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**THE NEW SLAVERY: THE UNITED NATIONS' INTERREGIONAL
CRIME & JUSTICE RESEARCH INSTITUTE'S GLOBAL PROGRAM
AGAINST TRAFFICKING IN HUMAN BEINGS**

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THE NEW SLAVERY: THE UNITED NATIONS' INTERREGIONAL CRIME & JUSTICE RESEARCH INSTITUTE'S GLOBAL PROGRAM AGAINST TRAFFICKING IN HUMAN BEINGS

Marjana Valkova's story is typical of many woman trafficked for forced prostitution. She spoke with Human Rights Watch at Korydallos Women's Prison in Athens. Here is her story:

I paid a man 350 German marks (approximately U.S. \$162) to go to Greece since I had no papers. Instead, he brought me to Greece and sold me to a bar. He told me he would kill me if I left. We could not leave the house. There were twelve women, all of us from fifteen to twenty years old. The place was clean. We slept with a lot of men, ten men a day. We were beaten if we tried to leave. I was beaten with a belt. I was hurt and the others were too. The police came and arrested all of us women and brought us to a small prison. The women were from Bulgaria, Romania, and Russia. I stayed four months in prison and after that I went to court. Because I did not have papers, the court gave me three months (suspended sentence and immediate deportation) and told me I could not return to Greece for five years.¹

I. THE GROWTH OF HUMAN TRAFFICKING

Trafficking in human beings is now one of the largest enterprises of organized crime groups.² According to recent estimates,

¹ Human Rights Watch, *Memorandum of Concern Trafficking of Migrant Women for Forced Prostitution into Greece*, available at, <http://www.hrw.org/backgrounder/eca/greece/> (last visited May 15, 2003).

² David Watts, *Women Sold as Sex Slaves*, GAZETTE (Montreal), Mar. 20, 2003, available at <http://www.humantrafficking.com/humantrafficking/client/view.aspx?ResourceID=2009>. Trafficking in human beings is the recruitment, transportation, transfer, harboring or receipt of persons by means of force or the threat of force. It may also involve abduction, fraud, deception, abuse of power or the giving and receiving of payments for the purpose of sexual exploitation, forced labor,

more than 700,000 people are trafficked every year within or across international borders for the purpose of sexual exploitation and forced labor.³ They are sold into modern-day slavery. In South Asia, girls from villages in Nepal and Bangladesh are sold to brothels in India for \$1,000.⁴ There are an estimated 200,000 Nepali woman, mostly under the age of eighteen, who are being exploited to work in Indian cities.⁵ In the United States, a recent CIA report estimated that between 45,000 and 50,000 women and children are lured into the country every year and are forced into slave labor or prostitution.⁶ The Geneva-based International Organization for Migration (IOM), an inter-governmental organization working in tandem with the U.N. for the resettling of migrants and refugees,⁷ reports human trafficking to be a “thriving \$7 billion annual global business with links to the international arms trade, drugs, prostitution, and child abuse.”⁸

Trafficking in human beings continues to grow for many reasons. Potential victims are increasingly vulnerable to traffickers because the search for work abroad has been fueled by economic disparity, high unemployment rates, and the disruption of many of the traditional sources of livelihood.⁹ This economic vulnerability results in potential victims being more receptive to deception and

slavery-like practices, servitude or the removal of organs. United Nations Office of Drugs and Crime, *Trafficking in Human Beings*, available at http://www.unodc.org/unodc/trafficking_human_beings.html [hereinafter *Trafficking in Human Beings*] (last visited May 15, 2003).

³ Lisa Raffonelli, *INS Final Rule to Assist Victims of Trafficking*, REFUGEE REPORTS (Vol. 23 No. 3), Apr. 2002, available at http://www.refugees.org/world/articles/RR_April_2002_lead.cfm.

⁴ United Nations Office on Drugs and Crime, *Fact Sheet on Human Trafficking*, available at http://www.unodc.org/unodc/trafficking_fact_sheet.html (last visited May 15, 2003).

⁵ *Id.*

⁶ *Id.*

⁷ See INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM-OIM) MISSION STATEMENT, available at http://www.iom.int/en/who/main_mission.shtml (last visited May 15, 2003). Originally established in 1951, after a conference on International Migration initiated by the U.S. and Belgium, IOM was involved in the resettling of European migrants. *Id.* IOM in recent years has been involved in migration issues worldwide, particularly trafficking, and estimates that it has directly assisted over 11 million migrants. *Id.*

⁸ Thalif Deen, *Trafficking in Human Beings Reprehensible Says UN's Koif Annan*, Inter Press Service, Dec. 12, 2000, available at <http://www.commondreams.org/headlines/121400-02.htm>.

