

Modern-Day Slavery: A Human Rights Approach to Combating Human Trafficking

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Dallas is a small town in the heartland. The facts that this settlement in south-central South Dakota houses only 144 people and covers a mere 0.5 square miles may lead one to words like “quaint” or “ safe.”<sup>1</sup> However, for a number of trafficked women, it is anything but. Marissa, one of the girls expected to dance nude for money and even prostitute herself, was on a strip club circuit which included the small town.<sup>2</sup> She told reporters that dancing almost immediately turned into a demand for sex, stating, “[patrons] would want to go do things to you and take you into their private rooms.”<sup>3</sup> While the fact that human trafficking does indeed exist in South Dakota is shocking, it pales in comparison to the reality that between 600,000 and 800,000 human beings are trafficked illegally each year.<sup>4</sup> This stout and lucrative industry generates an estimated nine and a half billion dollars annually, providing more than enough incentive for traffickers to continue their illegal extortion of helpless victims around the world.<sup>5</sup>

The underworld of human trafficking performs like a business, capitalizing on the plights of the weak for the enrichment of cowardly predators. Just as any other trade, the trafficking industry revolves around a supply and demand model. Part I of this paper will identify to the root causes of human trafficking and each factor that makes up the supply and demand model. Part II will array the various instruments and institutions in place to combat trafficking, and will discuss the implementation techniques being used to battle the lucrative

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<sup>1</sup> South Dakota Hometown Locator, <http://southdakota.hometownlocator.com/sd/gregory/dallas.cfm> (last visited Nov. 21, 2009).

<sup>2</sup> See Bob Ellis, *Legislature Considers Human Trafficking Law*, Dakota Voice, Jan. 19, 2009, available at <http://www.dakotavoice.com/2009/01/legislature-considers-human-trafficking-law/> (last visited Sep. 15, 2009).

<sup>3</sup> *Id.*

<sup>4</sup> Alexandra Amiel, *Integrating a Human Rights Perspective into the European Approach to Combating the Trafficking of Women for Sexual Exploitation*, 12 Buff. Hum. Rts. L. Rev. 5, 5 (2006) (citing U.S. Dep’t of State Trafficking in Persons Report, ch. I (2005), available at <http://www.state.gov/documents/organization/47255.pdf>).

<sup>5</sup> *Id.*

industry. However, this paper will also offer suggestions to bolster implementation, which include a human rights emphasis for victims, cooperation between supply and demand countries, cooperation between Member states and NGOs already in place to aid victims, extradition clarification, and the use of media for prevention and education. With the support and cooperation of an international *community*, the dark world of human trafficking may be battled and even defeated: yet it is only with cooperative determination and focus that a victory may come about.

## **I. Causes**

There are many causes which combine to enable this gluttonous trafficking industry. A supply and demand model most effectively explains both the inception and endurance of human trafficking. Whether the trafficking takes the form of sexual exploitation, agricultural or minework, for sport, or adoption, traffic generally flows from poorer countries, providing the supply, to richer countries, contributing to the demand.<sup>6</sup> In fact, a United Nations report, published in 2006, denotes 127 countries as countries of origin, 98 as transit countries, and 137 as destination countries for human slaves.<sup>7</sup>

### **A. Supply**

Trafficking victims are most commonly citizens of countries that cannot provide the basic necessities of life, making the prospect of a better life in prosperous areas such as the United

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<sup>6</sup> U.N. Children's Fund [UNICEF], *Briefing on Trafficking in Children to the Congressional Human Rights Caucus*, ¶ 8, June 6, 2002, available at [http://www.unicef.org/media/media\\_9440.html](http://www.unicef.org/media/media_9440.html) (last visited Sep. 15, 2009); Amiel, *supra* n. 4, page 8.

<sup>7</sup> Julie M. Lopiccolo, *Where are the Victims? The New Trafficking Victims Protection Act's Triumphs and Failures in Identifying and Protecting Victims of Human Trafficking*, 30 Whittier L. Rev. 851, 856 (2009) (citing U.N. Office on Drugs and Crime, *Trafficking in Persons: Global Patterns*, "Executive Summary: Global Patterns" 17-20 (Apr. 2006) (available at [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf)))

States, China, and Western European all the more alluring.<sup>8</sup> These countries, incapable of providing basic needs, are often struck by war, natural catastrophes, poverty, gender inequalities, domestic violence, sex discrimination, economic transition, and sexual abuse.<sup>9</sup> These factors which fuel the supply of humans to be trafficked often combine to erode social mechanisms, thereby making young people vulnerable.<sup>10</sup>

