Human Trafficking

Trenesia Hurkes

Columbia Southern University

Abstract

Human trafficking is an issue of serious concern that has taken enfold the literature and scholarly debates. Different scholars have attempted to craft a new dimension in search of the solution against human trafficking. However, there is a dearth of consensus over the mechanism that should be adopted to curb this menace. The reason for scholarly disagreement emerges from the social and cultural differences throughout the world. These social and cultural differences have exacerbated with an addition of the political differences. Resultantly, it has been observed that human trafficking is emanating as a more serious threat compared to how it was decades before. Much of the literature about the anti-trafficking measures are linked with the measures being planned at the national, regional or international levels. This research aims at exploring the literary gap, measures being taken against human trafficking and the way forward in this wake. This research also aims at exploring the human factors behind this menace. It will finally, consider human trafficking from the perspective of criminal justice public policy. This analysis will provide a new perspective on the study of human trafficking, which is absent in most of the literature. This critical approach in studying human trafficking is important to create a new dimension in studying about human trafficking. Finally, it will include a synchronized approach in studying human trafficking with other social evils present in the world.

Human Trafficking

# Introduction

Human trafficking had been a serious issue for different countries in the World. In previous decades, there had been some serious negotiations related to preventing human trafficking. Countries which are economically sound, and have an improved per capita income, are experiencing the drawbacks of this phenomena. Since the world has become globalized, and countries are struggling to get more and more resources, therefore, human trafficking is being viewed as a critical issue. Many studies suggest that the major reason for human trafficking is the absence of resources in less developed countries. These absences of resources force people from those countries to adopt illegal ways to immigrate to other countries (Burke 2017, 56). Though in a classic sense, human trafficking includes forced labor, sex slavery or is used for sexual exploitation at a commercial level, but these individuals end up becoming a burden for the host states. Human trafficking is therefore, defined as the exploitation of an individual’s rights through coercive manners.

There are many incidences that involve the consent of the person being transported via illegal means. This issue has become a point of serious attention because people are transported in the worst situations and are not given due care. There are cases as well, where these illegally smuggled people had been used for terrorist activities as well (Burke 2017, 59). The figures related to human trafficking suggest that it has become a trillion-dollar economy, and since there is economic charm attached to it, therefore, the smaller organizations working against it become influenced. The latest figures released by the International Labor Organization suggest that illegal smuggling had been generating profits of around $150 per annum (Van der Linden 2019, 39). Different other reports mention that those who are being smuggled include women, children, young workers and minorities, which are forced to live in worst conditions throughout their journey (Van der Linden 2019, 40). Another alarming report mentions that half of the young workers transported illegally are being sexually exploited and are used for street begging as well. In view of the literary examples referred above, this paper argues that *human trafficking is a tool used for financial gains, in which hapless people become a target of the traffickers which otherwise are exploited in their home countries by the capitalists, through other ways*.

# Review of the Literature

Human trafficking had been a topic of contemporary research. There is a wealth of literature being published yearly, which suggests corrective measures against human trafficking. In addition to the scholarly literature, there are annual reports of different humanitarian organizations, which release the eye-opening statistics. Below is the most sorted and authentic literature which calls about the severity of this crisis.