⁹ *Fact Sheet on Human Trafficking*, *supra* note 4.

more willing to believe the promises of wonderful job opportunities in other countries. Traffickers mislead immigrants about their destination country, what jobs they will perform in those countries, and often force their victims into prostitution and other criminal activities once they arrive in the destination country in order to pay for the travel expenses.¹⁰ Furthermore, those who have become victims are often unwilling to cooperate with authorities because they do not receive protection—which is another form of victimization. For instance, trafficking victims often considered criminals rather than victims and are often prosecuted for violations of immigration laws, prostitution, and other offenses.¹¹ There are also very few, if any, protection programs for witnesses and victims which decreases the efficiency of investigations and prosecutions.¹²

The smuggling and trafficking of humans has become a highly lucrative business for criminal organizations—especially organized crime—at the national and international levels. Human trafficking is an attractive means of business for organized crime because the business is relatively risk-free and the profits are potentially enormous.¹³

The final factor that makes human trafficking such a successful business is the inability of countries to prevent trafficking and apprehend the perpetrators. Although stories on human trafficking are becoming a popular subject for newspaper articles and television reports, and there are an increasing number of local case studies being done on the topic, many countries are having difficulty effectively controlling and preventing the problem. These countries do not have effective devices to combat trafficking because their legislation does not provide up to date regulations to deal with the

¹⁰ United Nations Interregional Crime and Justice Research Institute, *Global Programme Against Trafficking in Human Beings: Project Document* (on file with the New York Law School Journal of Human Rights) [hereinafter *Project Document*].

¹¹ *Id.*

¹² *Id.*

¹³ *New Forms of Slavery and Slavery-Like Practices: Trafficking in Human Beings, a Gross Human Rights Violation, Sub-Commission for the Promotion and the Protection of Human Rights, Doctors of the World, Fifty-fourth Session, Aug. 13, 2002, available at www.mdm-international.org/international/pages/nationsunies130802.htm. Most of the trafficked persons in Greece have little hope of escape and if they do manage to flee, they are subject to arrest as illegal aliens by the authorities, held for many months in detention, and are deported, often either to fall into the hands of their exploiters. *Id.**

problem because it is fairly new and growing quickly.¹⁴ Furthermore, many countries do not have the capacity to respond adequately to trafficking offenses due to: limited law enforcement capacity; lack of expertise in the judicial sector; and insufficient collaboration between law enforcement and criminal justice agencies and other relevant institutions such as immigration, border control, and social agencies.¹⁵

II. GLOBAL PROGRAM AGAINST TRAFFICKING IN HUMAN BEINGS

The United Nations has given priority to the problems of human trafficking and slavery since its founding. However, due to a lack of systematic research and reliable data on the issue that would provide a mechanism for comparative analysis, the ability to design programs that would combat the problem are scarce.¹⁶ In order to better enable governments and the international community to respond to these worldwide concerns, the U.N. Office for Drug Control and Crime Prevention ("ODCCP") proposed a global program designed to highlight the involvement of organized crime groups in human smuggling and trafficking and promote the development of effective criminal justice responses to it.¹⁷

The Global Program Against Trafficking in Human Beings ("Global Program") will focus on researching possible policies regarding trafficking that will be carried out by both the ODCCP and the United Nations Interregional Crime and Justice Research Institute (UNICRI). The Global Program will also include the cooperation of other U.N. organizations, member States, inter-governmental organizations, the academic community, non-governmental organizations, and other organizations involved in address-

¹⁴ *Id.* (stating that until the law is ratified, Greek legislation provides no legal protection or support for the tens of thousands of women and children trafficked through Greece each year).

¹⁵ *Project Document, supra* note 10.

¹⁶ *Id.* The United Nations is concerned about human rights violations involved in traditional and modern forms of slavery, such as trafficking in persons, trafficking in women, trafficking in children, the exploitation of the prostitution of others, sexual exploitation, labor exploitation, exploitation of child labor, the sale of children, child prostitution, child pornography, debt bondage, the use of children in armed conflicts and certain practices under apartheid and colonial regimes.

Id.

