

COMMENTS

HUMAN TRAFFICKING – MODERN DAY SLAVERY

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This article surveys the global phenomenon of human trafficking paying particular attention to the treatment of trafficked women and children. Various estimates place the number of trafficked women and children in the world at up to 4 million annually. They are trafficked for purposes of forced prostitution, labour and other forms of exploitation. The situation in North America is also focused on, as is the “mail-order bride” industry. The need to improve the wages and social support of migrant workers is highlighted, as is the need to develop anti-trafficking legislation based on a human rights framework.

1. A Global Business

Various estimates place the number of trafficked women and children in the world up to 4 million annually for purposes of forced prostitution, labor, and other forms of exploitation. Despite efforts to eradicate it, human trafficking does not appear to be diminishing anytime soon. The reasons for its continuation are many, though at root exists the desire by people in the developing world to escape poverty and pursue a better life in the developed world. Many people lay their hopes for a prosperous future on the chance of being able to travel and work in a developed country, in order to escape the substantial poverty many people face on a daily basis. For many, perhaps most would-be emigrants, their dreams quickly turn to

disaster, as they find themselves either sold or duped into perpetual debt bondage. From Guatemala and Mexico, where poor landless workers travel to Florida to pick two tones of fruit only to earn \$50, to Moldavia, where all of the women under 23 in some villages wind up as victims of sex trafficking, the problem of the abuse of migrants, both economically and sexually, is a rapidly growing phenomenon. Harking back to Steinbeck's "The Grapes of Wrath," the landless laborers may have to pay smugglers up to \$50,000, in a never ending losing fight to both provide for themselves and their families and pay-off debts to smuggling rings. The sex-trafficking victims, after being offered the chance to work in Western Europe or America for good wages in the service industry, find themselves with their passports confiscated, locked in a bleak apartment, now the property of her pimp. To buy back their freedom, victims have to pay their pimps up to \$40,000.¹

Trafficking is the illicit and clandestine movement of persons across national and international borders, largely from developing countries with the aim of reaping profits from victims, who are forced into sexually or economically oppressive situations by recruiters, traffickers, and crime syndicates. Sex trafficking, the worst form of human trafficking by all standards, a modern form of slavery, is not surprisingly a lucrative business. The international sex-slave trade is reportedly worth between \$7 billion to \$12 billion US each year, and is growing rapidly through Europe, Asia, and the Americas. According to the United Nations, over 4 million women and children are trapped and destroyed by this inhuman industry each year, finding themselves used by pimps for a few years, until they are abandoned to the streets of major metropolitan cities when they are no longer useful.²

¹ Women trafficked to the United States have been forced to have sex with 400-500 men to pay off \$40,000 in debt for their passage. (Avita Ramdas, president of the Global Fund for Women sponsoring a recent prostitution conference, Brad Knickerbocker, "Prostitution's Pernicious Reach Grows in the US" *Christian Science Monitor*, 23 October 1996)

² It has been estimated that at least 8,000 Nigerian women have been trafficked into street prostitution in Italy. Another 5,000 Albanian, Moldavian and Ukrainian women have also been trafficked into Italy where they are made to prostitute out of rooms, apartments, small hotels, massage parlors and even exclusive clubs (Vecellio, 2000, "New Slaves:" 23). In the border areas between Thailand, Burma

Also, many people find themselves victims of the *legal* global cheap labor economy. The growth of debt bondage in the world today, though providing a form of temporary and malleable cheap labor, provides an excellent means for industry and politicians to keep capital in their home states, by importing temporary cheap labor. Many foreign workers, seeing an opportunity to earn high wages overseas, jump at the opportunity. However, they quickly find themselves in a Catch-22 situation, wallowing in debt they can never pay back. If for example, a laborer from Thailand were to work in Taiwan through a labor firm like Li Tung International, he or she would find that 10% of his or her gross pay is legally collected by the labor firm. As well, overcharging laborers for transport and visa applications is quite common, and laws against such, where they exist, are rarely enforced. The benefits for states are too good to give up. Fortune Magazine reported,

