

## FIGHTING HUMAN TRAFFICKING

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**ABSTRACT:** *Over the past 15 years, “trafficking in persons” or “human trafficking” have been used as umbrella terms for activities involved when one person obtains or holds another person in compelled service. This compelled service describes a number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.*

*A person may be a trafficking victim regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation.*

*Major forms of human trafficking include: Forced Labor, Sex Trafficking, Bonded Labor, Debt Bondage Among Migrant Laborers, Involuntary Domestic Servitude, Child Soldiers.*

*The paper will focus on these issues: International facts on combating human trafficking, European incentives on combating human trafficking, Albanian facts on fighting human trafficking, Recommendations.*

**KEYWORDS:** *forced labor, sex trafficking, involuntary domestic servitude, child soldiers*

**JEL CLASSIFICATION:** *K 14*

### 1. WHAT IS HUMAN TRAFFICKING?

Over the past 15 years, “trafficking in persons” or “human trafficking” have been used as umbrella terms for activities involved when one person obtains or holds another person in compelled service. This compelled service describes a number of different terms: involuntary servitude, slavery, debt bondage, and forced labor.

A person may be a trafficking victim regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. At the heart of this phenomenon are the myriad forms of enslavement – not the activities involved in international transportation.

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Major forms of human trafficking include:

*Forced Labor.* Recent studies show the majority of human trafficking in the world takes the form of forced labor. The ILO<sup>1</sup> estimates that for every trafficking victim subjected to forced prostitution, nine people are forced to work. Also known as involuntary servitude, forced labor may result when unscrupulous employers exploit workers made more vulnerable by high rates of unemployment, poverty, crime, discrimination, corruption, political conflict, or cultural acceptance of the practice. Immigrants are particularly vulnerable, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labor, especially women and girls in domestic servitude, are often sexually exploited as well.

*Sex Trafficking.* Sex trafficking comprises a smaller but still significant portion of overall human trafficking. When an adult is coerced, forced, or deceived into prostitution – or maintained in prostitution through coercion – that person is a victim of trafficking. All of those involved in recruiting, transporting, harboring, receiving, or obtaining the person for that purpose have committed a trafficking crime. Sex trafficking can also occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” – which exploiters insist they must pay off before they can be free. It is critical to understand that a person’s initial consent to participate in prostitution is not legally determinative: if they are thereafter held in service through psychological manipulation or physical force, they are trafficking victims and should receive the benefits outlined in the Palermo Protocol and applicable domestic laws.

*Bonded Labor.* One form of force or coercion is the use of a bond, or debt. Often referred to as “bonded labor” or “debt bondage,” the practice has long been prohibited under U.S. law by its Spanish name – *peonage* – and the Palermo Protocol requires its criminalization as a form of trafficking in persons. Workers around the world fall victim to debt bondage when traffickers or recruiters unlawfully exploit an initial debt the worker assumed as part of the terms of employment. Workers may also inherit debt in more traditional systems of bonded labor. In South Asia, for example, it is estimated that there are millions of trafficking victims working to pay off their ancestors’ debts.

*Debt Bondage Among Migrant Laborers.* Abuses of contracts and hazardous conditions of employment for migrant laborers do not necessarily constitute human trafficking. However, the attribution of illegal costs and debts on these laborers in the source country, often with the support of labor agencies and employers in the destination country, can contribute to a situation of debt bondage. This is the case even when the worker’s status in the country is tied to the employer as a guest worker in the context of employment-based temporary work programs.

*Involuntary Domestic Servitude.* A unique form of forced labor is the involuntary servitude of domestic workers, whose workplace is informal, connected to their off-duty living quarters, and not often shared with other workers. Such an environment, which often socially isolates domestic workers, is conducive to nonconsensual exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Investigators and service providers report many cases of untreated illnesses and, tragically,

<sup>1</sup> International Labor Organization.

widespread sexual abuse, which in some cases may be symptoms of a situation of involuntary servitude.

*Forced Child Labor.* Most international organizations and national laws recognize children may legally engage in certain forms of work. There is a growing consensus, however, that the worst forms of child labor should be eradicated. The sale and trafficking of children and their entrapment in bonded and forced labor are among these worst forms of child labor, and these are forms of trafficking. A child can be a victim of human trafficking regardless of the location of that nonconsensual exploitation. Indicators of possible forced labor of a child include situations in which the child appears to be in the custody of a non-family member who has the child perform work that financially benefits someone outside the child's family and does not offer the child the option of leaving. Anti-trafficking responses should supplement, not replace, traditional actions against child labor, such as remediation and education. However, when children are enslaved, their abusers should not escape criminal punishment by virtue of longstanding administrative responses to child labor practices.