For example, children are often times not registered at birth due to the erosion of government agencies after a conflict, making these children readily “lost,” untraceable, and easy prey for a trafficking predator.<sup>11</sup> Gender inequalities, sex discrimination, and domestic violence also manifest to cause a disproportionate number of trafficking victims to be women and children.<sup>12</sup> Among these, many victims come from minority and disadvantaged groups. Because of their minority and unequal status, these victims are not only more vulnerable to trafficking in the first place, but their maltreatment is also often disregarded.<sup>13</sup>

These factors which create a vulnerable environment for initial victimization also generate an atmosphere in which trafficking may thrive. According to the United Children’s Fund, hereinafter UNICEF, the guilt, shame, and stigma associated with trafficking inhibit victim escape or reintegration into their former society.<sup>14</sup> Victims often have no documents, either because they never received any from their government or because their captors confiscate

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<sup>8</sup> *Id.* at page 853.

<sup>9</sup> Amiel, *supra* note 4, page 7 (citing United Nations Division for the Advancement of Women and United Nations Office on Drugs and Crime, Trafficking in Women and Girls, Report of the Expert Group Meeting, 8, U.N.Doc.EGM/TRAF/2002/Rep.1 (Nov. 18-22, 2002), available at <http://www.un.org/womenwatch/daw/egm/trafficking2002/reports/Finalreport.PDF>).

<sup>10</sup> UNICEF, *supra* n. 6, ¶ 10.

<sup>11</sup> *Id.*

<sup>12</sup> Lopiccolo, *supra* n. 7, at p. 853.

<sup>13</sup> UNICEF, *supra* n. 6, ¶ 9.

<sup>14</sup> *Id.* at ¶ 10.

any personal information or government documentation.<sup>15</sup> Additionally, they or their families are abused or threatened with physical harm – captors in one New York case electrocuted and sexually molested their victims to ensure compliance.<sup>16</sup> Finally, victims are generally bonded into a debt they have little or no chance of repaying, whether due to insufficient pay or insurmountable interest charged by the traffickers.<sup>17</sup>

## **B. Demand**

The patrons whom provide the demand for trafficking victims, unlike their counterparts, are often middle-aged men.<sup>18</sup> These men contact specialized travel agencies which promote “exotic sexual adventures.”<sup>19</sup> Countries such as Thailand – the Disneyland for sexual escapades – and Cambodia, where sixty-five percent (65%) of the tourists are men, one-fifth of whom travel for the express purpose of sex, offer such destinations for the sexual adventures.<sup>20</sup> Trafficking patrons may also visit bars, karaoke clubs, and brothels to share in the exploitation of young trafficking victims, many of whom have been sold into this life by a parent or another family member.<sup>21</sup> Yet the men who travel for the express purpose of sex are not the only sources of demand for this lucrative industry.

The underlying stimulants of economical and political globalization, accessible transportation, and conflict fuel the demand side.<sup>22</sup> Globalization has helped to relax banking regulations and enhance communications technologies, which in turn allows for the easy

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<sup>15</sup> Robert Gaudet, Jr., et al, *Human Rights*, 43 Int’l Law 861, 864 (2009).

<sup>16</sup> Lopiccolo, *supra* n. 7, at p. 856.

<sup>17</sup> Gaudet, *supra* n. 15.

<sup>18</sup> David Batstone, *Not for Sale* 59 (Joseph Rutt ed., HarperCollins 2007) (2007).

<sup>19</sup> *Id.* at p. 60.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at p. 61.

<sup>22</sup> Amiel, *supra* n. 4, p. 7.

exchange of assets which the crime syndicates exploiting these victims use.<sup>23</sup> Also, conflict in an area will often stimulate the development of criminalized economies, powerful warlords, and the presence of UN peacekeepers, providing demand for trafficking in the area of sexual exploitation.<sup>24</sup> Yet, the supply and demand model may best be viewed in the context of a case arising out of Oacoma, South Dakota.

Robert and Angelita Farrell were convicted of four counts of peonage<sup>25</sup> and one count of document servitude, along with other related, but irrelevant, charges.<sup>26</sup> In 2005 and 2006, defendants contracted to employ nine workers from the Philippines at their Comfort Inn and Suites, located in Oacoma, South Dakota.<sup>27</sup> Although promises and thoughts of a better future brought the immigrants to the United States, confiscation of their travel documentation, control of their everyday lives, and a cycle of indebtedness kept them here.<sup>28</sup> The workers were originally promised \$300 per week, reimbursement for travel expenses, and housing, yet they received only half of what they were promised in pay, were not reimbursed, and all nine immigrants had to share a one-bedroom apartment.<sup>29</sup> Not only did false promises allure these workers into a trafficking trap, but confiscation of their documents, threats, and insurmountable debt also kept them within the grasps of their captors.<sup>30</sup> Once again, these victims are not faceless children in Cambodia or Vietnam, but rather real human beings who lived just off of Interstate-90 and were victimized by citizens of South Dakota. Human

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<sup>23</sup> Batstone, *supra* n. 18, p. 171.