Nations that import labor also tailor their laws to keep local factories happy. To hold turnover to a minimum, governments allow factories to retain workers' passports, impose curfews, and deduct compulsory savings bonds – or “run-away insurance” – which workers get back only when they have completed their contract. In South Korea, which limits foreign laborers to a single three-year visit, workers are considered trainees their first two years, so they are exempt from most of the country's labor laws, including minimum wage and overtime. In an effort to aid Taiwan's slumping manufacturing sector, the government last year passed a law allowing factories to charge foreign workers room and board.” Once these employees are finished their contracts, they are immediately sent home, with no chance of remaining. Marriage in Taiwan by a guest worker is immediate grounds for deportation.³

and Cambodia, children sold to recruiters often end up in brothels catering to international sex tourists. In Brazil, Venezuela and Colombia, traffickers abduct young girls from the streets to supply the brothels in the mining centers of Amazonia (Vecellio, 2000, “Children...:” 20).

³ Nicholas Stein, “No Way Out” Fortune Magazine, Wednesday January 8th 2003.

In Japan, Yazaki Parts Company, which manufactures a substantial portion of the world's wire harnesses for cars, uses much of the same kind of cheap labor, in order to keep its manufacturing costs low. In what amounts to an utterly racist system of hiring, Philippine workers are offered 6-month employment contracts at the rate of \$500 dollars a month. Though housing is provided, they are forced to share apartments of up to 4 people per room. Curfews are strict, and they are only allowed off the factory compounds once a month, and only to one selected nearby city. These workers are unable to use local banking institutions due to the fact that 'labor traders' or employers will hold onto their passports, their main form of identification, and local banks are highly reluctant to do business with them. For purposes of wage remittances, most use the Japanese postal system to send money home. Brazilian employees of Japanese descent do slightly better, at 2 people per room and at a salary of \$800 per month, without the travel restrictions.⁴ The wages they earn, though substantially better than what they would earn in their home states, are approximately 1/5 of what a Japanese citizen, doing the same work would earn.

When asked about the discrepancies, a manager of Yazaki, at the Haibara factory replied that the Philippine and Brazilian workers were trainees, and were gaining valuable experience in the manufacturing industry. Furthermore, he replied that the wages they were earning in Japan were substantially higher than what they could ever hope to earn in their home countries. When asked about the restrictions placed on the movement of Philippine workers outside of the factory site, he relied that it was for their own safety so that they would not be harmed or become lost. When pressed, he admitted that Yazaki was responsible for their presence in Japan, and that the company did not want to anger local residents by allowing foreign workers to wander the streets. In essence, the game remains the same for major multinational employers – keep labor mobile, controlled, and cheap. The result for the impoverished people involved on the other end of the stick is a substantial deprivation of their human rights.

⁴ This is based on interviews with employees of Yazaki.

2. Background on Migration

International migrants now make up 150 million people worldwide,⁵ and if internal migration were included, in countries like India, and China, that number could easily double. Many people chose to migrate for economic or social reasons, just as their relatives did at the turn of the 20th century. Back then however, borders were open to the tired and hungry of the world, and they worked to create the economic prosperity many of us see today. However, these days, many borders are closed, or tightly restricted. The result is that people are faced with few employment prospects in their home countries and are forced to illegally migrate. Where they once had the opportunity to seek the American dream, many of them now find themselves victims of the American nightmare. Unable to legally enter or work in the United States, as migrants were once able to do a century ago, many now submit themselves to unscrupulous smugglers, or find themselves in destitution in their home countries, adding greater stress to already crumbling social support systems. Most devastatingly of all, many migrant women are finding themselves to be unwitting victims of the largest and most egregious trade known, the international sex-trade.

As many governments in developing countries “structurally adjust” their economies and welfare sectors to pay down foreign debt, this leads to a rise in unemployment, a higher cost of living and a reduction of social services. This in turn fosters out-migration, where migrant labor heads to where opportunities exist, the developed world. Thus governments of the developing world are keen to support this migration since migrants – especially migrant women – send much-needed foreign remittances and hard currency back into the country. Also natural disasters force people to uproot and move to what they perceive are greener environs – thus it is not only poverty that drives migrants to seek better opportunities abroad but a whole complex of natural, economic, social and political circumstances. Unscrupulous recruiters take advantage the dire straits many of the world’s poor find themselves in, and draw them into trafficking

⁵ “Migration on rise worldwide, especially among women, IOM says.” November 2, 2000. Web posted at: 6:47 AM EST (1147 GMT) www.cnn.com/2000/US/11/02/labor.migration.reut

networks. Women are promised “good jobs” but instead, are drawn into sex industries abroad. Recruiters take advantage of hardest times, prior to the harvesting period or during the drought season, when many locals must look elsewhere for income to survive. Paying parents a sum of money for their daughters, daughters become sold into slavery at an early age, from which few escape.

