around the globe. According to UNICEF's estimates, up to 1.2 million children fall victim to human trafficking annually.[6] It is more or less acknowledged that more than 80% of all human trafficked victims are women and girls.[7]
- 20 Until recently, the main concern of public opinion has been with the trafficking for sexual exploitation. However, there seems to be a growing realization that the trafficking for labor exploitation should move higher up on the international policy agenda too. Some estimates indicate that more than 80% of human trafficking victims are involved in sexual exploitation, with the rest being exploited in labor sectors.[8] Yet, some experts in favor of recognizing that a far larger part of victims is involved in exploitative labor, in fact, more than half, challenge these numbers.[9] As far as the geographical incidence of human trafficking is concerned, Asia is generally believed to account for about a half of all human trafficking cases (in countries of origin and destination), with Central and Eastern Europe and the rest of the

world accounting for a more or less equal parts of the remainder. [10]

- 21 Trafficking in persons constitutes the world's third most profitable illegal activity after the illegal sales of arms and narcotics. According to some estimates, the overall annual income of international criminal groups involved in human trafficking varies from US\$ 7 billion [11] to US\$ 32 billion. [12] Human trafficking is generally regarded as a low risk criminal enterprise. [13] As the statistics of many countries indicate, the numbers of criminals that have been arrested are relatively low, and when traffickers have been caught, the penalties administered against them were usually minor compared to the amount of profits they made and the extent of harm they caused to their victims.
- 22 There should be no doubt that human trafficking is a contemporary form of slavery. Its victims are forced into conditions of servitude similar to slavery, without a chance of voluntarily shaking off the bondage. In 1948, in the Universal Declaration on Human Rights, the international community prohibited slavery and the slave trade. Five decades later, we are witnessing that the phenomenon not only failed to recede into the past, but that it has expanded its numerical scope and geographical reach.

The Causes of Contemporary Human Trafficking

- 23 The contemporary human trafficking is predicated on the same economic and social causes that accounted for slavery in the past. Yet, in spite of the commonality of causes, an important institutional dissimilarity between the two periods creates a different context for fighting this plague today. In the contemporary world, unlike in the past, human trafficking is not encouraged by any state (although some degree of official complicity is almost invariably a factor). [14] Quite the contrary, it is prosecuted by all states without exception, at least, *de jure*. In this regard, it seems reasonable to ask, why, despite the unanimity in intent, coordinated approaches, and concrete action against the social ill, is human trafficking on the rise? The explanation can be found in the analysis of economic, social, and political causes.
- 24 In economic terms, contemporary human trafficking, as well as migration in general, are products of globalization and represent a peculiar form of "demand and supply." On the one hand, there is the "demand" for sexual and labor services. The demand is largest in affluent states, where many unscrupulous people are able and willing to pay for sexual services, as well as take advantage of cheap labor provided by trafficked persons. On the other hand, there exists the "supply" to satisfy this "demand." The supply overwhelmingly derives from poor developing countries, whose people are keen to attain a better life in a more prosperous country. Yet, setting out in search of happiness abroad, future victims of trafficking do not foresee that they may become victims of exploitation in order to satisfy that "demand."
- 25 The connecting links in the "demand-and-supply" chain are international organized criminal groups. It is precisely these groups that through the means of violence, coercion, and deception turn

innocent people into a human commodity intended to meet consumers' "demand," and in the process enrich themselves. Modern means of communication, above all, the Internet, considerably help the criminals in interlinking the "demand" with the "supply." Moreover, the perpetrators are also often successful, because poor anti-trafficking infrastructures in many countries, as well as insufficient coordination and co-operation among their law enforcement agencies, prevent effective countermeasures. In the same vein, economic considerations account for the fact that some countries quietly condone trafficking in persons, even though they have publicly undertaken various international obligations to combat human trafficking. For instance, it is not a secret that sex tourism's eradication in Southeast Asia would adversely affect some national economies.