<sup>24</sup> UNICEF, *supra* n. 6, ¶ 10.

<sup>25</sup> Peonage is illegal and involuntary servitude in satisfaction of a debt (*BLACK'S LAW DICTIONARY*, 1171 (8th ed. 2004)).

<sup>26</sup> *U.S. v. Farrell*, 563 F.3d 364, 366 (8th Cir. 2009).

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 368.

<sup>29</sup> *Id.* at 367.

<sup>30</sup> *Id.* at 368.

trafficking is real, human trafficking exists even in South Dakota, and human trafficking demands a response. This response may be given best once one looks at the issue of trafficking through a human rights perspective.

## **II. Human Rights Perspective**

According to Thomas Buergenthal, the development of a human rights system undergoes three stages: normative foundation, institution building, and implementation.<sup>31</sup> Addressing the problem of human trafficking through the lens of human rights not only affords the victim more rights, but it also aids in addressing and attacking the root causes of the illegal industry.

### **A. Normative Foundation**

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”<sup>32</sup> The Universal Declaration of Human Rights calls “every individual and every organ of society . . . [to] strive, by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance. . .”<sup>33</sup> Article Three of the declaration provides that everyone has the right to life, liberty, and security of person and Article Four prohibits slavery and servitude.<sup>34</sup> While it is only a declaration, The Universal Declaration of Human Rights is conceived as a “common standard for all peoples and all nations,” and it is seen as the yardstick

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<sup>31</sup> Thomas Buergenthal, *The Normative and Institutional Evolution of International Human Rights*, 19 Human Rts. Quarterly 703 (1997).

<sup>32</sup> Universal Declaration of Human Rights [hereinafter Universal Declaration], G.S. Res. 217A, at art. 1, U.N. GAOR, 3d Sess., U.N. Doc. A/210 (Dec. 10, 1948).

<sup>33</sup> Universal Declaration, *supra* n. 31, at Preamble.

<sup>34</sup> *Id.* at arts. 3, 4.

by which respect for, and compliance with, international human rights standards are measured.<sup>35</sup>

Amnesty International recognizes human trafficking as “a violation of human rights including the right to human dignity, to physical and mental integrity, to freedom of movement, to freedom from torture, and in some cases even to the right to life.”<sup>36</sup> In fact, the Council of Europe calls trafficking “a violation of human rights and an offense to the dignity and integrity of the human being.”<sup>37</sup> In addition to being a heinous crime, human trafficking violates the rights which both the United Nations and the Council of Europe recognize as inherent to every human being. Once the international community recognizes that trafficking victims not only hold, but have also been deprived of these rights, the evolution of human trafficking treaties and agreements will come into focus.

The Normative Foundation for human trafficking began in 1904 with the International Convention for Suppression of the “White Slave Traffic.”<sup>38</sup> Next came the 1921 International Convention for the Suppression of Traffic in Women and Children, the 1926 Slavery Convention, and finally the 1949 United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (hereinafter U.N. Convention).<sup>39</sup> The U.N Convention was approved by the General Assembly by Resolution 317(IV) on December 2,

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<sup>35</sup> Fact Sheet No. 2 (Rev.1) to the Universal Declaration of Human Rights, G.S. Res. 217A, p. 1, available at the UN Office of the High Commissioner of Human Rights, International Human Rights Law page at <http://www.ohchr.org/Documents/Publications/FactSheet2Rev.1en.pdf> (last visited Sep. 15, 2009).

<sup>36</sup> Pub. Statement, Amnesty Int’l, Red Card to Trafficking during World Cup, ACT 77/008/2006 (Apr. 26, 2006).