3. Conditions of Migrant Women

Trafficked individuals face numerous hardships in their day-to-day existence. Most, if not all of the recruitment agencies are non-registered and hence not monitored by law enforcement agencies. Government monitoring is minimal, though there has been some progress. While in transit, many of these people find themselves unaware of actual travel routes and the hazards that they face, from being stuffed in a container for weeks on end, to being forced to travel through the desert in Arizona with limited water. Many of the women tricked into prostitution are sexually abused and mentally destroyed en route, without any substantial savings, healthcare, or means to contact authorities. Yet, they are in the double bind of finding themselves potentially in deportation proceedings to send them back to poverty in their home countries should they contact legal authorities to explain their plight. On top of these difficulties, to be expected, these women face even more problems once they start work: substandard wages with no time off, along with physical and mental harassment, leading to trauma and injuries. The fact that the United States, the most popular destination for many of these migrant workers, denies federal health benefits to them, such as Medicare (except for emergency services only, by then too late for many) and food stamps, adds greater pressure on the ability of these individuals to survive.⁶

⁶ In an August 4, 1998, Federal Register notice, the U.S. Department of Health and Human Services (HHS) identified 31 programs that provide “Federal public benefits” as defined in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193. Non-exempted HHS Programs which provide “Federal public benefits” –

- Adoption Assistance,
- ADD – State Developmental Disabilities Councils (direct services only),
- ADD – Special Projects (direct services only),
- ADD – University Affiliated Programs (clinical disability assessment services only),

While countries recruit migrant women for various forms of employment, including the euphemistic “entertainment” sex industry category, many countries will deny them protection under existing labor laws and welfare provisions. In Japan for example, some 80% of Asian female migrant workers who legally entered Japan in the 1990s were “entertainers.”⁷ There, an entertainer’s visa permits her to work in Japan for up to 6 months, but as a “guest” worker, she is excluded from Japan’s labor laws. Many of these women work as “hostesses” – officially there to pour drinks for Japanese salary men, however, most of them are forced into prostitution and find that

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- Adult Programs/Payments to Territories,
 - Agency for Health Care Policy and Research Dissertation Grants,
 - Child Care and Development Fund,
 - Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse,
 - Foster Care,
 - Health Profession Education and Training Assistance,
 - Independent Living Program,
 - Job Opportunities for Low Income Individuals (JOLI),
 - Low Income Home Energy Assistance Program (LIHEAP),
 - Medicare,
 - Medicaid (except assistance for an emergency medical condition),
 - Mental Health Clinical Training Grants,
 - Native Hawaiian Loan Program,
 - Refugee Cash Assistance,
 - Refugee Medical Assistance,
 - Refugee Preventive Health Services Program,
 - Refugee Social Services Formula Program,
 - Refugee Social Services Discretionary Program,
 - Refugee Targeted Assistance Formula Program,
 - Refugee Targeted Assistance Discretionary Program,
 - Refugee Unaccompanied Minors Program,
 - Refugee Voluntary Agency Matching Grant Program,
 - Repatriation Program,
 - Residential Energy Assistance Challenge Option (REACH),
 - Social Services Block Grant (SSBG),
 - State Child Health Insurance Program (CHIP), and
 - Temporary Assistance for Needy Families (TANF).

These programs must verify applicants’ immigration and citizenship status to ensure that only qualified aliens receive the programs’ benefits and services. See the U.S. Department of Justice (DoJ) “Proposed Rule on Verification of Eligibility for Public Benefits,” Federal Register August 4, 1998.