*Child Soldiers.* Child soldiering can be a manifestation of human trafficking where it involves the unlawful recruitment or use of children – through force, fraud, or coercion – as combatants or for labor or sexual exploitation by armed forces. Perpetrators may be government forces, paramilitary organizations, or rebel groups. Many children are forcibly abducted to be used as combatants. Others are made unlawfully to work as porters, cooks, guards, servants, messengers, or spies. Young girls can be forced to marry or have sex with male combatants. Both male and female child soldiers are often sexually abused and are at high risk of contracting sexually transmitted diseases.

*Child Sex Trafficking.* According to UNICEF, as many as two million children are subjected to prostitution in the global commercial sex trade. International covenants and protocols obligate criminalization of the commercial sexual exploitation of children. The use of children in the commercial sex trade is prohibited under both U.S. law and the Palermo Protocol as well as by legislation in countries around the world. There can be no exceptions and no cultural or socioeconomic rationalizations preventing the rescue of children from sexual servitude. Sex trafficking has devastating consequences for minors, including long-lasting physical and psychological trauma, disease (including HIV/AIDS), drug addiction, unwanted pregnancy, malnutrition, social ostracism, and possible death.

## 2. INTERNATIONAL FACTS ON COMBATING HUMAN TRAFFICKING

The United States was ranked for the first time in the 10th annual Trafficking in Persons Report documenting human trafficking and modern slavery, released by the Department of State. The report found that in America men, women, and children were subject to trafficking for “forced labor, debt bondage, and forced prostitution.”

The report is important to prevent human trafficking and each year includes greater detail about trafficking situations in countries around the world, the report ranks 177 countries based on “the extent of government action to combat trafficking.”

Jennifer Bernal Garcia of the Center for a New American Security says including the United States in the report makes sense. Speaking by phone, she said that human trafficking is a transnational phenomenon and the “U.S. is in no way immune.”

Secretary of State Hilary Clinton announced the release of the report in Washington, D.C., urging governments as well as businesses that profit from human trafficking to take “shared responsibility” for these human rights violations.

Important national and international legislation was passed 10 years ago that allowed the report to begin its annual research and assessment of human trafficking across the world. In 2000, the United States passed the Trafficking Victims Protection Act, establishing the tier ranking system of the report. The United Nations also adopted the Palermo Protocol that year, which provided for “the criminalization of all acts of trafficking - including forced labor, slavery, and slavery like practices - and that governmental response should incorporate the ‘3P’ paradigm: prevention, criminal prosecution, and victim protection,” according to the report’s website.

The task of ending modern slavery cannot be simply given to nongovernmental organizations. In order to bring traffickers to justice, “We can’t just blame international organized crime and rely on law enforcement to pursue them. It is everyone’s responsibility. Businesses that knowingly profit or exhibit reckless disregard about their supply chains, governments that turn a blind eye, or do not devote serious resources to addressing the problem, all of us have to speak out and act forcefully.”

10 years ago when the report was compiled for the first time, human trafficking was “a little-understood crime that took place in the shadows, cast a darkness over our fundamental rights whether constitutional, international norms, or personal liberties.” Ten years later, it has become a topic of great concern, and there is an even greater need to take bold steps forward.

All countries should participate in human trafficking. The 2010 report documents the United States not just as a destination or transit country for trafficking, but “we, too, are a source country for people held in servitude.”

Advocates who fought to end slavery and human trafficking in their countries were named heroes and were presented certificates. They came from such diverse countries as Brazil, Jordan, Uzbekistan, and Hungary.

This year marks a year of progress against human trafficking. For example, Argentina made its first conviction under an anti-trafficking law. But there is still much left to do to end slavery once and for all, and we hope “this report galvanizes further action.”

The 2010 Trafficking in Persons (TIP) Report marks the 10th anniversary of key milestones in the fight against modern slavery. In 2000, the United States enacted the Trafficking Victims Protection Act (TVPA), and the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. Since then, the world has made great strides in combating this ultimate exploitation – both in terms of what we know about this crime and how we respond.

The Palermo Protocol focused the attention of the global community on combating human trafficking. For the first time, an international instrument called for the criminalization of all acts of trafficking – including forced labor, slavery, and slaverylike practices – and that governmental response should incorporate the “3P” paradigm: *prevention*, *criminal prosecution*, and *victim protection*. Over 10 years, governments worldwide have made appreciable progress in understanding a number of realities about

human trafficking: people are in situations of modern slavery in most countries; trafficking is a fluid phenomenon responding to market demands, weakness in laws and penalties, and economic and development disparities. More people are trafficked for forced labor than for commercial sex. The crime is less often about the flat-out duping and kidnapping of naïve victims than it is about the coercion and exploitation of people who initially entered a particular form of service voluntarily or migrated willingly. Trafficking can occur without movement across borders or domestically, but many countries and commentators still assume some movement is required. Men comprise a significant number of trafficking victims. And traffickers often use sexual violence as a weapon against women to keep them in compelled service, whether in a field, a factory, a brothel, a home, or a war zone.