* The chapter “Human Trafficking” by M. Jong published MacEwan Research Proceedings is also the latest addition in this literature (Jong 2019). He argues that there are reasons why human trafficking had been an unstoppable issue. In search of the reason, he points out the political reasons, absence of the material resources, raising poverty and wars being fought for different reasons of the world. He believes that these reasons have been used against the anti-trafficking measures. A new dimension according to the author to human trafficking is globalization, which he believes is igniting this cause. For example, the cultural differences are exploited and those who live in conservative regions, tend to be part of this game for sexual benefits. He also believes that globalization has benefitted this business in immense ways, since the traffickers have become incognito, with the use of state of the art mobile applications. About its prevention, he believes that it must be seen as part of a larger context. For example, prostitution and gambling are a kind of offshoot of this business. Though states have unilateral measures at place against these menaces these issues have become global, with traffickers being the promoters of this game. According to him, addressing the social issues in states individually, creating regional mechanisms to combat such issues and finally, internationalizing these measures can fasten the anti-trafficking efforts. In his chapter, he has linked this issue with different sociological perspectives, which he argues are somehow linked with the problem at a universal level. Another way, he believes this issue could be sorted by raising awareness in terms of promoting critical discourse. As he argues that there is an abundance of literature that fascinates such things, and this must be seen critically. Finally, synchronizing the governmental and non- governmental organizations and their policy proposals can sort the purpose at a larger level.
* “*Human Trafficking: A Comprehensive Exploration of Modern Day Slavery”* by Stickle, Hickman, and White (2019) are one of the most general contemporary literature written about the issue of human trafficking (Stickle et al., 2019). As the authors are from diverse backgrounds, therefore, they have added new dimensions to their ideas. They believe that human trafficking is not generic in nature. There are causes attached to it, which are present in each aspect of human interference. Starting from the social level, they have explored the social imbalances present in different societies. They believe that these social imbalances have been a cause of many problems throughout early human history. In modern times, they believe that these imbalances have taken a hazardous form, one of which is human trafficking. The next they believe is the economic reasons attached to it. These income inequalities and the distribution of resources in an unequal manner have caused immense problems. States which have nothing to export to the outer world are facing such crises, resultantly they trade people, which is nothing less than a form of modern slavery. After the economic reasons, they believe that political hurdles are the causes. For example, many states have political differences among their political parties, which just for the sake of political leverages avoid being part of such legislations. Finally, the last addition to these severe crises is added by technology and its widespread use. These authors believe that technology coupled with globalization has caused immense addition to this disturbing situation, which is alarming. They believe that unless, there is a proactive response against this duo of technology and globalization, any effort to curb human trafficking will remain inefficient. With reference to all such views, this book concludes on the pretext that current responses against human trafficking are inept and therefore, a more proactive is required to make the world free from human trafficking.
* Kempadoo, Sanghera, and Pattanaik (2015) have discovered the ‘*sex element’* which primarily is the basic reason for human trafficking. The authors believe that human trafficking basically sets over the *sex* element, which is captivating in all senses. They argue that since sex employs significant profit throughout different countries, therefore, the traffickers’ gain access to those who are interested in body selling. They have incorporated various sources that suggest that sex trafficking is among the widely profit-generating jobs. Some sections of the book include case studies, which suggests how sex traffickers gain access to their targets. This book includes significant details about this aspect of human trafficking and therefore, can serve as a base for further research. It also highlights how sex-related trafficking is a cause of human rights violations. It has also pointed toward certain pieces of evidence that support that sex component in trafficking is related to a lack of resources and poverty.
* Louise Shelley’s “*Global perspectives on human trafficking*” is the newest addition in the literature about human trafficking (Shelley, 2010). The author has provided different pieces of evidence that support the notion that human trafficking is attached to many global phenomena. In some sections of the book, the author has mentioned many instances which are suggestive of the fact that lawmaking at an international level has been given less attention for many different reasons. In later sections of the book, he argues that in spite of political variances, states must come together to be a part of the cause which serves the aim of eliminating the reasons for human trafficking. The author has highlighted the ways as to how the suggestions being put forward by different international humanitarian organizations can be incorporated into international lawmaking. This book can be a guiding source since it includes a comparative analysis of the efforts being made at the state level and what different humanitarian organizations have concluded in their research.
* A.T. Gallagher’s “*International law of human trafficking*” is about the jurisdictive perspective against human trafficking (Gallagher, 2010). The author has viewed this area in the pretext of international law. He argues that with reference to the human trafficking issue, there are many loopholes in international legislative measures. The reasons for these differences are the political hurdles, which often countries avoid resolving since they protect their state interests. Gallagher’s perception is a little narrow since his emphasis on the global organizational viewpoints stands on the notion that international law is the most violated norm. However, he believes that International law remains viable when it comes to authenticating the norm-based approach being followed to protect the interest of states, which directly leave a negative impact over anti-trafficking measures. Therefore, addressing the dodges in the link between human trafficking and international law can be an important topic for social scientist researchers.

# Research Methodology

Since the nature of this research is qualitative, therefore, the qualitative approach of research will be employed in this study. This qualitative study will take the approach of secondary data analysis, case study analysis and focus group discussions. Interviews of the relevant scholars could be incorporated, depending upon the availability and their response to the general inquires.