- 26 When it comes to social causes, the "racial" character of past slavery has been replaced by the "gendered" nature of the contemporary human trafficking. That is why it should come as no surprise that women and girls make up for more than 80% of all trafficked persons. Gender and social biases, still extant in many countries, are conducive to a social environment in which women and girls are forced to provide income for their families, and thus, become an easy prey to traffickers. In this context, it is not surprising that the highest level of female sexual exploitation has been registered in Asia, a region where the level of female subjugation has traditionally been higher than in other parts of the globe.
- 27 Globalization has expanded migration opportunities for unskilled females from the developing world since employment opportunities and social support schemes in economically poor environments are few. Yet what is also crucial for the flow of human commodities is that gender and social biases are still inherent in developed countries as well. How can it be otherwise explained that the fight against human trafficking in many destination countries primarily amounts to fighting "supply," that is, prostitution, while the problem of male-driven "demand" is viewed by the general public as an "inevitable evil" that cannot be overcome and, thus, must be tolerated. [15]
- 28 Indeed, none of us was born wishing to buy commercial sexual services or to have someone else to clean, cook and care for us, any more than we are born with specific desires to play football or drink coffee. Those who exploit foreign workers in sweatshops or buy sexual services do not make their decisions of how to treat him/her in a vacuum, but in the particular social and institutional context in which they live and act. That is why the exploiters of human commodities are not necessarily seen in their own societies as criminals or malicious people. Their conduct towards those whom they exploit is often perceived as *normal* by their friends, neighbors, acquaintances, and public in general. In other words, human trafficking is not only economically, but also socially constructed.
- 29 Finally, from a political perspective, trafficking in persons, though widely recognized as being a grave challenge to humankind, is nevertheless not placed on a sufficiently high rung of priority ladders, both internationally and nationally. The low level of priority accorded to human trafficking accounts for the overall failure so far to change the situation in this area for the better. Moreover, as some experts claim, the number of trafficked victims has not been receding, but steadily growing. [16] Other issues on the world's agenda, such as the

global financial and economic crisis, terrorism, nuclear non-proliferation, energy security, global climate change, and conflicts in Iraq and Afghanistan are unequivocally viewed as deserving higher priority and attention than human trafficking.

International Mechanisms to Fight Human Trafficking

- 30 Increased attention to human trafficking since the mid-1990s has begun to necessitate greater international action. The international community has adopted a three-pronged approach against human trafficking – the so-called three Ps – that address the problem: prevention, prosecution, and protection.
- 31 Among the first initiatives in this area was the Global Programme against Trafficking in Human Beings launched by UNODC in 1999. The program focused on research and provision of technical assistance to affected countries. It led to the 1999-2000 United Nations Convention against Transnational Organized Crime and its three protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Adopted by the General Assembly in 2000, the protocol entered into force in December 2003, with 117 ratifications by state parties as of September 2009. The importance of this document lies in the fact that it defines human trafficking for the first time ever in an international instrument and sets obligations for member states to criminalize perpetrators, tighten border controls, and exchange information among law enforcement agencies.
- 32 There are some other important instruments adopted in the UN system that address trafficking in persons, for example, the International Labor Organization's Convention 182 on the Prohibition and Elimination of the Worst Forms of Child Labor, the Optional Protocol to the UN Convention on the Rights of the Child, Sale of Children, Child Prostitution and Child Pornography, and the United Nations High Commissioner For Human Rights' Principles and Guidelines on Human Rights and Trafficking (the 2002 Report to the UN Economic and Social Council [ECOSOC]). Therefore, a broad institutional base within the United Nations tackles human trafficking today. The issue is the focus for a number of UN organizations and agencies like the International Labor Organization, the International Organization for Migration, the United Nations Children's Fund, the United Nations Office on Drugs and Crime, the UN Human Rights Council, the United Nations Fund for Women, the United Nations Population Fund, the United Nations Development Programme, the Office of the UN High Commissioner for Human Rights, the Office of the UN High Commissioner for Refugees, as well as ECOSOC Regional Commissions.
- 33 Human trafficking has also been high on the agenda of some regional organizations. A prominent role in these efforts belongs to the Organization for Security and Co-operation in Europe. The OSCE gained some momentum in 2002, when OSCE members adopted the Declaration on Trafficking in Human Beings in Porto (Portugal). The