The “3P” paradigm is an interlocking one. It is not enough to prosecute traffickers if we do not also provide assistance to the survivors and work to ensure that no one else is victimized. No country has yet attained a truly comprehensive response to this massive, ever increasing, ever changing crime. Ten years of focused efforts is the mere infancy of this modern movement; many countries are still learning about human trafficking and the best responses to it.

Promising practices, task forces, and coordinating bodies’ national plans of action must be implemented on the ground, and local innovations must be supported and amplified by central governments. The vast majority of the millions held in modern slavery have yet to benefit from any progress; every country must do more to fulfill the promise of the Palermo Protocol.

Last year, the world imported and exported billions of dollars in products tainted by forced labor in manufacturing and raw materials procurement, according to the International Labour Organization (ILO). Governments knowingly and unknowingly deported trafficking victims and failed to provide victims shelter and reintegration services, which led to undercutting investigations and delaying the rehabilitation of victims. They continued to struggle with poorly constructed immigration laws that increased the vulnerability of migrant populations to trafficking.

When reviewing the trafficking assessment for each country, it is critical to remember that these assessments are based on compliance with *minimum* standards set forth in the TVPA, as amended – what the U.S. government considers the floor for engagement rather than the ceiling.

Fighting human trafficking is not a static exercise. A trafficking law passed last year must be implemented and improved this year. The lessons learned from last year’s prosecutions should inform and improve this year’s law enforcement response. Wide disparities between numbers of trafficking victims identified and trafficking offenders prosecuted should be reviewed with the goal of improving the capacity of law enforcement responders to deliver justice for victims. Although numbers of trafficking prosecutions and convictions are important indicators of progress, the quality and impact of counter-trafficking law enforcement efforts are more significant.

The missed opportunities for compassionate and effective victim identification must serve as a clarion call to ensure that this year, there is a proactive approach to victim identification and assistance, upholding the Palermo Protocol and the TVPA’s guarantees of justice for every victim.

The 2010 TIP Report is a diagnostic tool reflective of efforts on the ground now. It is neither a condemnation nor a reprieve; nor is it a guarantee of next year's ranking. Indeed, this year's report reflects upgrades for 23 countries in recognition of long overdue results and downgrades for 19 countries demonstrating sparse victim protections, desultory implementation, or inadequate legal structures.

Most countries that deny the existence of victims of modern slavery within their borders are not looking, trying, or living up to the mandates of the Palermo Protocol and the demands of our common humanity. There is no shame in addressing a problem of this magnitude; the shame lies in ignoring it.

### 3. EUROPEAN INCENTIVES ON COMBATING HUMAN TRAFFICKING

*Human trafficking* is the illegal trade in human beings for the purposes of commercial sexual exploitation or forced labor: a modern-day form of slavery. It is the fastest growing criminal industry in the world, and tied with the illegal arms industry as the second largest, after the drug-trade<sup>2</sup>.

Adopted by the United Nations in Palermo, Italy in 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the Trafficking Protocol) is an international set of diplomatic guidelines established by the United Nations Convention against Transnational Organized Crime. The Trafficking Protocol is one of three Protocols adopted to supplement the Convention.

The Protocol is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights. The Trafficking Protocol defines human trafficking as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used.

Trafficking is a lucrative industry. It is now the fastest growing criminal industry in the world. Globally, it is tied with the illegal arms trade, as the second largest criminal activity, following the drug trade. The total annual revenue for trafficking in persons is estimated to be between USD\$5 billion and \$9 billion. The Council of Europe states, "People trafficking has reached epidemic proportions over the past decade, with a global

<sup>2</sup> Jakobsson, Niklas and Andreas Kotsadam. "The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation," Working Papers in Economics 458, Göteborg University, Department of Economics., 2010, 29 pages.

annual market of about \$42.5 billion.” The United Nations estimates nearly 2.5 million people from 127 different countries are being trafficked around the world.

Human trafficking differs from people smuggling. In the latter, people voluntarily request or hire an individual, known as a smuggler, to covertly transport them from one location to another. This generally involves transportation from one country to another, where legal entry would be denied upon arrival at the international border. There may be no deception involved in the (illegal) agreement. After entry into the country and arrival at their ultimate destination, the smuggled person is usually free to find their own way.