⁷ International Labor Organization, Elif Kaban, “UN labor body urges recognition of sex industry,” Reuters, 18 August 1998.

they are heavily indebted to the organization that arranged the trip to Japan. Immigration regulations do prescribe instructions on wages and job responsibilities, but these are routinely violated with impunity.⁸ The Japanese Ministry of Health and Welfare has eliminated social welfare for foreigners other than permanent residents and bars those staying in Japan less than one year from joining national health insurance plans and social insurance plans.⁹

Sometimes victims lash out. In May 1992, six Thai women were indicted in Japan for killing the proprietress of a bar for forcing them to provide sexual services to clients. Problems of dealing with this issue stem from what they are trying to escape – poverty. By increasing the wages and social support of migrant workers, allowing them to find legal, permanent employment in the countries where they wind up, developed countries would put less stress on their social systems, despite the complaints of lost profits from traffickers. Regardless of whether conditions improve for migrant labor, the pressure of individuals seeking a better life in the West will remain as long as opportunities in the developing world are limited.

4. Children

Many trafficking victim children are sold to rich, childless couples unwilling to wait for bona fide adoption agencies to provide them with a child. Most of these children are arriving from Mexico, and though some are provided with stable families, many are sent to international pedophile organizations. The problem touches children within the United States too, as many times U.S. citizen children are snatched while on errands for their parents. Often they are drugged and raped. Most of the disappeared children over 12 end up as prostitutes. In response to the crisis facing Mexican children and the hell they must endure in the United States, Hector Ramirez, a former deputy Mexican Member of Parliament, remarked that “many of the state and city authorities [are] doing absolutely nothing

⁸ Human Rights Watch, 2000.

⁹ See http://www.jil.go.jp/laborinfo-e/q_and_a/foreign4.shtml. National Health Insurance applies to registered aliens who have lived in Japan for one year or more. Illegal aliens are excluded from health coverage.

to stop what is going on.”¹⁰ In the United States, progress has been made on the issue of child exploitation through the FBI’s efforts in Operation Candyman.¹¹ In another successful operation, operators of the Hong Kong Spa in Washington, DC were arrested in 1995 for purchasing underage immigrant Asian girls, one only 13 years old, in Atlantic City and transporting them to DC to as sex slaves. The girls responded to ads for restaurant jobs paying \$1,000 to \$2,700 a week, but as soon as they were picked up they were taken to massage parlors and brothels and forced to work up to 15 hours a day.¹²

To combat this problem, the United Nations introduced the Convention on the Rights of the Child.¹³ It has been ratified by every State except Somalia and the United States, and obliges governments to bring the treatment of children within their jurisdiction up to the standards set by the Convention. The Convention has brought some success, such as assisting with the incorporation of human rights standards for children within State legislation, and creating a greater awareness of human rights for children. However, trafficking of children is a recurring problem that implementation of the convention has not yet eradicated. An estimated one million children (mainly girls but also a significant number of boys) enter the multi-billion dollar commercial sex trade every year.¹⁴

Children are kidnapped or sold by their parents to work in bars, restaurants, massage parlors, and often find themselves in the same

¹⁰ Allan Hall, *The Scotsman*, 25 August 1998

¹¹ “The FBI today announced that more than 89 persons in over 20 states have been charged in the first phase of a nationwide crackdown on the proliferation of child pornography via the Internet. During the course of this investigative initiative, known as “Operation Candyman,” over 266 searches have been conducted, with more searches anticipated. To date, 27 persons have been arrested and admitted to the prior molestation of over 36 children. More arrests are anticipated during the week and in coming months. Individuals identified as subjects in “Operation Candyman” include Little League coaches, a teacher’s aide, a guidance counselor, school bus driver, foster care parent and professionals in the medical, educational, military and law enforcement fields.” FBI press release, March 18, 2002. <http://www.fbi.gov/pressrel/pressrel02/cm031802.htm>

¹² Mentioned in the US Department of State Report on Trafficking in Children. See <http://usinfo.state.gov/topical/global/traffic/report/chapt08.htm>

¹³ <http://www.unicef.org/crc/crc.htm>

¹⁴ <http://www.unicef.org/programme/cprotection/focus/trafficking/prob.htm>

story, retold over and over again, of being deep into debt to the traffickers. As world governments battle economic uncertainty by slashing social spending, the pressure on the impoverished families of the developing world to fall victim to traffickers increases.