Porto Declaration was the first OSCE anti-trafficking document to raise the issue of trafficking in children to the highest political level within this organization. The declaration has also launched the so-called “national referring mechanisms” that serve to set up national frameworks for co-operation and coordination among governments, civil society, and private sector in fighting human trafficking.

- 34 In 2003, the OSCE adopted the Action Plan to Combat Trafficking in Human Beings that ostensibly covers all aspects of the problem – preventive measures, prosecution of criminals, and protection of victims. The plan sets out measures for both the participating governments and OSCE’s institutional structures. In pursuance of the plan, an anti-trafficking unit was established within the OSCE Secretariat in 2004, and in the same year, a post of special representative to combat trafficking in human beings was created. One of the first initiatives of the OSCE special representative was to launch the OSCE Alliance against Trafficking in Persons that provides for partnership among various international bodies in fighting human trafficking.^[17]
- 35 Since the 1990s, the Council of Europe has been grappling with the issue of trafficking in persons as well. In 1996, the Council produced a model action plan against human trafficking.^[18] In 2005, the Council’s members adopted the Convention on Action against Trafficking in Human Beings. The Convention represents a most advanced international document in terms of providing protection to trafficked victims – the second “P,” at least *de jure*. Relevant strategies and action plans have also been adopted or are under elaboration within other international regional organizations, for example, the Economic Community of West African States’ (ECOWAS) Action Plan against Human Trafficking. Moreover, certain initiatives of individual states serve to strengthen international mechanisms in the area of human trafficking.

Is the Global Response Adequate?

- 36 As was indicated above, economic globalization necessitates the movements of global migrants in search of labor.^[19] It is perhaps inevitable that some global migrants fall prey to human trafficking, but the question that needs to be answered is how the world can effectively curb and try to eradicate human trafficking. Unfortunately, the international community in general does not recognize the need for institutionalizing labor mobility as a right that would be instrumental in reducing the levels of illegal migration and human trafficking.
- 37 Instead of addressing the nexus of migration and human trafficking as a broader issue of development, the countries of the world approached it primarily through the lens of security,^[20] understandably a concern that states value above all else. The rationale behind their logic was clear – to reassert country sovereignty by erecting barriers against migrants, who, allegedly, undermine a nation’s security, cohesion, and identity. In the wake of the 9/11 terrorist attacks against the United States, this mindset has become for many even more compelling. Moreover, financial implications also played a role in embracing this

position, because treating human trafficking only in the context of security is less resource-intensive than applying comprehensive strategies against this evil that, in turn, would require additional resources. Accordingly, this approach has found its expression in the two protocols mentioned above – on Human Trafficking and on Migrant Smuggling that supplement the 2000 United Nations Convention against Transnational Organized Crime; these are formally known as the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Protocol against the Smuggling of Migrants by Land, Sea and Air. [21]