While smuggling requires travel, trafficking does not. Much of the confusion rests with the term itself. The word “trafficking” includes the word “traffic,” which we often equate with transportation or travel. However, while the words look and sound alike, they do not hold the same meaning. Human trafficking does not require the physical movement of a person (but must entail the exploitation of the person for labor or commercial sex). Additionally, victims of human trafficking are not permitted to leave upon arrival at their destination. They are held against their will through acts of coercion and forced to work or provide services to the trafficker or others. The work or services may include anything from bonded or forced labor to commercialized sexual exploitation. The arrangement may be structured as a work contract, but with no or low payment or on terms which are highly exploitative. Sometimes the arrangement is structured as debt bondage, with the victim not being permitted or able to pay off the debt.

*Bonded labor*, or debt bondage, is probably the least known form of labor trafficking today, and yet it is the most widely used method of enslaving people. Victims become bonded laborers when their labor is demanded as a means of repayment for a loan or service in which its terms and conditions have not been defined or in which the value of the victims’ services as reasonably assessed is not applied toward the liquidation of the debt. The value of their work is greater than the original sum of money “borrowed.”

*Forced labor* is a situation in which victims are forced to work against their own will, under the threat of violence or some other form of punishment, their freedom is restricted and a degree of ownership is exerted. Men are at risk of being trafficked for unskilled work, which globally generates \$31bn according to the International Labor Organization. Forms of forced labor can include domestic servitude; agricultural labor; sweatshop factory labor; janitorial, food service and other service industry labor; and begging.

*Sex trafficking* victims are generally found in dire circumstances and easily targeted by traffickers. Individuals, circumstances, and situations vulnerable to traffickers include homeless individuals, runaway teens, displaced homemakers, refugees, and drug addicts. While it may seem like trafficked people are the most vulnerable and powerless minorities in a region, victims are consistently exploited from any ethnic and social background.

Traffickers, also known as pimps or madams, exploit vulnerabilities and lack of opportunities, while offering promises of marriage, employment, education, and/or an overall better life. However, in the end, traffickers force the victims to become prostitutes or work in the sex industry. Various work in the sex industry includes prostitution, dancing in strip clubs, performing in pornographic films and pornography, and other forms of involuntary servitude.

While human trafficking does not require travel or transport from one location to another, one form of sex trafficking involves international agents and brokers who arrange travel and job placements for women from one country. Women are lured to accompany traffickers based on promises of lucrative opportunities unachievable in their native country. However, once they reach their destination, the women discover that they have been deceived and learn the true nature of the work that they will be expected to do. Most have been told lies regarding the financial arrangements and conditions of their employment and find themselves in coercive or abusive situations from which escape is both difficult and dangerous. According to the U.S. Department of Justice, there were 1,229 human trafficking incidents in the United States from January 2007- September 2008. Of these, 83 percent were sex trafficking cases.

*Child labor* is a form of work that is likely to be hazardous to the health and/or physical, mental, spiritual, moral or social development of children and can interfere with their education. The International Labor Organization estimates worldwide that there are 246 million exploited children aged between 5 and 17 involved in debt bondage, forced recruitment for armed conflict, prostitution, pornography, the illegal drug trade, the illegal arms trade and other illicit activities around the world.

*Trafficking in children.* Trafficking of children is the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation.

Trafficking and commercial sexual exploitation of children can take many forms and include forcing a child into prostitution or other forms of sexual activity or child pornography. Child exploitation can also include forced labour or services, slavery or practices similar to slavery, servitude, the removal of organs, illicit international adoption, trafficking for early marriage, recruitment as child soldiers, for use in begging or as athletes (such as child camel jockeys or football players), or for recruitment for cults.

Thailand and Brazil are considered to have the worst child sex trafficking records.

Trafficking in children often involves exploitation of the parents' extreme poverty. Parents may sell children to traffickers in order to pay off debts or gain income, or they may be deceived concerning the prospects of training and a better life for their children. They may sell their children for labor, sex trafficking, or illegal adoptions.

The adoption process, legal and illegal, when abused can sometimes result in cases of trafficking of babies and pregnant women between the West and the developing world. In David M. Smolin's papers on child trafficking and adoption scandals between India and the United States, he presents the systemic vulnerabilities in the inter-country adoption system that makes adoption scandals predictable.

Thousands of children from Asia, Africa, and South America are sold into the global sex trade every year. Often they are kidnapped or orphaned, and sometimes they are actually sold by their own families. In the U.S. Department of Justice 07-08 study, more than 30 percent of the total number of trafficking cases for that year were children coerced into the sex industry.

