Human Trafficking Through Organized Crime

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Abstract

The illicit movement of people across the borders or human trafficking through organized criminal networks may take different forms. Some of these forms may include: the trafficking of women and children for the purposes of engaging in prostitution and sexual exploitation, the trafficking of victims who are in search of work, the trafficking of some human organs or materials for medical reasons, and the trafficking of asylum seekers who are in search of a safe refuge. The emergence and rise of these cases in the past few years cutting across the issues of political persecution, migration and exploitation of persons in the sex trade, raises significant questions about the effectiveness of control of crime as well as the lingering threat to human security and dignity. This situation calls for a new approach in dealing with the problem of human trafficking, with significant changes in the world economy of which the organized crime emerges as an important actor.

Key Words: Human Trafficking, Organized Crime, Human Smuggling, Borders, illegal Migration.

1. Introduction

In 2000, the United Nations General Assembly adopted the U.N Convention against Organized Crime, which was later implemented in 2003. To aid the implementation of this convention, the protocol of suppressing, preventing and punishing the trafficking of persons especially the most vulnerable, i.e. women and children, also known as the "Palermo Protocol" was also adopted.

The trafficking of persons is defined in the Palermo Protocol as, recruiting, transferring, transporting, harboring or receiving any person by fraudulent means such as use of force, threats, abduction or deceit, or giving or receiving payments for the transfer of persons for the sole purpose of gaining control of that person of for the sake of exploitation. Exploitation means amongst other things, illegal forms of prostitution and other forced sexual exploitation, forced and involuntary labor, and any form of slavery of practices which are similar to slavery. Palermo Protocol clearly states that any form of use of the means of exploitation mentioned above warrants any consent on the part of the victim irrelevant. And the recruitment, harboring, transportation and receipt of persons for the sake of exploitation will be considered human trafficking.

Human trafficking is a worldwide problem which has been affecting many regions in the world. The U.S Department of State (2007) report on human trafficking, states that approximately 600,000 to 800,000 people are victims of human trafficking across international borders, while millions of people remain victims of human trafficking within their own borders every year.

2. Human Trafficking Vs Smuggling.

There are very clear differences between the crimes of smuggling and human trafficking.The incident of smuggling occurs when one person is paid by another person so that he or may facilitate the entry of crossing of borders illegally. The relationship between these two people normally ends when the interested person gets to his destination of choice and has duly paid his smuggler the smuggling fee. Human trafficking occurs if the smuggler brokers or sells the smuggled person across the border into a condition of servitude, or if the person smuggled cannot be able to immediately for the services rendered to him or her by the smuggler, and therefore is forced to work so as to pay off the debt owed to the smuggler.

The main difference between smuggling and human trafficking lies in the freedom of choice for the individual. Any person may choose and arrange to be smuggled into a different country or area, but when that individual is forced into exploitation and his or her freedom is taken away, then he or she will become a victim of human trafficking.

A persons willingness to be smuggled into a given country or area, does not reduce the victimization that he or may undergo at the hands of their trafficker. In some situations, the traffickers might even forcefully kidnap their victims, but in most cases the conditions of extreme poverty and political instability have left many people who have a strong desire to better their lives, vulnerable and an easy prey for the human trafficking cartels across the globe.

3. Literature Review

3.1 *Push Factors*

Even though the characterization of the people trafficked is somewhat anecdotal and generally tends to based on generalizations, although in some instances there are some exceptions, quite a number of push factors for human trafficking emerge. These push factors may include among other things; the economic situation and personal characteristics of the human trafficking victim, also the characteristics of their families, home community and peer networks.

3.1.1 Individual Characteristics

Kamala, et.al (2002) state that, a human trafficking victim with regard to personal characteristics, is already a person who is vulnerable and lacks options due to his or her individual circumstances as opposed to the changes or dynamics in their societies, In contrast to a passive victim who is actively recruited by the human traffickers, the one who end up being trafficked or their families, may be in reality seeking for an alternative way out of their current situation, for example they may be seeking for better job opportunities or living conditions outside their areas.