- 38 However, this approach is flawed in two important respects. First, there is the problem of *identification*. [22] The two protocols give national authorities different tools in the fight against illegal migration and human trafficking depending on the identification of a person in question. Notwithstanding the best efforts of the drafters of the Palermo Trafficking and Smuggling Protocols to draw clear distinctions between the categories of trafficked persons and smuggled migrants, in many practical cases these distinctions are far from apparent. Indeed, almost all trafficking victims start their “journey” as migrants, no matter legal or illegal, only to end up as contemporary slaves. In addition, it is usually impossible to distinguish the acts of smugglers from the acts of traffickers as both groups move people along the same illegalized routes of migration. [23]
- 39 Of course, the devil is in the details. If a case is identified as smuggling, the outcome for a person in question is deportation, if it is identified as human trafficking – the state should assist the victim. Since there is no clear guidance in the above-mentioned protocols with regard to how smuggled/trafficked persons must be classified, it has become the prerogative of the individual states to make that identification. Notwithstanding states’ rhetoric about their concern for victims of human trafficking, it is in their interests to identify a person as illegal migrant (and deport her/him) rather than as a victim of human trafficking, an act that has larger financial implications.
- 40 Second, there is concern about whether such protocols provide a comprehensive coverage of all aspects of the problem. In effect, the drafters have ushered in an anti-trafficking “law and order” paradigm. They created a strong law enforcement tool with comparatively weak language on preventive and protective measures. Law enforcement provisions in the Trafficking Protocol contain mandatory language, such as “states parties shall,” while the protections and assistance provisions contain weaker terms, such as “in appropriate cases” and “to the extent possible.” [24]
- 41 What has followed is that states began to harmonize their legislation in line with the protocols. States have increasingly addressed the nexus of migration/human trafficking as a security concern rather than as an issue that reaches across the realms of security, development, and human rights. This is particularly the case in the wealthier industrialized countries, many of which have adopted restrictive immigration laws and policies. What is interesting here is that during the Cold War Western countries had, in fact, pursued policies to the contrary and encouraged migration from their Eastern Bloc adversaries based on the Universal Declaration of Human Rights, whose article 13-2 states that “everyone has the right to leave any country, including his own, and return to his country.” [25] The post-

1989 changes in western strategic thinking have altered the previous attitude towards migration, which is no longer welcomed. It is, perhaps, interesting to learn that British historian and political scientist Eric Hobsbawm in his “The Age of Capital,” written in the late 1970s, saw larger opportunities for the free movement of labor in the mid-nineteenth century than in the mid-1970s, which is also still true for the world of today. [26]

- 42 Does the security-based approach to migration and human trafficking yield acceptable results? Apparently not. Various publications on human trafficking indicate that the phenomenon has been consistently growing in scope and numbers. Regrettably, this approach is much too narrow in scope. It may also be characterized as too narrowly “action oriented” and geared toward “immediate problem solving,” [27] because it deals with what seems to make most ostensible sense - criminalize those who move people clandestinely and return those who have been moved by traffickers to their “home” societies as soon as possible. This solution fits smoothly into the existing national and international security agendas.
- 43 The “law and order” or “action oriented” attitude achieves, of course inadvertently, the precise opposite to what it seeks to attain – it is fostering human trafficking rather than reducing it. To be sure, the tightened border controls make it more difficult for “the fortune seekers” to get to a destination point, but this measure has not addressed the reason that forced these people to migrate in the first place. The wage differentials in their indigenous societies and affluent Western countries remain so great that their probable return to the risks involved cannot be deterred by tightened border controls. What is more, the “law and order” approach, also without any prefigured intention, increased the role of traffickers and smugglers. Faced with the restricted legal migration opportunities, the “fortune seekers” have no option but to seek the help of criminal groups. [28]
- 44 Thus, we are dealing today primarily with the consequences of human trafficking – more or less comprehensively with the second “P” (prosecution), partly with the third “P” (protection), rather than with the first “P”: the prevention of its causes. The underlying factors of human trafficking such as uneven and unequal economic globalization and social construction of this phenomenon have not been adequately addressed. There have been some attempts to tackle the shortcomings of the protocol-based framework through regional initiatives. For example, in 2005 the Council of Europe adopted the Convention on Action against Trafficking in Human Beings. The Convention represents a shift from the “law and order” approach to a “human rights-based” perspective as it places the main emphasis on protection of trafficked victims. Yet like the protocol, this limited geographical approach deals also only with the consequences of human trafficking rather than with the underlying causes.