<sup>37</sup> Council of Europe Convention on Action Against Trafficking in Human Beings, at Preamble, May 16, 2005, C.E.T.S No. 197

<sup>38</sup> U.N. Division for the Advancement of Women Department of Economic and Social Affairs [DESA], Expert Group Meeting on Trafficking in Women and Girls, *The United Nations Response to Trafficking in Women and Girls* [hereinafter U.N. Response], p. 2, U.N. Doc. EGM/TRAF/2002/WP.2 (November 8, 2002))

<sup>39</sup> *Id.*

1949. Recognizing the evil of trafficking, the agreement calls trafficking “incompatible with the dignity and worth of the human person,” and sets forth twenty-eight articles through which the Convention hopes to curb both the causes and effects of human trafficking.<sup>40</sup> Next came the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereinafter the Palermo Protocol), which supplements the UN Convention against Transnational Organized Crime, passed on January 8, 2001, by the General Assembly.<sup>41</sup> Finally, in May of 2003, the Council of Europe passed the Convention on Action Against Trafficking of Human Beings (hereinafter European Convention).<sup>42</sup>

While not described as such in the U.N. Convention, both the Palermo Protocol and the European Convention use this definition of trafficking:

Trafficking in human beings is the recruitment, transportation, transfer, harbouring 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 labour or services, slavery, or other practices similar to slavery, servitude or the removal of organs.<sup>43</sup>

This definition not only covers each type of trafficking, but it also encapsulates those parents or family members whom are actively involved in the captivation of the victims. The U.N. Convention, on the other hand, does not set forth a definition of trafficking but rather states:

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<sup>40</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others [hereinafter U.N. Convention], Preamble, Dec. 2, 1949, 96 U.N.T.S. 271

<sup>41</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children which supplements the UN Convention against Transnational Organized Crime, G.A. Res. 55/25, Annex II, U.N. Doc. A/RES/55/25/AnnexII (Jan. 8, 2001) [hereinafter Palermo Protocol]

<sup>42</sup> Council of Europe Convention on Action Against Trafficking in Human Beings, May 16, 2005, C.E.T.S No. 197 [hereinafter European Convention].

<sup>43</sup> *Id.* at art. 4, Palermo Protocol, *supra* n. 40, at Annex II.

The Parties to the Convention agree to punish any person who, to gratify the passions of another:

(1) procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person;

(2) exploits the prostitution of another person, even with the consent of that person.<sup>44</sup>

The Convention also criminalizes any knowing aid, either financially or otherwise, to a trafficking operation and any acts in preparation of such an operation.<sup>45</sup> Eighty-one State Parties subscribe to this view and have agreed to punish such actions, which incidentally does not include the United States, China, nor the United Kingdom.<sup>46</sup>

Europe and many individual countries have also passed agreements which combat human trafficking. The European Union has adopted a two-tier approach to combating trafficking, which includes first criminalizing human trafficking and ensuring domestic criminal laws of each Member State which do the same; the second tier involves providing assistance and protection to trafficking victims.<sup>47</sup> Being the first body to include protection and assistance to the victim as a major prong to its anti-trafficking thrust, Europe has once again pioneered a human rights approach to human trafficking. This is evident in the Council Framework Decision on the Standing of Victims in Criminal Proceedings of 2001, which required that all victims be treated with “dignity and respect”, that Member States protect victims and their families when a serious risk of reprisal exists, and also that Member States create conditions to “prevent

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<sup>44</sup> U.N. Convention, *supra* n. 39, at art. 1.

<sup>45</sup> *Id.* at arts. 2, 3.

<sup>46</sup> *Convention for the Suppression*, Dec. 1949, 96 U.N.T.S 271 (Party Status as of Nov. 19, 2009) [hereinafter U.N. Convention Party Status], available at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VII-11-a&chapter=7&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en) (last visited Nov. 19, 2009).

<sup>47</sup> Amiel, *supra* n. 4, p. 13.

secondary victimization.”<sup>48</sup> Yet this adherence to and respect for human rights did not stop in 2001; rather, it is embedded in every subsequent European agreement on human trafficking.

As mentioned above, the Council of Europe Convention on Action Against Trafficking in Human Beings was entered into force in May of 2003, and is the “first legally-binding European instrument on the issue.”<sup>49</sup> As of November of 2009, twenty-six Members had ratified the European Convention, with fifteen other signatories not followed by ratifications.<sup>50</sup> The European Convention was set up for three express purposes:

- (1) [to] prevent and combat trafficking in human beings, while guarantee[ing] gender equality;
- (2) [to] protect human rights of victims of trafficking, [to] design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution; and
- (3) [to] promote international cooperation on action against trafficking in human beings.<sup>51</sup>

Article Three of the same Convention also includes the principle of non-discrimination, and it is the first trafficking instrument to do so.<sup>52</sup> The European Union even issued a Council Resolution pursuant to the Convention encouraging Member States to implement and ratify all international conventions on trafficking.<sup>53</sup> While Europe’s agreements on the issue of human

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<sup>48</sup> *Id.* (see Council Framework Decision of 15 Mar. 2001 on the Standing of Victims in Criminal Proceedings, 2001 O.J. (L 82) 1).