Some of these victims may already be living in the streets or temporary shelters. They could also be uneducated and therefore limiting their job prospects. In some cases especially with regard to women and girls, they may find themselves chased away from their families of in other cases fired from their jobs by their employers due to unplanned pregnancies. (See: Kamala, et.al, 2003; Adepoju, 2005; and Pearson, 2003).

However, in some cases some people who are exposed to some of these conditions, are not affected and do not end up as victims of human trafficking. Hence there is little understanding of what exactly makes some of these people very resilient to trafficking even though they find themselves in the midst of all these factors. (Mwami, et.al, 2003)

Poverty has always been mentioned as one of the major factors of human trafficking. Some empirical studies such as (Fong, 2004), show that there are some positive correlations between the promises which are made by the traffickers and the poverty of parents of the child being trafficked. These poor individual become vulnerable due to their increased need for meeting sufficient livelihood standards. In Kadonya's (2002) study about the state of human trafficking in Tanzania, he found that about 15 percent of the of the children who were employed in the informal sector actually mentioned that their main reason for moving from their home areas to their current location was as a result of looking for employment. Also 40 percent of the respondents in his study suggested that poverty and lack of job opportunities were the main reasons for their migration to their current locations. Also the difficulty of finding jobs in the new location put more pressure on the human trafficking victims which made them more and more vulnerable to other forms of exploitation such as sexual exploitation.

However, there is no empirical evidence indicating that those people who are being trafficked from their home communities are more or less likely to remain unemployed than the others from the communities from which they are being trafficked from. Hence, many of the claims made with regards to relationships between poverty, employment, livelihoods and human trafficking are mostly based on individual perceptions rather than economic data. In his study, Adepoju (2005) argues that in sub-Saharan Africa, the un-employment evidence did not come from statistical data, but was gathered from the appearance of shanty towns which painted a grim picture of high levels of poverty.

In some cases the livelihoods human trafficking victims seek is just to satisfy their own desires while in other cases is to increase or supplement their families sources of income. In particular, children and women may be working so as to increase the sources of income for their families. (Kamala, et.al, 2001).

In the case where children are involved, their trafficking could be done to benefit an adult relative. Some parents may be unknowingly trafficking their own children especially when they find themselves in situations where their incomes have been restrained, so the idea of sending away their child may be meant to convince themselves that wherever their child goes, his or her needs may be met, since they cannot meet them. Apart from meeting the basic needs, the search for livelihood opportunities may be done in the interest of paying off debts or earning quick and easy money.

3.1.2 Family and Social Networks

Most of the studies in human trafficking hypothesizes that the strength, number and the nature of somebody's relationship affects whether he may become a victim of human trafficking or not. Most of the people whose families are separated either by divorce or death are more likely to fall victims of human trafficking. Also, children and women who are running away from different types of violence are seen as potentially vulnerable to trafficking.

The death of both parents, in many instances is likely to lead to more poverty, since the sources of income for the family have been cut off. This in return may force the orphaned children to seek alternative sources of income to sustain themselves, these children are more likely to drop out of school due to lack of school fees and hence start looking for jobs. Also being an orphan, may in some cases force the children to move away from their homes and go live with their extended families. Such children are very vulnerable since they lack the parents who could serve as their protectors from any form of exploitation.

Adepoju (2005), argues that the death of even one parent or divorce and separation of the parents may also lead to greater problems for the children, family problems are also sometimes considered as risks which may lead to exploitation and trafficking, for example in some cases the children may feel neglected and abandoned by their parents due to alcohol and drug abuse or the children may as well quarrel with their parents and run away from home. These kinds of situations make them extremely vulnerable to trafficking. On the issue of divorce again, some of the women and girls especially in Africa, are forced into early or arranged marriages. Most of these people may opt to migrate so as to escape their husbands and parents. (Kamala, et.al. 2001) in the process of migrating, some might end up living in the streets for some time, and this is where they may encounter different forms of exploitation such as sexual exploitation and human trafficking. However, some of these people may as well leave with the blessings and encouragement of their own relatives with a view of searching for economic prosperity. Peer influence also plays a major role particularly with the recruitment and exploitation of these victims (UNICEF, 2003).