The Need for a Comprehensive Approach

- 45 The fight against slave trade in the past is proof that injustice can be eradicated. Putting aside for a moment the economic rationale behind

the defeat of slavery, the slave trade was extinguished because most people in the Western core came to perceive it as utterly immoral, even if it was pursued in the Old World's periphery.

- 46 Two centuries ago, the successful eradication of slavery was made possible by outstanding British abolitionists William Wilberforce, Granville Sharp, and Thomas Clarkson, among others. Today, there are tens, if not hundreds of millions of people who are eager to fight human trafficking and they are opposed by a relatively insignificant number of criminals, as well as by some entrenched specific vested interests, which, in fact, are more difficult to overcome than the criminal perpetrators. The example of the eighteenth and early nineteenth century struggle against slavery can guide us today. We cannot remain indifferent to the sufferings of others only because we are not risking a similar fate.
- 47 Contemporary forms of slavery are underpinned by one common basis, namely the perception of certain human groups and categories by other people as inferior in status, be it based on race, sex, social, or economic standing. That is why efforts at emancipation are as important today as they were in the past, and why a new abolitionist movement is necessary today, similar to the one that has worked in the past.
- 48 The Republic of Belarus^[29] has proclaimed the idea of a global partnership against human trafficking at the sixtieth session of the United Nations General Assembly. Global Partnership can become the catalyst for increased attention to human trafficking around the world and raise this issue to a high level of political priority. This partnership has evolved gradually and was partially shaped by the Vienna Forum on human trafficking held in February 2008. The Vienna Forum is mostly an informal and flexible structure now and it is just taking first tentative steps in addressing the challenge. Nevertheless, it is a very important development in that it has recognized that success in fighting the human trafficking lies in getting all positive actors of the world on board, including governments, international organizations, civil society, and the private sector. We must give this initiative a chance since the previous state-only driven agenda has failed to bear fruit.
- 49 As far as specific action against human trafficking is concerned, the world needs to take global measures that address economic backwardness and social alienation, the causes conducive to the conversion of people into a human commodity. It requires us to challenge the pervasive mindset. As globalization is spreading, global inequalities will most likely persist, which, in turn, will continue boosting migration flows. Western industrialized societies should fully acknowledge that they are dependent on foreign labor in order to keep their life patterns intact. All societies must recognize that there is something wrong with their social attitudes if they condone exploitation of humans based on exclusion, whether it is gender, race, nationality, ethnicity, or economic status.
- 50 It is within the power of governments to change the way global markets operate and help developing countries catalyze their own development, thereby reducing the "push" factor in the trafficking/migration nexus. Likewise, it is within their power to address the issue of how to optimize the regulation of migration, and thus diminish the gravitating effect of the factor by which migrants are "pulled" to affluent countries.

From a functional perspective, there is the need for a deeper examination of the issue of human trafficking. It is not accidental that the statistics related to the numbers of victims, criminals, incomes, etc., vary so greatly.

- 51 Furthermore, it is important to ensure that the world's states, including all international intergovernmental and non-governmental organizations, apply a balanced approach to the issue of trafficking in persons. Such an approach would analyze both sides of the coin: demand and supply. Unfortunately, some international organizations tend to focus overwhelmingly on the "supply" side, thus presenting the countries of origin as the main source of the problem. For example, OSCE field missions are deployed in Southeastern and Eastern Europe, which are countries of origin. As a result, OSCE's analysis, based on its primary information from the field, is generally one-sided and does not take proper account of the issue of the "demand" in the West. A balanced approach would also require a departure from the traditional focus on sexual exploitation. Instead, the international community should try to deal equally with both forms of exploitation: sexual and labor.
- 52 The world needs a formalized international structure that would ensure effective cooperation and coordination of global anti-trafficking measures. Although dozens of international intergovernmental organizations and hundreds of NGOs are involved in the area of human trafficking, their efforts are far too often not coordinated. The lack of a single centre capable of providing vertical and horizontal links does not allow making these efforts more fruitful. Yet, there is no need to reinvent the wheel. The Inter-agency Coordination Group against Trafficking in Persons created by the United Nations General Assembly in 2006 can become such a coordination center. The Group was established with the purpose of ensuring effective coordination among various global and regional efforts, but, regrettably, was marginal ever since. Therefore, the task now is to reinvigorate this tool. The United Nations General Assembly debate on human trafficking held in May 2009 has acknowledged the urgent need for a global comprehensive instrument in fighting human trafficking. The time has come to redress all shortcomings in the current fight against this evil comprehensively.