<sup>49</sup> Gaudet, *supra* n. 15, p. 863.

<sup>50</sup> Council of Europe Convention on Action Against Trafficking in Human Beings, May 16, 2005, C.E.T.S No. 197, Signature Updates, Council of Europe Treaty Office *available at* <http://conventions.coe.int/Treaty/Commun/> (last visited Sep. 15, 2009).

<sup>51</sup> Amiel, *supra* n. 4, p. 43 (citing European Convention at art. 1)

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at p. 19-20 (citing Council Resolution on Initiatives to Combat Trafficking in Human Beings, in Particular Women, 2003 O.J. (C 260) 3).

trafficking are not binding on the entire international community, they have encouraged Members States of not only the European Union, but also around the world, to take a more human rights based approach to the issue of human trafficking.

For example, Sweden has passed legislative to penalize the men who buy sex rather than the prostitutes in an effort to reduce prostitution and trafficking by attacking the demand side.<sup>54</sup> In April of 2008, Mozambique became the first southern African country to pass anti-trafficking legislation containing specific provisions on prosecution, *protection*, and *prevention*.<sup>55</sup> Finally, in what may be viewed as a model in cooperation to combat the supply-demand aspect of trafficking, China, Cambodia, Laos, Myanmar, Thailand, and Vietnam have all signed the Joint Declaration of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (hereinafter COMMIT).<sup>56</sup> This agreement calls the parties to “identify and protect trafficked persons at every point of the trafficking cycle, and to ensure that all official actions with respect to trafficked persons protect their safety, dignity, and rights.”<sup>57</sup>

Therefore, most, if not all, international countries agree that the crime of human trafficking needs to be addressed and that the traffickers must be punished. What is not quite as universal is the question of which rights can and should be afforded to victims under a human rights paradigm. However, the most recent international agreements concerning trafficking demonstrate a trend which moves away from solely punishing criminal behavior to integrating assistance and protection for victims. Yet, institutions which try the criminals,

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<sup>54</sup> Gaudet, *supra* n. 15, p. 864.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at p. 865 (citing Coordinated Mekong Ministerial Initiative Against Trafficking, Joint Declaration of the Coordinated Mekong Ministerial Initiative Against Human Trafficking, Dec. 14, 2007, available at [http://www.no-trafficking.org/content/commit\\_process/commit\\_pdf/Joint%20Declaration%CC20Signed%CC20in%CC20Beijing%CC2014%CC20Dec%C:pdf](http://www.no-trafficking.org/content/commit_process/commit_pdf/Joint%20Declaration%CC20Signed%CC20in%CC20Beijing%CC2014%CC20Dec%C:pdf)).

implement sentences, research human trafficking, and supervise Nation-State adherence to the instruments they are subject to, must exist to perform all of these tasks.

## **B. Institution Building**

U.N. Human Rights treaty bodies include the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, and the Committee against Torture.<sup>58</sup> In addition to these committees dedicated to human rights, UNICEF is present in over 162 countries and territories, making it one of the longest standing and most influential organizations in the international community today.<sup>59</sup> This has allowed UNICEF to strongly advocate against child trafficking and to take initiatives at a regional or cross-border level.<sup>60</sup> Not only this, but UNICEF also partners with the International Labour Organization (“ILO”), regional government organizations such as the African Union, international organizations such as the International Organization for Migration (“IOM”), and also many non-government organizations.<sup>61</sup> This interconnectedness with organizations which span the globe allows UNICEF to not only participate in meetings which address trafficking, but to also witness political commitments to combat trafficking, such as the meeting in Cotonou, Benin, where seventeen governments met to discuss trafficking for the first time in June of 1998.<sup>62</sup>

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<sup>58</sup> U.N. Division for the Advancement of Women Department of Economic and Social Affairs [DESA], Expert Group Meeting on Trafficking in Women and Girls, *The United Nations Response to Trafficking in Women and Girls* [hereinafter U.N. Response], p. 7, U.N. Doc. EGM/TRAF/2002/WP.2 (November 8, 2002)

<sup>59</sup> UNICEF, *supra* n. 6, ¶ 7.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.* at ¶ 16.

<sup>62</sup> *Id.*

The Council of Europe, a compilation of 46 Member States, has also played a large role in battling the slave trade.<sup>63</sup> While incepted to oversee the protection and promotion of human rights within the European system, the Council met in February of 2003 to discuss what later became the European Convention.<sup>64</sup> With the express focus on protecting victims, the Council aimed to safeguard human rights and victims' rights, and it also sought to strike a balance between human rights and prosecution.<sup>65</sup> Finally, the Council established the European Court of Human Rights in Section Two of the European Convention to hear cases on the subject.<sup>66</sup> All of the players necessary to combat trafficking are present – what stands in the way now is the implementation of the agreements by the institutions and governments which are in the best position to apply these measures.