*Human trafficking and sexual exploitation.* There is no universally accepted definition of trafficking for sexual exploitation. The term encompasses the organized movement of people, usually women, between countries and within countries for sex work with the use of physical coercion, deception and bondage through forced debt. However,



the issue becomes contentious when the element of coercion is removed from the definition to incorporate facilitating the willing involvement in prostitution. For example, in the United Kingdom, The Sexual Offences Act, 2003 incorporated trafficking for sexual exploitation but did not require those committing the offence to use coercion, deception or force, so that it also includes any person who enters the UK to carry out sex work with consent as having been trafficked. In addition, any minor involved in a commercial sex act in the United States while under the age of 18 qualifies as a trafficking victim, even if no movement is involved, under the definition of Severe Forms of Trafficking in Persons, in the U.S. Trafficking Victims Protection Act of 2000.

Save the Children stated: “The issue gets mired in controversy and confusion when prostitution itself is considered as a violation of the basic human rights of both adult women and minors, and equal to sexual exploitation per se.... trafficking and prostitution become conflated with each other.... On account of the historical conflation of trafficking and prostitution both legally and in popular understanding, an overwhelming degree of effort and interventions of anti-trafficking groups are concentrated on trafficking into prostitution”. The line between forced and voluntary prostitution is very thin, and prostitution in and on itself is seen by many as an abusive practice and a form of violence against women. In Sweden, Norway and Iceland it is illegal to pay for sex (the client commits a crime, but not the prostitute), as these countries consider all forms of prostitution to be exploitative or de facto slavery.

Sexual trafficking includes coercing a migrant into a sexual act as a condition of allowing or arranging the migration. Sexual trafficking uses physical coercion, deception and bondage incurred through forced debt. Trafficked women and children, for instance, are often promised work in the domestic or service industry, but instead are usually taken to brothels where their passports and other identification papers are confiscated. They may be beaten or locked up and promised their freedom only after earning – through prostitution – their purchase price, as well as their travel and visa costs.

The main motive of a woman (in some cases an underage girl) to accept an offer from a trafficker is better financial opportunities for herself or her family. In many cases traffickers initially offer ‘legitimate’ work or the promise of an opportunity to study. The main types of work offered are in the catering and hotel industry, in bars and clubs, modeling contracts, or au pair work. Traffickers sometimes use offers of marriage, threats, intimidation and kidnapping as means of obtaining victims. In the majority of cases, the women end up in prostitution. Also some (migrating) prostitutes become victims of human trafficking. Some women know they will be working as prostitutes, but they have an inaccurate view of the circumstances and the conditions of the work in their country of destination.

Trafficking victims are also exposed to different psychological problems. They suffer social alienation in the host and home countries. Stigmatization, social exclusion and intolerance make reintegration into local communities difficult. The governments offer little assistance and social services to trafficked victims upon their return. As the victims are also pushed into drug trafficking, many of them face criminal sanctions.

*Global extent, awareness and response.* Due to the illegal nature of trafficking and differences in methodology, the exact extent and growth of the industry is unknown.

According to United States State Department data, an “estimated 600,000 to 820,000 men, women, and children [are] trafficked across international borders each year, approximately 70 percent are women and girls and up to 50 percent are minors. The data also illustrates that the majority of transnational victims are trafficked into commercial sexual exploitation.” However, they go on to say that “the alarming enslavement of people for purposes of labor exploitation, often in their own countries, is a form of human trafficking that can be hard to track from afar.”

Reporters have witnessed a rapid increase in prostitution in Cambodia, Bosnia, and Kosovo after UN and, in the case of the latter two, NATO peacekeeping forces moved in. Peacekeeping forces have been linked to trafficking and forced prostitution. Proponents of peacekeeping argue that the actions of a few should not incriminate the many participants in the mission, yet NATO and the UN have come under criticism for not taking the issue of forced prostitution linked to peacekeeping missions seriously enough.

Human trafficking across international borders requires cooperation and collaboration between states if it is to be tackled effectively. The OSCE (Organization for Security and Co-operation in Europe), an ad hoc intergovernmental organization under the United Nations Charter, is one of the leading agencies fighting the problem of human trafficking, with an area of operation that includes North America, Europe, Russia, and Central Asia. Council of Europe’s Convention on Action against Trafficking in Human Beings was signed by 41 Council of Europe member states and ratified by 26.

A common misconception is that trafficking only occurs in poor countries. But every country in the world is involved in the underground, lucrative system. A “source country” is a country from which people are trafficked. Usually, these countries are destitute and may have been further weakened by war, corruption, natural disasters or climate. Some source countries are Nepal, Guatemala, the former Soviet territories, and Nigeria, but there are many more. A “transit country”, like Mexico or Israel, is a temporary stop on trafficked victims’ journey to the country where they will be enslaved. A “destination country” is where trafficked persons end up. These countries are generally affluent, since they must have citizens with enough disposable income to “buy” the traffickers’ “products”. Japan, India, much of Western Europe, and the United States are all destination countries.