## Sources of Information

The information for this study will be gathered from the secondary data. Since it is a vast phenomenon, therefore it is impossible to get to each affected person of human trafficking and estimate his or her response. In order to limit the participants for this study, the audience will be limited to those who either are affected directly or had been hurt indirectly.

## Study design

The study design for this research is qualitative. The data scrutinized, a gist of which has been mentioned in the literature review section will be analyzed. In such ways, the responses of the authors and those who had been a part of this activity will be analyzed. This study can also take the form of focus group studies, where scholars who have explored this concept before will be called and a group discussion could be arranged to sort for the most held view.

## Data Analysis

The analysis of the secondary data shortlisted for this study suggests that a specific and not a more general data had been analyzed in many of the studies. Since the approach of each investigation against the human trafficking incidents remains similar, therefore, not a more different result could be expected from the studies. Also, another reason being the qualitative approach which is being followed when examining the human trafficking cases.

# Factors behind human trafficking?

In the simplest manner, human trafficking can be understood as the buying and selling of human beings, which may take different forms. With time, human trafficking has become financially attractive, and those involved in trafficking are numbered in thousands (Mahalingam 2019). Though different states are working against this menace, there efforts remain useless, since there is an absence of a unified approach to work against human trafficking. Some of the factors which are leading causes of human trafficking are as follow

## High financial rewards

Human trafficking is increasing crime since it involves high financial gains at low risks. Those involved in human trafficking are well aware of the measure being taken against them, or what strategies could be adopted against them (Mahalingam 2019). In view of these possible measures, they tend to change their course of action. Similarly, since human trafficking is related to drug trafficking or is used for that purpose, therefore, those linked with human trafficking make high financial profits. The cost they employ to gain access to people is much low compared to the profit they receive (Mahalingam 2019).

## Cheap labor demands

Once transported, the victims have no option, other than to be a sex slave or being used as force labor. Many of them choose to work for low wages and resultantly, they are used as cheap labor (Gupta 2017). This phenomenon had been studied for many long, and those linked with financial analysis of the labor market opines that human trafficking is nothing, but a source for providing cheap labor. The unfortunate aspect linked with force labor is that it is a tool for benefitting state-owned enterprises as well, which is condemnable (Gupta 2017).

## Systemic inequalities

Presently, the world is facing systemic inequalities, which in one way or another benefits certain factions of the society. These inequalities tend to become a source for financial gains and as a result state authority in the less developed world puts a blind eye toward it. These systemic inequalities are raised in a pre-defined manner, which as a result make them a source for human traffickers (Chong and Clark 2017, 74). For example, conflict, violence, lack of basic facilities, and mass displacement etc. These all aspects could be avoided since it involves a positive human conscious, but unfortunately are paid little heed. Therefore, Chong and Clark argues that systemic inequalities are the root causes, which gives birth to other menaces as well (Chong and Clark 2017, 79).

# Human trafficking and criminal justice public policy

In the United States, the criminal justice public policy aims at combating human trafficking, by employing swerve criminal charges for this offense. Since the year 2003, state legislators in the United States had been proactive in introducing laws, which target human traffickers (Williams 2018). Though different other states follow the same legal spirit for combating human trafficking, there remains a noticeable gap in terms of legal mechanism adopted. The criminal justice public policy has a different variation and penalty structure for the offenses related to crimes involving trafficking of any nature, inside or if in any way linked to the US. The penalty structure and the associated legal structure ensure to present a strong case against in front of the special courts (Williams 2018). Different state laws and the associated legal structures in criminal justice public policy between 2003 and 2012, include a strong resolve against curbing human trafficking (Williams 2018). This resolve reflects the spirit of the US for curbing human trafficking at any level.

The provisions of criminal justice public policy related to human trafficking are based on a comprehensive structure that involves arresting those linked with human trafficking and ensuring timely prosecutions. The federal law [18 USC](https://en.wikipedia.org/wiki/Title_18_of_the_United_States_Code) § 1589, mentions human trafficking a crime since it is linked with making people work forcefully (Grady 2019). Different criminal experts believe that human trafficking is interpreted in essence a modern form of slavery, according to US federal laws. The latest report released by the Departments of Justice in 2011 mentions that during 2008 and 2010, the federal courts resolved 2, 515 cases of human trafficking, which includes sentencing to death 83 percent of the convicted criminals (Grady 2019). These convicted criminals faced a tough judicial procedure that involved considering social and political reasons behind their conduct. In addition to this, the amendments proposed in the criminal justice public policy of America hints at expanding legal provisions including provisions related to victim assistance and establishing task forces to combat human trafficking (Grady 2019).