### C. Implementation

The United Nations Response to Human Trafficking sums it up best: “the actions undertaken to date remain insufficient to seriously elimination this growing phenomenon. Action should include a clear demonstration of political will and commitment on the part of Governments as well as a comprehensive and multidisciplinary approach towards prevention and assistance to victims of trafficking. *International cooperation remains vital . . .*”<sup>67</sup> The sad truth about human trafficking is that the criminals who prey on helpless and innocent victims are not dissuaded by prosecution. In fact, when a group of girls are rescued, the traffickers can

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<sup>63</sup> Amiel, *supra* n. 4, p. 42.

<sup>64</sup> *Id.* (citing Council of Europe Convention on Action against Trafficking in Human Beings, Explanatory Report, CM (2005), p. 29-32).

<sup>65</sup> *Id.*

<sup>66</sup> European Convention, *supra* n. 41, at Sect. 2.

<sup>67</sup> U.N. Response, *supra* n. 57

obtain a second replacement group in an instance.<sup>68</sup> Rather than becoming discouraged, traffickers simply flow from one place of economic depression to another, recruiting helpless victims from those willing to go to any length for a penny.<sup>69</sup> Three methods to help ensure implementation will be discussed: Victim Rights and Aid, Cooperation, and Media Awareness and Education. The first method which has shown success in combating this amorphous industry – capable of transforming into whatever form best provides a profit – is an emphasis on victim rights and aid.

### **1. Victim Rights and Aid**

Human traffickers will re-victimize trafficked women and children in an instant. In reality, traffickers often track escaped slaves, and will go to any length to repossess their “property.” These lengths include threatening harm to the victims, harm to their families, and kidnapping.<sup>70</sup> One effective way of dealing with this is to remove the victims from the picture. By providing protection from their past, necessities for their present, and hope for their future, countries can aid in battling the trafficking industry by placing victims beyond the grasps of their past and future captors. The European Convention is one of the first agreements to properly identify trafficking victims as what they are: victims.<sup>71</sup>

To help ensure freedom from past bondage, the Convention charges State Parties to adopt legislative measures to provide “effective and appropriate protection from potential retaliation or intimidation for victims, witnesses, and their families.”<sup>72</sup> Yet safety and distance from one’s captors does not scrape the surface of what trafficked victims have to break free

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<sup>68</sup> Bastone, *supra* n. 18, p. 172.

<sup>69</sup> *Id.*

<sup>70</sup> Amiel, *supra* n. 4, p. 9.

<sup>71</sup> *Id.* at p. 46.

<sup>72</sup> *Id.* at art. 28.

from or face. This is why Article 12 of the Convention requires state parties to adopt legislative and other measures to aid victims in their physical, *psychological*, and *social rehabilitation*.<sup>73</sup>

To deal with victims' present necessities, the European Convention goes a step further and provides a list of minimum measures a state should provide to victims in the same Article.

These include:

Standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodations, psychological and material assistance;

Access to emergency medical treatment;

Translation and interpretation services, when appropriate;

Counseling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;

Assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;

Access to education for children;

The final minimums include victim safety and protection, medical and other assistance, access to the labor market, and assistance from "other elements of civil society," with all assistance being consensual and informed, being unconditioned on victim willingness to testify.<sup>74</sup> The European Convention also calls State Parties to grant a 30-day recovery and reflection period for victims illegally present in the territory so that the victim can regain control of his or her life, decide whether or not to participate in criminal proceedings, or to return home and attempt to reintegrate into society.<sup>75</sup> The victim may not be removed from the territory during this period,

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<sup>73</sup> European Convention, *supra* n. 41, at art. 12.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at art. 14.

and he or she may be granted a residence permit if it is decided that his or her stay is necessary for the personal situation or for cooperation in the investigation.<sup>76</sup>

To help victims to have a chance for reintegration into their former societies, thereby providing hope for a future, the Convention offers suggestions of how to deal with victim citizenship and migration. A Party State in which the victim is a permanent resident must facilitate his or her return “without undue or unreasonable delay.”<sup>77</sup> However, when a victim is not a permanent resident of the State in which he or she finds herself as a result of victimization, the State may return the victim to the state of his or her permanent residence with “due regard for the rights, safety, and dignity of that person.”<sup>78</sup> This, of course, is all done with the view that Parties must take “appropriate measures, as may be necessary, to enable migration to take place.”<sup>79</sup>