The most common destinations for victims of human trafficking are Thailand, Japan, Israel, Belgium, the Netherlands, Germany, Italy, Turkey and the US, according to a report by the UNODC (United Nations Office on Drugs and Crime).

The major sources of trafficked persons include Thailand, China, Nigeria, Albania, Bulgaria, Belarus, Moldova, and Ukraine.

In some areas, like Russia,[39] Eastern Europe, Hong Kong, Japan, and Colombia, trafficking is controlled by large criminal organizations. However, the majority of trafficking is done by networks of smaller groups that each specialize in a certain area, like recruitment, transportation, advertising, or retail. This is very profitable because little start-up capital is needed, and prosecution is relatively rare.

In a 2006 report the Future Group, a Canadian humanitarian organization dedicated to combating human trafficking and the child sex trade, ranked eight industrialized nations. In the report, titled “Falling Short of the Mark: An International Study on the Treatment of Human Trafficking Victims”, Canada received an F rating, the United Kingdom received a

D, while the United States received a B+ and Australia, Norway, Sweden, Germany and Italy all received grades of B or B-.

*Intergovernmental organizations. United Nations Global Initiative to Fight Human Trafficking.* In 2000 the United Nations adopted the Convention against Transnational Organized Crime, also called the Palermo Convention, and two Palermo protocols there to:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and
- Protocol against the Smuggling of Migrants by Land, Sea and Air.

All of these instruments contain elements of the current international law on trafficking in humans.

The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was conceived to promote the global fight on human trafficking, on the basis of international agreements reached at the UN. UN.GIFT was launched in March 2007 by the UN Office on Drugs and Crime (UNODC) with a grant made on behalf of the United Arab Emirates. It is managed in cooperation with the International Labour Organization (ILO); the International Organization for Migration (IOM); the UN Children's Fund (UNICEF); the Office of the High Commissioner for Human Rights (OHCHR); and the Organization for Security and Co-operation in Europe (OSCE). UN.GIFT works with all stakeholders - governments, business, academia, civil society and the media - to support each other's work, create new partnerships and develop effective tools to fight human trafficking.

The Global Initiative is based on a simple principle: human trafficking is a crime of such magnitude and atrocity that it cannot be dealt with successfully by any government alone. This global problem requires a global, multi-stakeholder strategy that builds on national efforts throughout the world.

To pave the way for this strategy, stakeholders must coordinate efforts already underway, increase knowledge and awareness, provide technical assistance; promote effective rights-based responses; build capacity of state and non-state stakeholders; foster partnerships for joint action; and above all, ensure that everybody takes responsibility for this fight.

By encouraging and facilitating cooperation and coordination, UN aims to create synergies among the anti-trafficking activities of UN agencies, international organizations and other stakeholders to develop the most efficient and cost-effective tools and good practices.

UN aims to mobilize state and non-state actors to eradicate human trafficking by reducing both the vulnerability of potential victims and the demand for exploitation in all its forms; ensuring adequate protection and support to those who fall victim; and supporting the efficient prosecution of the criminals involved, while respecting the fundamental human rights of all persons.

In carrying out its mission, UN will increase the knowledge and awareness on human trafficking; promote effective rights-based responses; build capacity of state and non-state actors; and foster partnerships for joint action against human trafficking.

*Organization for Security and Cooperation in Europe.* In 2003 the OSCE established an anti-trafficking mechanism aimed at raising public awareness of the problem and building the political will within participating States to tackle it effectively.

The activities of the Office of the Special Representative range from training law enforcement agencies to tackle human trafficking to promoting policies aimed at rooting out corruption and organized crime. The Special Representative also visits countries and can, on their request, support the formation and implementation of their anti-trafficking policies. In other cases the Special Representative provides advice regarding implementation of the decisions on human trafficking, and assists governments, ministers and officials to achieve their stated goals of tackling human trafficking.

*Government actions.* Actions taken to combat human trafficking vary from government to government. Some have introduced legislation specifically aimed at making human trafficking illegal. Governments can also develop systems of co-operation between different nations' law enforcement agencies and with non-government organizations (NGOs). Many countries have come under criticism for inaction, or ineffective action. Criticisms include failure of governments in not properly identifying and protecting trafficking victims, immigration policies which potentially re-victimize trafficking victims, or insufficient action in helping prevent vulnerable people from becoming trafficking victims.

A particular criticism has been the reluctance of some countries to tackle trafficking for purposes other than sex.