3.1.3 Community Characteristics

Lack of educational opportunities is a widely cited factor leading to exploitation. Pearson (2003) maintains that, while universal primary education is compulsory and provides a cover of protection for the children while at school, once they finish primary school level education, and cannot proceed further due to other factors such as lack of school fees, this drop outs become more vulnerable to sexual exploitation and the human traffickers. UNICEF (2003) study suggests that further education rather that working is one of the main reasons as to why many parents may send away their children. Whereas the compulsory universal primary education may provide protection, there is need for the improvement of the quality of education so as to retain more students in school and reduce the dropout rates (Pearson, 2003).

3.2 Pull Factors

Most studies argue that human trafficking provides the employers with cheap labor as compared to the other types of labor which are non-exploitative, and for this reason it has over time remained very attractive in the eyes of the employers since it reduces the costs of labor leading to their increased profits. In the international arena, human trafficking victims are likely to see themselves as having an irregular immigration status. These victims also come with a different cultural context in terms of different languages and culture, which in turn makes them more dependent on their agent or trafficker.

Some children who fall victim to human trafficking may find themselves more exploitable since they have been separated from their families and therefore they do not have any adult to protect and talk on their behalf especially with regards to working conditions and fair pay from their employers.

3.2.1 Prostitution and Sexual Exploitation, Agricultural and Domestic Work

Human trafficking is not just used to avail labor for informal and illicit industries, also regulated industries and labor may also be a pulling factor for human trafficking. In some developing countries, the trafficking of labor for agriculture as well as services and mining industries has been mentioned in several studies (see: Adepoju, 2005; Fong, 2004; and Pearson, 2003).

There is a lot of evidence of trafficking in the domestic work area. In some of the developing countries particularly in sub-Sahara Africa, internal trafficking for domestic work has been recorded (see: Fitzgibbon, 2003; and Kibuga, 2000). There has also been a study of why there is a rising incidences of domestic labor, (see: UNICEF, 2006) and the study found out that in the urban areas, women particularly mothers need to work outside their homes, and so they need assistance with the caring of their children while they are away from home.

Human trafficking for the sake of prostitution is one of the well known pull factors all over the world (Kamala, et.al, 2001). Internal trafficking within country's border and external trafficking across international borders for the purpose of prostitution has been documented (see: UNICEF, 2006; and United States Department of State, 2006). In sub-Sahara Africa for instance, it has been documented that there are human trafficking syndicates which are involved in trafficking young girls and women from poor African countries to Europe, Asia and Middle Eastern countries for sexual exploitation.

3.2.2 Military Service and Related Work

In most developing countries, and especially the war torn areas, there is an increased demand for trafficked labor to serve in the military. Even though most of the work in the military maybe for military duties such as fighting, there is also a significant demand for other duties such as sexual servicing of the soldiers. With all types of militaries, the labor involved in the military duties may be directly sourced by the military in terms of abductions and forceful recruitments, or this can be done through an intermediary, who will deliver the trafficked labor to the military. While trafficking for the purpose of military engagement maybe one of the greatest violations of human rights, there is some evidence that not all abductees actually serve as soldiers some end up as porters, or cooks for the army (see: Human rights watch, 2003).

3.2.3 Other Forms of Exploitation

There some demands for human trafficking victims which should not be viewed exclusively in labor terms, for example the demand for wives may fall into this category. There is a possibility that the traditionally sanctioned marriages whereby a woman or girl who is married may migrate to join her husband and this may also be perceived as trafficking. There are also some other forms of trafficking which may involve the use of human trafficking victims for religious rituals (see: Fitzgibbon, 20003; U.S Department of State, 2006; and Kamala, et.al, 2001) in these type of rituals, the religious leaders may use the human trafficking victims for labor and in some instance may use their different body organs for the rituals.