# Offenses related to human trafficking

Owing to the involvement of different state borders, human trafficking expands to include various offenses, which in one way or another is linked to human trafficking. The expansion of these benefits gradually turns human trafficking into a multidimensional and hazardous offense. Crimes that are directly related to human trafficking are abductions, sequestration, kidnapping or any illegal trade including drugs (Farrell and Reichert 2017, 41). Though the domestic laws of different states, consider these offenses as illegal but owing to the legal flaws attached, it ends at creating space for minimizing threats for the offenders. In the states which are financially weak, the level of such related criminal activities is more expanded, which becomes beneficial for regional groups working for human trafficking. Criminal experts believe that trafficking is interpreted as a single crime, however, it is more like a process, which involves many people from different states (Farrell and Reichert 2017, 43). As a result, human trafficking ends at becoming a threat to different nations.

In domestic cultures, there exist different crimes that are related to one another in any way. Those who commit drug-related trade, in any way, become a mean for traffickers. Similarly, those involve in kidnapping and abduction, develop the links with those working at a higher level. These nexuses have also been discovered and referred to as the example of a lengthened crime, which denotes the severity of human trafficking results. Smuggling and sale of weapons and prostitution at a local level are also linked to human trafficking in one way or another (Chacón 2017, 101). The interesting thing to note is the chain effect which is apparent at each stage. The reason why these crimes and associated criminal activities keep on harnessing is the legal flaws. These legal flaws are present both at the domestic level and at the domestic level. Since states deal with the offenses at the regional level or the international level, therefore, there remains considerable dearth in combating these crimes at the domestic level, which has risen to an alarming level. Chacón also argues that crime related to money laundering and tax dodging are also secondary form of human trafficking (Chacón 2017, 103).

# Measures to curb human trafficking

In order to curb human trafficking, states need to employ and expand domestic resources. States facing unstable economic conditions rely primarily on the regional mechanism to curb such measures. Some of the states also focus on adopting an internationally agreed framework of actions in order to combat human trafficking. Ghimire and Sharma writes that despite various agreed mechanisms to combat human trafficking, there is an absence of a common will, to eliminate this (Ghimire and Sharma 2017, 111). He refers to the estimates of human trafficking incidents, which he believes are reflective of the limited measure being taken against human trafficking. Ghimire and Sharma also believes that though the spirit of many states converges at a similar point, the growing occurrences suggest that there exists a major flaw in the legal ways to combat this menace (Ghimire and Sharma 2017, 114). An interesting comparison drawn by both authors suggests that depending on mobilizing global resources against human trafficking lacks political will and spirit.

Though a wide literature suggests that the measures related to curbing human trafficking are not enough, but the official statement and data released annually by the states suggest that states are actively pursuing measures to curb human trafficking. In views of such statements and official data released by the United Nations, the following are some anti-trafficking measures being worked over in different states.

### Creating indicators:

States need to develop indicators that suggest the level of offenses in human trafficking. Though it requires bringing together various elements of a counter-strategy, it remains helpful in combating human trafficking. Ghimire and Sharma writes that these indicators can be based on the criminal records, level of public participation, gender-based violence and cases related to domestic abuse. He has also stressed upon the need that states should maintain large data repositories for that also, which helps in a criminal investigation (Ghimire and Sharma 2017, 114).

### Developing hotlines

There are many states where the concept of hotlines is still dysfunctional. The absence of hotlines makes it difficult to report the crime timely and contact the relevant person in a shorter period. In order to combat trafficking, the idea of hotlines has served in a positive manner. Hotline brings relevant stakeholders at the same level, which helps in contacting and dispatching law enforcement in a short time (Efrat 2016, 39).

### Voluntary support

People in different countries have less understanding of issues which create a favoring environment for traffickers. In some developed countries, there is an increasing trend to increase voluntary participation of the general public (Efrat 2016, 39). In the US, the public and private sector universities are developing programs that aim at increasing people's participation in the efforts to curb human trafficking.