Towards a Global Plan (Strategy) of Action

- 53 In his 2003 essay "Five Wars of Globalization," Moises Naim argued that the international community faced problems in winning the wars against the illegal trade in drugs, arms, intellectual property, people, and money, because it treated them all as law enforcement problems, rather than as more complex challenges that required comprehensive strategies. [30] A global plan of action against human trafficking must address this shortcoming.
- 54 A global strategy against human trafficking was first envisaged in the context of the Global Programme against Human Trafficking that was launched by UNODC in 1999. However, its "strategy" component never materialized. The idea was again brought to life in 2006 by the UN General Assembly resolution titled "Improving the Coordination of

Efforts against Trafficking in Persons.” The resolution advised UN Member States to consider the advisability of a global strategy (plan of action) against human trafficking. The three basic reasons behind the need for a global action plan may be identified as of a structural, normative, and organizational nature.

- 55 The current tendency to tackle the problems that “do not recognize borders,” according to former UN Secretary-General Kofi Annan, in a comprehensive manner is a hopeful sign. It is surely the right approach. Since all those problems are multifaceted and interlinked with numerous other challenges, there is no way to deal with them successfully other than to cover all their “angles.” For example, the problem of terrorism has been addressed this way. The UN General Assembly adopted a global strategy against terrorism in September 2006, which provides an overarching framework for the implementation of more than a dozen major conventions in this area. Human trafficking structurally lags behind. There are some international and regional tools on human trafficking developed by UNODC, OSCE, International Organization for Migration, and others. However, each document only covers some specific aspect of human trafficking, or a specific region, rather than the issue as a whole.
- 56 The discussion in the UN during General Assembly thematic debate in May 2009 revealed that some states view the Human Trafficking Protocol that supplements the 2000 UN Convention against Transnational Organized Crime as a global comprehensive document. Yet many others disagree. National crime experts within UNODC – the agency that, in accordance with its mandate, puts a high premium on “law and order,” drafted the protocol. Likewise, the Council of Europe – a rights-driven organization – has produced the Convention on Action against Trafficking in Human Beings, which, in line with the thrust of the CE, is primarily about the protection of rights. In other words, we have a global anti-trafficking structure that is “dispersed.” It seems only logical, therefore, to impart a higher degree of coherence and uniformity to this structure. That is where a global plan of action comes in. It should be drafted by the United Nations General Assembly as the only universal institution in terms of its membership and issues on its agenda. As far as the normative content is concerned, a comprehensive document here would be one that puts an equal emphasis on each of the three traditional Ps – prevention, prosecution and protection.
- 57 A casual look at the legal instruments drafted by specialized agencies would reveal that all of them have addressed the three Ps. Yet a thorough analysis of the tools shows that neither treats each of the three aspects equitably. There is good reason to believe that legal documents elaborated under the auspices of specialized agencies, were imbued with a preference for advancing a specific aspect that falls under the mandate of an agency in question. Thus, each tool, in essence, became “specialized.”
- 58 At present, the world is primarily equipped to deal with the consequences of human trafficking normatively (prosecution and protection) rather than preventively. The underlying factors of human trafficking, such as unequal economic globalization and sociocultural construction of this phenomenon, which consistently trigger ever-increasing flows of migrants, have not been addressed adequately. If history is any guide, we should know that stopgap policies, in whatever

global or national area, always fail in the end. Therefore, a global plan of action is the proper tool to address human trafficking in a universal manner. Besides, drafting it within the UN General Assembly rather than a specialized body would ensure that specific “specialized” biases do not prevail.