5. North America

Trafficking in women reaches deep into the fabric of America. The U.S. government estimates that 70,000 women and children are trafficked annually from Southeast Asia, Latin America, and Eastern Europe to the United States for the sex industry, sweatshops, domestic labor, and agricultural work.¹⁵ The problem of dealing with this stems from the fact that victims are reluctant to speak on the issue, due to death threats, isolation and confinement, fear of deportation and the lack of knowledge within many human rights and immigrant advocacy service organizations. The sex trafficking industry is so large in the United States that it rivals and supports drugs and arms trafficking.

According to a recent article in the *Houston Chronicle*, "sex rings" involving women who were lured to the United States with promises of good jobs have been uncovered in New York, Atlanta, San Francisco and Los Angeles, among other cities. In a recent case in Atlanta, Georgia more than 1,000 Asian women and girls, between the ages of 13 to 25, were forced to prostitute themselves. Faced with huge "travel debts" up to \$40,000 US dollars, they were forced to work as prostitutes in bondage until their debts were paid off. For many, their debts were so enormous the debts could never be paid. Forced to have sex up to ten times a day, these women endured what law

¹⁵ "We estimate that at least 700,000 people become victims of trafficking every year. The overwhelming number are women and children who have been lured, coerced or abducted by criminals who trade in human misery and treat human beings like chattel. Deprived of the most fundamental human rights, subjected to threats and violence, victims of trafficking are made to toil under horrific conditions in sweatshops and on construction sites, in fields and in brothels. Women and children, some as young as seven years old, are forced to labor in sex industries where they suffer physical and mental abuse and are exposed to disease, including infection by the HIV virus." *Powell, Dobriansky Briefing on Trafficking Report*. U.S. DEPARTMENT OF STATE, July 12, 2001. <http://usembassy.state.gov/posts/ja1/wwwhgl0074.html>

enforcement officials described as a "prison compound" with barbed wire fences and chained dogs.¹⁶ Congress, acting to stem this problem, passed the Trafficking Victims Protection Act.¹⁷ Going after the big fish, it distinguishes between perpetrators of sex trafficking and victims by shifting prosecution away from women forced into the sex trade and onto those charged with operating as traffickers in the United States. As well, a special "T" visa for trafficking was created to give victims a better chance to assist in bringing charges against traffickers. The victims, valuable witnesses, instead of being deported, will be granted "interim immigration relief" for up to three years, allowing them to apply for permanent resident status.

Canada is not untouched by the crime of human trafficking. Comments from the United States authorities stress that Canada is a significant source of illegal immigration problems. Yet, Canadian authorities are befuddled when faced with their own problems of how to control the tide of sex trafficking in Canada from both domestic and foreign sources. Organized crime groups based in Eastern Europe and Asia have trafficked foreign women to Canada under lawful pretexts, and then forced the women into prostitution. There is no section specifically on trafficking in women in the Criminal Code of Canada, and prostitution is not illegal in Canada,¹⁸ therefore Immigration Officers cannot refuse entry or issue a removal order to individuals solely on the grounds that they engage in prostitution.¹⁹

There have been reports of extortion, coercion, rape, and prostitution involving foreign exotic dancers, strip club managers, and patrons. The women are vulnerable to sexual exploitation and coercion into criminal activities. Foreign exotic dancers tend to be recruited in their country of residence by "talent agencies." The talent agency pays all

¹⁶ Booth, William, "13 Charged in Gang Importing Prostitutes," *The Washington Post*, August 21, 1999.

¹⁷ <http://www.ojp.usdoj.gov/vawo/laws/vawo2000/>

¹⁸ Though prostitution is not illegal in Canada, any public activity related to prostitution is. Under Articles 210 to 213 of the Criminal Code, operating a bawdy house, being present in a bawdy house and sending someone to such an establishment is against the law. Pimping is also illegal. <http://laws.justice.gc.ca/en/C-46/section-210.html>

¹⁹ "Canada's Paper for EU Conference on Trafficking in Women for Sexual Exploitation" 10-11 June 1996

up-front costs associated with travel and initial accommodations. Those costs can be exorbitant however, and soon the loan becomes a form of debt-bondage. Many of these women, who speak neither French nor English, are unable to take advantage of the legal protections available to them under Canadian law. In fact, Canada seems to be doing little about the problem, as recruitment of exotic dancers into Canada is legal, and may be linked to the issues of trafficking and sexual exploitation. 1000 employment authorizations for foreign exotic dancers are issued every year. Meanwhile, it is so bad there that some victims of sex trafficking are terrorized to the extent of being beaten and reportedly burned with hot irons.²⁰