### Increasing social participation

Human traffickers work at places where social participation is minimum, or otherwise, people or population is segregated. Depending upon the severity of this issue, domestic governments in countries like India, Philippines, South Africa and the USA are raising mass awareness among the public, to ensure social participation. Community programs are the best ways to make people know each other (Chong and Clark 2017, 25).

### Strengthening anti-trafficking organizations

In addition to the regional and international organizations working against human trafficking, there are regional anti-trafficking organizations as well. These organizations work inconsistently with the local authorities, which as a result strengthen anti-trafficking measures. These domestic organizations are also more aware of the sources and people being used to pursue such offenses.

### Intensifying anti-trafficking capabilities

States with fewer human resources to work in anti-trafficking organizations face swerving consequences of this crime. Compared to such organizations, anti-trafficking organizations in the US and Canada are working ferociously to combat the threat of human trafficking. Marlin argues that small states must make a part of such campaigns, which can help to combat this threat at the originating level (countries where this crime originates) (Marlin 2016, 56). These efforts are somehow limited and needed to be strengthened.

### Expanding legal mechanism

The legal mechanism in different countries of the world is unlike and not- compatible. However, the United Nations norms suggest that expansion in these norms can serve the purpose of combating this risk (Marlin 2016, 59).

# Conclusion

Human trafficking is an issue in the modern world. The institutional approaches to combat this issue are good enough, but there remains a dearth in common efforts at the global level to fight this social menace. Besides strengthening the efforts against human trafficking, the developed countries need to build smaller state’s capacity to lessen the threats of human trafficking. An organization like the World Bank and Human Rights Watch should also mobilize their resources to increase participation and make the world a safe place.

# References:

Burke, Mary C. 2017. *Human Trafficking: Interdisciplinary Perspectives*. Routledge.

Chacón, Jennifer M. 2017. “Human Trafficking, Immigration Regulation, and Subfederal Criminalization.” *New Criminal Law Review: An International and Interdisciplinary Journal* 20(1): 96–129.

Chong, Natividad Gutiérrez, and Jenny B. Clark. 2017. *Human Trafficking: A Complex Phenomenon of Globalization and Vulnerability*. Routledge.

Efrat, Asif. 2016. “Global Efforts against Human Trafficking: The Misguided Conflation of Sex, Labor, and Organ Trafficking.” *International Studies Perspectives* 17(1): 34–54.

Farrell, Amy, and Jessica Reichert. 2017. “Using US Law-Enforcement Data: Promise and Limits in Measuring Human Trafficking.” *Journal of Human Trafficking* 3(1): 39–60.

Gallagher, Anne T. 2010. *The International Law of Human Trafficking*. Cambridge University Press.

Ghimire, Krishna Jeevi, and Narayan Prasad Sharma. 2017. “Human Trafficking Crimes: Status, Court Perspectives and Control Measures.” *NJA LJ* 11: 115.

Grady, Matthew T. 2019. “Prosecuting Human Trafficking.” *Army Law.*: 60.

Gupta, Ruchira. 2017. “Unit-3 Causes Of Human Trafficking.” In IGNOU.

Jong, Melanie. 2019. “Human Trafficking.” *MacEwan University Student Research Proceedings* 4(1).

Mahalingam, Ravi. 2019. “Understanding The Market System of Human Trafficking.” *Malaysian Journal of Social Sciences and Humanities (MJSSH)* 4(2): 1–7.

Marlin, Marguerite. 2016. “Global Civil Society and UN Anti-Trafficking Agreements.” In *Democracy and Civil Society in a Global Era*, Routledge, 250–266.

Shelley, Louise. 2010. *Human Trafficking: A Global Perspective*. Cambridge University Press.

Stickle, Wendy, Shelby Hickman, and Christine White. 2019. *Human Trafficking: A Comprehensive Exploration of Modern Day Slavery*. SAGE Publications, Incorporated.

Van der Linden, Marcel. 2019. “The International Labour Organization, 1919–2019: An Appraisal.” *Labor* 16(2): 11–41.

Williams, Beth A. 2018. “Efforts to Stop Human Trafficking.” *Harv. JL & Pub. Pol’y* 41: 623.