- 59 The last, but by no means least, rationale behind the need for a global plan of action concerns the question of how to organize the global anti-human trafficking work in terms of actors. Today, there are multiple players in the area of combating human trafficking that were not visible on the global scene even a decade ago – states, international organizations, civil society, private sector, and celebrities. Where do they all fit in? Do they work in the most efficient way? We do not know. All existing international treaties, conventions and other instruments in the area of human trafficking aim to harmonize appropriate national legislations. These tools do not prescribe precise roles for the increasing number of non-state actors. As a result, numerous NGOs, though committed to fighting human trafficking in principle, in practice may pursue policies that cancel each other out.
- 60 Our call for action against human trafficking requests a global framework that ensures effective co-operation, coordination, and pursuit of concerted policies among all stakeholders and multiple anti-human trafficking initiatives. A global plan of action presents a window of opportunity to redress the shortcomings in the existing framework and turn the situation in the area of human trafficking around.

Notes

Ambassador Alyksandr Sychov was Deputy Foreign Minister of Belarus in 1992-1994 and 2000-2005. He represents the Republic of Belarus to the Republic of Austria since March 2005. He is also the Permanent Representative of Belarus to International Organizations as well as the OSCE (Organization for Security and Co-operation in Europe) in Vienna.

[1] One of the few exceptions was the struggle of slaves under the leadership of François-Dominique Toussaint L’ouverture in the French colony of Santo-Domingo that led to the establishment of an independent and slave-free state of Haiti in January 1804.

[2] “The Age of Revolution: 1789-1848” by Eric Hobsbawm, Printed by Abacus in 2008, p.137.

[3] “White” slavery certainly existed before the period discussed here, for instance, European slaves captured by Muslims in the Mediterranean and Black Sea basins in the Middle Ages. However, such cases can hardly be regarded as consistently pursued policies on a

mass scale, but rather as acts of piracy and abduction.

[4] U.S. State Department's Report "Trafficking in Persons," 2008.

[5] According to the estimates of the International Labor Organization, the number of victims of human trafficking in 2005 was 2.4 million. See Anti-Slavery International, question: "How many people are trafficked?" at www.old.antislavery.org/homepage/antislavery/trafficking.htm#qanda (accessed 22 October 2009).

[6] "Enhancing the Global Fight to End Human Trafficking," Hearing in the U.S. House of Representatives on 26 September 2006, serial No. 109-232, p.13.

[7] U.S. State Department's Report "Trafficking in Persons," 2008.

[8] OSCE Report "From Policy to Practice: Combating Trafficking in Human Beings in the OSCE Region," September 2006, p.7. Also see Global Report on Trafficking in Persons, UNODC, 2009, p.6.

[9] "Human Trafficking" by David A. Feingold, Foreign Policy, September 2005.

[10] "Confronting Globalization in Anti-Trafficking Strategies in Asia" by Vidyamali Samarasinghe, Brown Journal of World Affairs, volume X, issue I, summer/fall 2003.

[11] Ibid.

[12] "Enhancing the Global Fight to End Human Trafficking," Hearing in the U.S. House of Representatives 26 September 2006, serial No.109-232, p.11.

[13] Cited in "The Economic Drivers of Human Trafficking: Micro-Evidence from Five Eastern European Countries" by Toman Omar Mahmood, Christoph Trebesch, p.6, Kiel Working Paper No.1480, February 2009.

[14] Cited in the Testimony of Sharon Cohn, International Justice Mission, before the U.S. House Foreign Affairs Committee, 18 October 2007.