6. Mail-Order Bride Industries

The American mail-order bride industry has become a multi-million dollar business, marketing women from developing countries as potential brides to men in Western nations.²¹ In the United States, mail-order-bride agencies are developing everywhere.²² One business, *A Foreign Affair*, has had more than 35,000 male buyers since it began in 1995. One of many such companies in the United States, it has about 3,500 women 'associates' from Russia, Eastern Europe, Asia and Latin America. The business claims they are responsible for an engagement or marriage every week.²³ Congress passed

²⁰ Rob Lamberti, "Sex Slaves: Fodder for Flesh Factories the Women Earn Nothing But Tips Until They Pay Off Their \$40,000 Contracts," *Toronto Sun*, 10 May 1998.

²¹ There have been 5,000 Filipina mail order brides entering the United States every year since 1986, a total of 55,000 as of 1997. (Gabriela, Statistics and the State of the Philippines, 24 July 1997) Two Honduran "mail-order-brides" were imprisoned with their children and raped by attorney Donald A. Young in Pennsylvania. Young was charged with rape, assault, false imprisonment, harassment, stalking, and child abuse (*Boston Globe*, 6 August 1997)

²² Things are also bad in Asia as well. More and more women are trafficked as mail-order brides to Malaysia, Hong Kong and Taiwan, especially young girls from Singkawang, West Kalimantan. In 1993, the 19 *Jawa Pos Daily* (15 July 1993), estimated that 34,000 young women between the ages of 14-18 were sold to Hong Kong, their "price" being between HK\$45,000-65,000. *Harian Surya*, 18 and 19 April 1994 (as cited by Missiyah and Solidaritas Perempuan, 1997).

²³ Lena H. Sun, "The Search For Miss Right Takes A Turn Toward Russia "Mail-Order Brides" Of The '90S Are Met Via Internet And On "Romance Tours," *Washington Post*, 8 March 1998.

legislation that requires mail order bride agencies to give information about marriage fraud, legal residency and domestic violence to women in their agencies or risk \$20,000 fines. The legislation, introduced by Sen. Herb Kohl (D-Wis.), estimated that 2,000 to 3,500 American men find wives through such agencies each year.²⁴ There is obviously room for abuse through this system, as mail-order-brides could find themselves threatened by men who may withdraw sponsorship of their fiancée visa. Thankfully, under the Clinton Administration's Violence Against Women Act,²⁵ battered immigrants who have married U.S. citizens are able to petition for permanent residency without the support of the abuser, a safe haven for many abused foreign spouses.

7. Conclusion

Trafficking is an issue of violence against women, a human rights violation, an economic and development issue, and a crime in which the traffickers – not the trafficked – are the perpetrators. Effective anti-trafficking legislation, based on a human rights framework, needs to be developed internationally to help eradicate the abuse at the source of the problem. Progress is being made. Recently, police in Sarajevo smashed part of a major human trafficking ring. After raiding a nightclub, “police found six girls from Moldova and Romania locked up in a room with metal bars on the windows.”²⁶ Thus, the local police in the former war ravaged area can act outside UN control and tackle substantial human rights violations on its own, a substantial step forward. Of course in order to further implement this in the developing world, it will require significant funding from the developed world, but the cost of prevention is certainly far less than dealing with the tragedy in their own backyards. In developed countries, legislation to protect victims of trafficking must apply to both aliens and citizens, otherwise there is a risk of stereotyping trafficking as an immigration problem, and depriving many victims of remedy and recourse. The cost is high in

²⁴ “Mail-Order Brides” Of The '90S Are Met Via Internet And On “Romance Tours,” *Washington Post*, 8 March 1998).

²⁵ <http://www.ojp.usdoj.gov/vawo/>

²⁶ “Bosnian Police Smash Human Trafficking Network”, Reuters, May 13, 2003.

terms of the strain on law enforcement agencies and social service agencies, especially in this time of growing budget deficits and social service cuts. Hopefully, the human rights of victims of trafficking will remain a high priority for all agencies and organizations, regardless of budget cuts.