¹⁷ *Id.*

ing human trafficking and related occurrences.¹⁸ The Global Program will access regional and interregional trafficking trends, research and compile a list of the best polices and practices from around the world, and will then implement these practices on a trial basis in selected countries and regions and evaluate how well each project worked based on a list of standardized criteria. The end product is expected to be: an overview of some of the most serious manifestations of trafficking; a database of the best strategies for dealing with the problem accessible through the Internet; and a knowledge-based global strategy for the future.¹⁹

A. *The Four Phases*

The Global Program is focused on the involvement of organized crime in human trafficking and criminal justice related responses to it. It is being implemented in a series of phases. In the first phase, data is to be collected on different smuggling routes and the different ways traffickers transport and exploit their victims. Data is gathered primarily through researching available literature, but also by interviewing criminal justice officials and employees from immigration and social agencies who often have had the most direct contact with both victims and traffickers. Once the data is analyzed, it will be possible to identify the extent of the trafficking problem and the role criminal organizations play in heavy trafficking regions. At the same time, the ODCCP and UNICRI will compile a list of the best practices for addressing the involvement of organized crime groups in human trafficking.²⁰

In the second phase, countries will be selected based on the extent of trafficking in the area, and "the political commitment of the Government and the extent to which the country could serve as a model in the region."²¹ Once these countries have been selected, the Global Program will begin implementing some of the most promising programs on a trial basis in order to evaluate how well they work. The goal of this phase is to assist the selected countries in neutralizing groups involved in smuggling, to strengthen trafficking prevention programs, and to improve programs that will protect

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

and help trafficking victims and witnesses.²² The selected countries will work together and in conjunction with the U. N. offices to train law enforcement and customs officers and members of the judiciary and social services agencies, in organizing legislative reform, and creating a support network for victims and witnesses. Finally, this phase will promote and encourage the organization and development of national and local coalitions in countries where such coordination mechanisms do not exist.²³

The third phase is evaluative. The processes, impacts, and possible side effects of the demonstration projects will be assessed and a database will be created based on the overall results.²⁴ The most successful practices should emerge from this comparative database, and thus will provide guidance for the broader global strategy to address organized trafficking.²⁵ In the last phase, the ODCCP and UNICRI will work closely with national and international organizations to develop a global strategy against smuggling and trafficking in human beings.²⁶ At the completion of the last phase, the global strategy will be presented for adoption by the international community and then posted on a specialized website, also to include the results of the demonstration projects.²⁷

B. Technical Cooperation Projects

As a part of the second phase of the Global Program, and in cooperation with their national governments, technical cooperation projects have been held in several countries. Specific countries,

²² Member of European Forum for Left Feminists, *Memorandum of Concern Trafficking of Migrant Women for Forced Prostitution into Greece, Country Transit and Destination for Trafficked Women*, Human Rights Watch, (Nov. 14, 2000), available at http://www.hrw.org/backgrounder/eca/greece/greece_memo_greece.htm. According to the OSCE concerns have been expressed that victims of trafficking are not distinguished from undocumented migrants and about the government's method of deporting them. The Greek authorities routinely deport trafficked women by bus or train, sending them unaccompanied and arranging no assistance at the point of destination. *Id.*

²³ *Project Document*, *supra* note 10.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* The final phase of the Global Program and the adoption were originally scheduled to take place at some point in 2002. Due in part to the world's attention being drawn more to issues involving worldwide terrorist networks after the events of September 11, 2001, it is unclear as to whether U.N.I.C.R.I. met their target goal for the final phase in 2002. *Id.*

such as the Philippines, Czech Republic, Poland, and Brazil were chosen based on the involvement of organized crime in trafficking, determined by the first phase of the Global Program.

In 1999, the “Coalition Against Trafficking in Human Beings in the Philippines” was initiated by the Center for International Crime Prevention (CICP) and the UNICRI with support from the U.S. and the Australian Institute for Criminology (AIC).²⁸ This pilot project served as a model for the demonstration projects outline in phase two of the project and designed to develop a set of core elements that could be duplicated and used as standard components for all other demonstration projects. Thus far it has analyzed police and prosecution cooperation, evaluated the legal and social conditions of trafficking victims and witnesses, and has developed core group-research tools. Furthermore, the pilot project has facilitated some criminal justice responses to trafficking problems such as: establishing national coordination programs; raising awareness of and providing training to law enforcement officers; providing investigation and prosecution guidelines; formulating victim protection and support recommendations; and developing a database on organized crime involvement in trafficking. Based on the results of this pilot project, the ODCCP formulated a national plan against trafficking in human beings. Furthermore, the ODCCP plans on drafting a project on victim support based on the analysis of the victims and witnesses in this program. The project intends to use the national plan and research results to formulate follow-up activities.²⁹

A similar pilot project has been implemented in the Czech Republic and Poland, with Austria, Finland, Germany, and the Netherlands participating as partner countries. The main focus of this pilot project is on the essential cooperation needed between the criminal justice system and society in order to find ways to prevent and combat trafficking—especially stemming from organized crime groups.³⁰ The pilot project involves the application of the Protocol Against Trafficking,³¹ which is mainly the helping of countries to