Another action governments can take is raising awareness of this issue. This can take three forms. Firstly, in raising awareness amongst potential victims, particularly in countries where human traffickers are active. Secondly, raising awareness amongst police, social welfare workers and immigration officers to equip them to deal appropriately with the problem. And finally, in countries where prostitution is legal or semi-legal, raising awareness amongst the clients of prostitution to watch for signs of human trafficking victims.

Raising awareness can take on different forms. One method is through the use of awareness films or through posters.

During the time racism was a major issue in the U.S., Congress feared White slavery. The result of this fear was the White Slave Traffic Act of 1910, which criminalized interracial marriage and banned single women from crossing state borders for morally wrong acts. In 1914, of the women arrested for crossing state borders under this act, 70% were charged with voluntary prostitution. Once the idea of a sex slave shifted from a White woman to an enslaved woman from countries in poverty, the U.S. began passing immigration acts to curtail aliens from entering the country among other reasons. Several acts such as the Temporary Quota Act of 1921 and Immigration Act of 1924 were passed to prevent emigrants from Europe and Asia from entering the U.S. Following the banning of immigrants during the 1920s, human trafficking was not seen as a major issue until the 1990s. However, during 1949, the first international statute that dealt with sex slavery was the 1949 UN Convention for the Suppression of the Traffic in Persons and Exploitation of Prostitution of Others. This convention followed the abolitionist idea of sex trafficking as incompatible with the dignity and worth of the human person. Serving as a model for future legislation, the 1949 UN Convention was not ratified by every country.

Before America's recent efforts to take on a major role in the anti-trafficking movement, the U.N. was the main regulator in solving the global issue of human trafficking.

Under the Bush Administration, fighting sex slavery worldwide and domestically became a priority with an average of \$100 million spent per year, which substantially outnumbers the amount spent by other countries. Before President Bush took office, Congress passed the Trafficking Victims Protection Act of 2000 (TVPA). The TVPA strengthened services to victims of violence, law enforcements ability to reduce violence against women and children, and education against human trafficking. Also specified in the TVPA was a mandate to collect funds for the treatment of sex trafficking victims that provided shelter, food, education, and financial grants. Internationally, the TVPA set standards that the government of other countries must follow in order to receive aid from the U.S. to fight human trafficking. Once George W. Bush took office in 2000, restricting sex trafficking became one of his primary humanitarian efforts. Attorney General under President Bush, John Ashcroft, heavily enforced the TVPA. Today the State Department publishes the annual Trafficking in Persons Report, which examines the progress that the U.S. and other countries have made in destroying human trafficking businesses, arresting the kingpins, and rescuing the victims.

The PROTECT Act of 2003, passed in April 2003, was a part of the government effort to further increase the punishment of child exploitation. The 18 U.S.C. § 1591, or the “Commercial Sex Act” makes it illegal to recruit, entice, obtain, provide, move or harbor a person or to benefit from such activities knowing that the person will be caused to engage in commercial sex acts where the person is under 18 or where force, fraud or coercion exists.

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Council of Europe on 16 May 2005. The aim of the Convention is to prevent and combat trafficking in human beings, and ensure protection of victims. The Convention entered into force on 1 February 2008. Of the 47 member states of the Council of Europe, so far 27 have ratified it and 16 others have signed the Convention. The Directorate of Communication of the Council of Europe has spearheaded a campaign to raise awareness of trafficking across its 47 member States.

The Trafficking Protocol entered into force on 25 December 2003. By June 2010, the Trafficking Protocol had been signed by 117 countries and 137 parties.

#### **4. ALBANIAN FACTS ON FIGHTING HUMAN TRAFFICKING**

Albania is a source country for men, women, and children subjected to trafficking in persons, specifically forced prostitution and forced labor, including the forced begging of children. Albanian victims are subjected to conditions of forced labor and sex trafficking within Albania and Greece, Italy, Macedonia, Kosovo, and Western Europe. Approximately half of the victims referred for care within the country in 2009 were Albanian; these were primarily women and girls subjected to conditions of forced prostitution in hotels and private residences in Tirana, Durrës, and Vlora. Children were primarily exploited for begging and other forms of forced labor. There is evidence that Albanian men have been subjected to conditions of forced labor in the agricultural sector of Greece and other neighboring countries.

The Government of Albania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The

government continued to improve its capacity to identify, protect, and reintegrate trafficking victims. It also successfully prosecuted some sex trafficking offenders, leading to significant penalties imposed on them during the reporting period. In March 2009, the government approved an amendment to the Social Assistance law which will provide victims of trafficking with the same social benefits accorded to other at-risk groups in Albania and provide government funding for shelters. The government continues to track and analyze trafficking trends through a nationwide database. Government officials have increased public attention to trafficking in Albania. There were serious concerns, however, about protection for victims who testified against their traffickers. The government did not vigorously prosecute labor trafficking offenders and did not adequately address trafficking-related complicity. Lack of political will and cooperation in some key government agencies hampered the government's overall ability to vigorously prosecute all forms of trafficking.