4. The Impact of Human Trafficking on Individuals and Communities

4.1 Victims

Human trafficking may affect the health and in process making the victim lose out in the future opportunities in life for both the child and adult human trafficking victim. The International Labor Organization research in Some developing countries shows that the children who are victims of human trafficking develop many complications such as increased heart beats, body poisoning due to the inhalation of poisonous gases, severe chest complications as a result of inhaling excessive dust, burns and stagnant growth, all these come as a result of poor living and working conditions these victims find themselves in (Masudi, et.al, 2001).

Drugs and alcohol abuse is also a common feature among the children who are trafficked into the sex industry and well as those who are forced into military activities. In such cases, the traffickers may use the alcohol and drugs as ways of gaining control of their victims.

On the other hand, the victims may also need to indulge in the alcohol and drugs so as to run away from the harsh reality of the situation that they are in.In the context of human trafficking, there are very few instances where there is an act of safe sex. Most of the times, sex is unprotected and therefore exposes the victims to risks of contracting Sexual transmitted Infections or unplanned pregnancies. Human trafficking victims may also miss out on the most important occasions or opportunities in their lives simply because they became victims of trafficking. Some opportunities such as good education for the children may escape the victims.

4.2 Communities

The impact of human trafficking has not been systematically documented in many countries, but the some of the generally suspected impacts of human trafficking on communities across the globe include:

- The reduction of opportunities for children who fall victim of human trafficking across the world. Opportunities such quality education
- Loss of culture- because either the parents or the children are trafficked, there is no change for the parents to pass on the cultural values to their children.
- Reduction of wages and poor working conditions because of the increased competition from trafficked or forced labor in the industry.
- The introduction of new ideas and values into the community by the human trafficking victims who are returning home.
- There is a loss of labor from the communities which the victims of human trafficking come from, because of this loss, their communities lag behind in terms of development since most of the productive people may have ended up as victims. Their communities remain with only the elderly and the young ones who may not be economically very productive.
- Increased crime by the victims who have in one way or another been affected negatively by their own experiences from where they have been living.
- Reduced public safety and adherence to the rule of the law.
- Mushrooming of more organized crime gangs which are involved in other forms of trafficking as well, such as drug trafficking, weapons trafficking and dealing with stolen items.

5. *Ways of Combating Human Trafficking*

In order to fight human trafficking effectively, a comprehensive transnational strategy needs to be developed. This kind of strategy should include methods aimed at preventing the potential human trafficking victims from being lured into criminal schemes with the purpose of exploitating them. The strategy also need to focus on effective ways of investigating and prosecuting the perpetrators involved in these crimes, and lastly the protection of the victims of human trafficking ought to be considered. The human trafficking problem which is mentioned above is a growing phenomenon which is an outgrowth of labor mobility and economic globalization, poverty, technological advances, political and social unrest, cultural influences and social status.

5.1 Internet Monitoring

This is an important feature for stemming the efforts of human trafficking. As an example, one of the positive developments is the incessant monitoring of internet smuggling center by the U.S Customs officials, the agency has said that information they gathered indicate that trafficking of children in and out of their country for the purpose of pornography is increasing rapidly, and they consider it to be one of the four major challenges they have to deal with. Through this monitoring center, the customs officials are able to monitor the online activities of the culprits which then lead to their identification and arrests.

5.2 Public Outreach and Publicity Campaigns

These campaigns are mostly carried out by government agencies and non-governmental organizations. These organizations mostly reach out to the young people and vulnerable women especially in the rural areas. Through the organization of workshops and conferences to educate the targeted population on the danger s of criminal deception and false enticements to work abroad, the potential victims are aware of the dangers they may face once they are trafficked, and this serves as a discouragement factor for future recruitments.

The promotion and encouragement of economic activity also may help in reducing the flow of victims from their home area. The most vulnerable especially women and children can be encouraged to remain in their home areas if the governments and these organizations may provide adequate training programs aimed at equipping these people with the required knowledge to start and maintain an economic activity which will provide them adequate income for their livelihoods.

5.3 Victim Protection

In different countries, there is increased awareness of the seriousness of the human rights violations of trafficking victims, and this has led to the creation of the victim protection and their assistance strategies. This is mostly in line with the human trafficking protocol, which spells out a wide range of measures intended to protect and support the victims of human trafficking across the globe.