[15] Sweden, along with some other countries, stands as an exception. In 1999, Sweden adopted legislation prohibiting buying sex services, some other countries adopted similar legislation later. For more look at "Transnational Activism to Combat Trafficking in Persons" by Andrea Bertone, the Brown Journal of World Affairs, winter/spring 2004, volume X, issue 2.

[16] "The New Global Slave Trade" by Ethan B. Kapstein, Foreign Affairs, November/December 2006, volume 85, No.6.

[17] OSCE Report "From Policy to Practice: Combating Trafficking in Human Beings in the OSCE Region", September 2006, p.22-23.

[18] "Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report," p.29 at www.coe.int/trafficking (accessed 21 October 2009).

[19] According M.Lagon, U.S.Ambassador-at-large and Director of the Office to Monitor and Combat Trafficking in Persons at the U.S.State Department, there are currently 175 million migrants worldwide. See “Trafficking and Human Dignity” in *Policy Review*, December2008-January 2009.

[20] For more see “The Negotiations on the UN Protocol on Trafficking in Persons” by Melissa Ditmore and Marjan Wijers, accessed on www.nswp.org/pdf/NEMESIS.PDF (accessed 21 October 2009).

[21] See www.unodc.org/unodc/en/treaties/CTOC/index.html (accessed 18 October 2009).

[22] “Trafficking, smuggling and human rights” by Anne Gallagher, *Forced Migration Review* No.12, p.27.

[23] “Illegal immigration and trafficking in human beings seen as a security problem for Europe” statement by W.Bruggeman, Deputy Director Europol, 19 September 2002.

[24] “Human Trafficking: Sketchy data and policy responses” by Jo Goodey, *Criminology and Criminal Justice*, 2008 (4), p.423.

[25] Cited in “Human Trafficking, Information Campaigns, and Strategies of Migration Control” by Celine Nieuwenhuys, *American Behavioral Scientist*, vol.50, number 12, p.1691.

[26] “The Age of Capital: 1848-1875” by Eric Hobsbawm, Printed by Abacus in 2008, p.52.

[27] The term “problem solving” is borrowed from the article “Social Forces, States and World Orders: Beyond International Relations Theory” by Robert W. Cox in *Millennium*, 1981, vol.10, no.2. Robert Cox applied this term to the IR theory of realism, which, in his opinion, treats the world as it is, as opposed to critical theories that, according to R. Cox, seek to find a wider historical explanatory framework with the view not only to “solving an existing problem”, but to offering an alternative solution. This analogy seems to be appropriate to apply in describing the existing global institutional framework to fight human trafficking.

[28] “The Negotiations on the UN Protocol on Trafficking in Persons” by Melissa Ditmore and Marjan Wijers, p.87.

[29] When it comes to Belarus in the context of human trafficking, the country can be described as one of origin and transit, although a few cases of destination were also registered. Domestically, Belarus has enacted a robust anti-human trafficking legislative framework. Two major tools here are the Presidential Decree No.3 of 9 March 2005 on “Certain Measures to Combat Trafficking in Human Beings” that determines a set of preventive and punitive measures, and the Presidential Decree No.352 of 8 August 2005 entitled “Prevention of the Consequences of Trafficking in Human Beings,” which provides for comprehensive assistance to victims, their rehabilitation, temporary stay in Belarus, and release from responsibility. The International Organization for Migration highly praised this instrument. In its opinion, “Belarus’ policy on treatment of foreign victims goes beyond that of most states, and indeed is more comprehensive, for example,

than the one required by the recently adopted Council of Europe's Convention on Action Against Trafficking in Human Beings" (cited from IOM Report "Measures to Combat Human Trafficking in the Republic of Belarus", 2006, p.17). Internationally, Belarus is the sponsor of an anti-human trafficking resolution in the UN General Assembly titled "Improving the coordination of efforts against human trafficking." The last such resolution was adopted in December 2008.

[30] "The Five Wars of Globalization" by Moises Naim, *Foreign Policy*, January-February 2003.