The European Convention has taken a substantial lead in stressing the need for victims’ rights and assistance. This human rights perspective enables State Parties to address the problem of human trafficking from a multi-faceted perspective, where not only are the traffickers punished, but the victims are also helped. This perspective is essential because in addition to being effective, a human rights mantra is also aligned with the international ideal that all human beings are afforded some inalienable rights. Because of these reasons, the entire international community should follow the lead of the Council of Europe and pass, sign, and ratify a protocol to the U.N. Convention. This protocol could be based on the European Convention, and it should call states to engage in a more human rights-based approach to the

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<sup>76</sup> Amiel, *supra* n. 5, p. 47-48 (citing European Convention, *supra* n. 41, at art. 14.

<sup>77</sup> European Convention, *supra* n. 41, at art. 16.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.* at art. 5.

fight against human slavery and trafficking. With 48 votes to ratify the Universal Declaration of Human Rights through proclamation by the General Assembly, the concept of human rights is widely-known and accepted.<sup>80</sup> Therefore, if the international community recognizes the importance of human rights and the tragedy of human trafficking, it should be amiable to utilizing a human rights theology to aid victims and combat trafficking. Yet an emphasis on victims' rights and aid is only the first way to effectively implement trafficking agreements: the second strategy, having shown great promise thus far, is cooperation.

## 2. Cooperation

If states are to effectively eradicate the trafficking problem, they must do so through a multi-disciplinary, integrated, holistic, and coordinated approach that focuses not only on punishing the perpetrators, but also prevents trafficking and protects, rehabilitates, and reintegrates victims.<sup>81</sup> In fact, both the European Convention and the Palermo Protocol demand as much. The European Convention calls on states to establish or strengthen national coordination between all sectors involved in preventing and combating trafficking, including the formulation of policies and programs through "research, information, awareness raising, education campaigns, social and economic initiatives, and training programs."<sup>82</sup> Likewise, the Palermo Protocol designates the promotion of cooperation as one of its three purposes.<sup>83</sup>

Cote d'Ivoire and Mali have become the first African countries to recognize the importance of and incorporate cooperation into their battle against the human trafficking of

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<sup>80</sup> See Universal Declaration, *supra* n. 31.

<sup>81</sup> Amiel, *supra* n. 4, p. 5, 6.

<sup>82</sup> Amiel, *supra* n. 4, p. 45 (citing European Convention at art. 5)

<sup>83</sup> Palermo Protocol, *supra* n. 40, at art. 2.

children, with the help of UNICEF and the ILO.<sup>84</sup> Meeting in Libreville, Gabon, in February of 2000, the countries signed a Memorandum of Understanding which identified areas for cross-border cooperation and addressed the need for repatriation of trafficked children.<sup>85</sup> The benefits of cross-border cooperation may be seen when one compares the relative success of the unilateral United States-Mexico and bilateral China-Vietnam efforts in attacking human trafficking.

The United States-Mexico cooperation in efforts to combat human trafficking include unilateral legislation passed by each country requiring the deportation of alien traffickers and the issuance of “T-visas” to cooperative victims.<sup>86</sup> However, those victims whom did not qualify for the visa were often deported and fell victim to trafficking again, and the purely unilateral efforts by both countries have done nothing to decrease the amount of humans trafficked between that border.<sup>87</sup> China and Vietnam, on the other hand, not only have domestic legislation in place to combat trafficking, but both are also parties to COMMIT (see page 11).<sup>88</sup> In the agreement, both countries agree to “prevent and combat crime, social order, and security, which includes cooperation on human trafficking.”<sup>89</sup> These bilateral efforts, unlike those of the United States and Mexico, have resulted in substantial stings and shutdowns of trafficking organizations, not to mention a significant increase in both arrests and rescues in the

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<sup>84</sup> UNICEF, *supra* n. 6, ¶ 17.

<sup>85</sup> *Id.*

<sup>86</sup> Christina T. Le, *The Exploitation of Women and Children: A Comparative Study of Human Trafficking Laws between the United States-Mexico and China-Vietnam*, GlobaLex, International Law Research, ¶¶ 8, 9 available at [http://www.nyulawglobal.org/globalex/Human\\_Trafficking.htm](http://www.nyulawglobal.org/globalex/Human_Trafficking.htm) (last visited Nov. 20, 2009).

<sup>87</sup> *Id.* at ¶¶ 9, 10.

<sup>88</sup> *Id.* at ¶ 11.