²⁸ United Nations Office on Drugs and Crime, *Trafficking in Human Beings: Pilot Projects*, available at www.undcp.org/odccp/trafficking_projects.html [hereinafter *Pilot Projects*] (last visited May 15, 2003).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

change their legal and institutional policies so that they more closely resemble those of the Convention.³²

In South America, the Brazilian government signed the Brazilian Project in December 2001. This project will assess the trafficking situation in Brazil and will train law enforcement officers on investigation and prosecution techniques. Finally, the project will focus on assessing mutual legal agreements between countries and developing an awareness campaign.³³

Finally, a pilot project on trafficking in the West African region was developed that covers Benin, Nigeria, and Togo. With support from Canada, France, and Norway, the project will research recent trafficking trends—particularly the involvement of organized crime groups in these trends. The project will provide training for criminal justice practitioners that focus on cooperation between police, justice, and investigation techniques. The program will also provide training courses and workshops on the investigation and prosecution of transnational trafficking cases as well as victim protection. These training courses are intended, among other things, to promote networking among criminal justice practitioners in Benin, Nigeria, and Togo.³⁴

C. Current Events

Since the development of the program, additional projects have been instituted. The Italian Government has instituted a project that was expected to start in early 2003. The project was to develop a website and large data bank on trafficking in minors for sexual purposes in Asia, Africa, South America, and Central and Eastern Europe, and was to promote training through workshops and seminars for police and other groups.³⁵

On September 22, 2002, the Nigerian Ministry of Justice signed the Nigerian Programme Against Trafficking in Minors and Young Women from Nigeria to Italy for the Purpose of Sexual Exploitation. The project was meant to thwart organized criminal groups that promote trafficking in minors and to support the victims of

³² *Id.*

³³ *Id.*

³⁴ *Pilot Projects*, *supra* note 28.

³⁵ United Nations Interregional Crime and Justice Research Institute, *Global Program Against Trafficking in Minors for Sexual Purposes* (on file with the New York Law School Journal of Human Rights).

such trafficking. The project will create task forces, training programs, awareness, and victim support campaigns, and will be carried out in Nigeria and Italy at both the national and local levels.³⁶

An Italian Task Force was established and met on November 5, 2002. The components were to be selected and the task force to meet at the next UNICRI's mission in Nigeria. Reports and assessments on trafficking of minors and young woman from Nigeria into Italy are being compiled and were to be finalized by the end of February 2003.³⁷

Finally, in 2002 the United States enacted the Trafficking Victims Protection Act of 2000 (TVPA).³⁸ TVPA was enacted to fight trafficking in persons, to ensure just and adequate punishment for traffickers, and to protect trafficking victims. The Act requires the U.S. Secretary of State to provide reports that describe the nature and extent of severe trafficking in each foreign country and assess the efforts of the governments to combat trafficking.³⁹ The act further requires the President to establish an Interagency Task Force to evaluate the progress of the United States and other countries in trafficking prevention, victim protection, and prosecution of traffickers; to encourage cooperation among the countries of origin, transit, and destination; and to examine the role of the international sex tourism industry in the trafficking of women and girls around the world. The act has also instituted a number of programs designed to increase protection for the victims of trafficking such as extending benefits regardless of immigration status and creating

³⁶ United Nations Interregional Crime and Justice Research Institute, *Nigeria: Programme Against Trafficking in Minors and Young Woman From Nigeria Into Italy for Sexual Exploitation Purposes* (on file with the New York Law School Journal of Human Rights).

³⁷ *Id.*

³⁸ See generally Trafficking Victims Protection Act of 2000. Pub. L. No. 106-386, 114 Stat 1464, available at http://www.ojp.usdoj.gov/vawo/laws/vawo2000/stitle_a.htm.

³⁹ *Id.* The act defines sever forms of trafficking in persons as (a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. *Id.*

new non-immigrant visas for aliens who are the victims of trafficking.⁴⁰

In the modern world of globalization, trafficking in humans has become a very lucrative business. The industry is an atrocious violation of human rights but is very hard to combat and control because traffickers are hard to locate and prosecute, the crime occurs all over the world, and victims do not cooperate because they are grossly under-protected. The U.N. has recognized these problems and along with numerous countries around the world, is beginning to develop strategies that will be effective in ending these serious rights violations.

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⁴⁰ SaveASlave.com, *Trafficking Victims Protection Act 2000, Summary as of Oct. 5, 2000*, available at <http://www.saveaslave.com/articles/antitraffickinglaw.html>.