However, many countries have not yet established effective victim protection mechanisms. The protection and assistance of human trafficking victims in their countries of origin, transit and destination, ought to be confidential, unconditional and carried out in ways that do not lead to social discrimination and stigmatization or expose the victim to harm from the traffickers.

6. Dealing with human trafficking in the

6.1 European Union

Over the last decade, human trafficking has been an important issue to the European Union. The main focus of the European Union work on handling trafficking revolves around, trafficking of persons into Europe and intra-regional illegal movement of labor and persons for the sake of exploitation. The European Union action to fight against human trafficking is made up of three components, these are: International cooperation, especially with regard to the countries of origin for the victims, the second component are legal measures and lastly, there are other measures in place such as awareness raising, funding of programs to combat this crime and gathering of proper statistics about the issue.

The focus of the European Union policy on fighting human trafficking is on prevention, while working with the origin countries of the victims. Protection of victims is also another area, where the European Union allows the victims to stay in the territory in a safe environment, while they investigate and consider whether to prosecute the culprits who are involved in the trade, lastly, the European Union has put in place measures which ensure that human trafficking is taken as a criminal offence in the whole of the European Union, and it carries a severe penalties and punishments for the people involved in trafficking of persons into and within the territory.

6.2 African Union

The African union recognizes that women and children occupy privileged and unique positions in the society. These are also the most vulnerable people in the society who can easily fall victims of the organized criminal gangs which deal in human trafficking. For this reason, therefore they should be entitled to all the legal protection, and security which will keep them safe and away from the traffickers.

The African Union through its Ougadougou Action plan against the trafficking of persons seeks to fight this illegal activity through having a comprehensive regional and international approach which will involve countries of origin for the victims, transit countries and destination countries of the victims.

The issues of poverty, unemployment, poor law enforcement systems, unequal distribution of wealth, armed conflicts, poor governance, discrimination, lack of education and corruption are among some of the main sources of reasons why there is increased human trafficking in Africa and across the borders. The African Union acknowledges that these root causes need to be addresses promptly and effectively as to reduce the scourge of human trafficking in the region.

7. Summary and Conclusions

Many initiatives have been put in place with the aim of consolidating the suppression of human trafficking activities across international borders as well as in domestic borders.

These initiatives include the amendments and enactment of legislation touching on human trafficking, establishing working groups or units of investigation to counter human trafficking, intensifications of sanctions and legal proceedings against the traffickers, police training programs, agreements of co-operation among the different police units in the countries which are affected, and the collection of data and monitoring the means and ways of operations of the traffickers.

However, it is common knowledge that desperate people will turn to desperate measures (Human Rights Watch, 2001B) and these repressive measures will not constitute to real solutions to the social problems. It should as well be noted that, the real challenges facing the countries of destination for these human trafficking victims do not lie in the endless programs intended to combat the movement of people across the borders illegally, but should rather focus on enhancing the need of learning to live together with the people affected by these crimes, while figuring out ways of sorting problems in their out countries in order to facilitate safe and permanent return of the victims (Oxman and Martinez, 2001). It is then necessary to attack both roots of the problem, and look at the immediate and concrete difficulties it engenders.

Most of the studies on human trafficking talk of the need to address this program through international trade and monetary policies that will support the elimination of debt to poor nations and therefore encouraging economic growth and redistribution of wealth.

There is also a significant and urgent need to promote and protect human rights and especially those of the workers around the globe. This should start with the implementation of the U.N Convention against Transnational Organized Crime in its entire form. This will also entail the integration of provisions which deals with victim protection. These provision overlap with the contents of Human Rights Standards for Treatment of Trafficked Persons (1999), which should be respected by all countries. Under these provisions, the countries should not discriminate against the human trafficking victims whether or not they are willing to testify against their alleged traffickers. Also the countries should protect the trafficking victims regardless of their immigration status once they are in the country. The provisions also suggest that countries should guarantee that legal proceedings will be conducted in a way that will protect and safeguard the victims' right to safety, dignity and privacy.

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