*Recommendations.* Ensure proactive identification of persons exploited within Albania's sex trade and labor sectors, and intensify partnerships with NGOs to increase detection and referral of all trafficking victims; improve the safety of victims who cooperate as court witnesses by more vigorously implementing the witness protection law for such victims and follow through on plans to create a victim-witness advocate within the Prosecutor General's office; consider establishing a general fund for victim protection and reintegration using assets seized by the Serious Crimes Court from convicted trafficking offenders; finalize the draft law that provides reintegration assistance to victims after they leave a shelter and assistance to shelters; improve identification, protection and specialized services for child trafficking victims; aggressively prosecute labor trafficking offenders and law enforcement officials who are complicit in human trafficking; and continue to improve data collection and analysis efforts in tracking investigations, prosecutions, and convictions.

*Prosecution.* The Government of Albania sustained its anti-trafficking law enforcement efforts during the reporting period. Albania criminally prohibits sex and labor trafficking through its penal code, which prescribes penalties of 5 to 15 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. The State Police and Serious Crimes Prosecution division reported investigating a combined 35 suspected traffickers in 2009. The government prosecuted 31 suspected trafficking offenders in 2009, convicting 11 of them; this contrasts with 26 trafficking offenders convicted in 2008 and seven in 2007. All of the prosecutions and convictions involved sex trafficking of women or children. In 2009, sentences imposed on convicted trafficking offenders ranged from 5 to 16 years' imprisonment. Pervasive corruption in all levels and sectors of Albanian society seriously hampered the government's ability to address its human trafficking problem, according to local observers. While there were no prosecutions of trafficking-related complicity initiated, the Supreme Court overturned convictions of traffickers in two cases in 2009, raising concerns regarding the court's impartiality. In January 2009, the government reported it doubled the number of police investigators to investigate trafficking. The Serious Crimes Court successfully seized and confiscated \$268,115 in traffickers' assets and property in 2009. The government, in partnership with other relevant stakeholders, continued its routine anti-trafficking training for police recruits, in-service police

personnel, and other front-line responders in 2009. The government also continued its anti-trafficking training for 200 judges, prosecutors, and judicial police officers.

*Protection.* The Government of Albania took some steps to improve its efforts to identify and protect victims of trafficking victims in 2009. The government implemented its National Referral Mechanism and conducted meetings with relevant stakeholders to improve its functioning. It identified 94 victims of trafficking in 2009, compared with 108 in 2008. The government's one shelter assisted 24 victims and NGOs assisted 70 during the reporting period. In 2009, the government provided free professional training to 38 victims, provided 11 with micro-credit loans to start private businesses, and integrated five victims into schools. In January 2010, it approved a draft law to provide social assistance to trafficking victims bridging the time that they leave the shelters until they find employment. NGO-managed shelters continued to rely primarily on international donor funds in order to provide comprehensive services to trafficking victims. The government continued to fund and operates a reception center that housed both victims of trafficking and irregular foreign migrants identified within Albanian territory; however, victims' freedom of movement is often restricted in this high-security center. The government did not penalize victims for unlawful acts committed in connection with their being trafficked and, under law, it offered legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution, though no victims were granted such legal alternatives during the reporting period.

The government encouraged victims to participate in investigations and prosecutions of trafficking offenders; however, victims often refused to testify, or they changed their testimony as a result of intimidation from traffickers or fear of intimidation. In some cases in 2009, the police offered no protections to trafficking victims when testifying against their traffickers, forcing victims to rely exclusively on NGOs for protection. In 2009, one victim witness received asylum in another country due to ongoing threats from the trafficker to her and her family and concerns that the government could not adequately protect her. The General Prosecutor's office did not request witness protection for victims of trafficking in 2009.

*Prevention.* The Government of Albania sustained partnerships with international organizations in order to implement anti-trafficking prevention activities aimed at informing the public and vulnerable groups about trafficking. The National Coordinator's office continued to manage regional anti-trafficking working groups comprised of relevant stakeholders in 2009. These working groups, however, reportedly do not always include civil society actors and they did not efficiently address trafficking cases brought to their attention. The government continued to fund the national toll-free, 24-hour hotline for victims and potential victims of trafficking. In November 2009, the government passed legislation to improve the registration process for new births and individuals in the Roma community; previous cumbersome procedures rendered unregistered Albanians and ethnic Roma highly vulnerable to trafficking.

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