<sup>89</sup> *Id.*

first six months after the COMMIT signing.<sup>90</sup> This data alone should encourage both demand and supply countries to set aside pride and petty differences in exchange for a cooperative hand with which countries may positively affect the lives of victims around the world. Once the wealthier demand countries agree to cooperate with the smaller supply countries, changes like those seen in China and Vietnam may come about.

The Palermo Protocol, signed by 80 countries as of December 2000,<sup>91</sup> states: “policies, programmes and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.” One program, which is set up by the European Convention which may be an extremely effective tool, is the GRETA monitoring system.<sup>92</sup> The system is meant to ensure effective implementation of its provisions by the Parties, and is comprised of a group of experts on action against trafficking.<sup>93</sup> Chapter Seven of the Convention sets the group of experts between ten and fifteen, and the members are chosen from among the state parties.<sup>94</sup> Bearing a gender and geographical balance, members must be “persons of high moral character, known for their recognized competence in the fields of Human Rights, assistance and protection of victims, and of action against trafficking in human beings or having professional experience in the area covered by th[e] Convention.”<sup>95</sup> To monitor the progress of the State Parties, GRETA may submit a questionnaire to parties on

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<sup>90</sup> *Id.* at ¶ 12.

<sup>91</sup> The Palermo Protocol, Nordic Gender Institute, *available at* <http://www.nikk.uio.no/?module=Articles;action=Article.publicShow;ID=522> (last visited Nov 19, 2009).

<sup>92</sup> See European Convention, *supra* n. 41.

<sup>93</sup> Amiel, *supra* n. 4, p. 52 (citing European Convention at art. 36).

<sup>94</sup> *Id.*

<sup>95</sup> European Convention, *supra* n. 41, at art. 36.

which they may evaluate their own implementation;<sup>96</sup> additionally, GRETA may require information from civil society groups in each country.<sup>97</sup> Once the research is gathered and analysis is performed, the group will issue drafts to the parties for comment, and then GRETA will make its complete report available to the public.<sup>98</sup> This publication is perhaps the most important and effective part of the GRETA monitoring system: countries are more likely to do their part in compliance in order to avoid being named and shamed for failing.<sup>99</sup>

The GRETA monitoring system has great potential for possible achievements in the area of human trafficking and human rights. First, the international community as a whole, not just the European Union, must adopt a similar method of monitoring Member State compliance with trafficking agreements. Second, the mechanisms must actually be introduced. While it is fanciful to expect impoverished countries to be able to implement such a system, this is one possible aspect in which the cooperation between supply and demand countries may shine. If demand countries – those of influence, economic wealth, and political power – would take the lead in financially-backing such a mechanism, supply countries may follow with their own implementation and application of international agreements. What is more, these monitoring mechanisms need only be available to regions – therefore, the task of seating these groups becomes much less daunting when one realizes that a ten to fifteen member mechanism is not necessary for every country.

There are many other non-government organizations that fall within the Palermo Protocol's call for cooperation. These organizations are not set up by any government agency

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<sup>96</sup> Amiel, *supra* n. 4, p 52 (citing art. 38).

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

or international organization, but rather by individuals who see a need and compassionately fill it.

Pierre Tami began his work in Cambodia in 1994.<sup>100</sup> After being asked to evaluate the potential for providing help to the most impoverished of Cambodia,<sup>101</sup> Tami began to notice a trend. An alarming amount of women and children were living on the streets of Phnom Penh, the largest city in and capitol of Cambodia.<sup>102</sup> These women and their children – most of them left by their husbands for a more youthful bride – were more susceptible to trafficking.<sup>103</sup> In response to his observations, Pierre opened the Hagar Shelter to provide housing for homeless mothers and their children.<sup>104</sup> With the goal of reintegrating these women back into society, Pierre created Hagar’s Soya Company, which employs the women staying at the shelter and produces 12,000 liters of soya milk per day.<sup>105</sup> In fact, since 1994, Tami has helped 100,000 women come through the doors at the Hagar Shelter and leave to lead victorious lives.<sup>106</sup>

The International Justice Mission (hereinafter “IJM”) is another example of an organization, funded entirely by private benefactors, which is making a difference for human trafficking. Gary Haugen founded the International Justice Mission in 1997, and since then the agency has grown to include over 300 professionals working in their communities to combat the slave trade.<sup>107</sup> According to their website, IJM is a “human rights agency that secures justice for victims of slavery, sexual exploitation and other forms of violent oppression. IJM

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<sup>100</sup> Bastone, *supra* n. 18, p. 28-29.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.* at p. 49.

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at p. 68-69.

<sup>106</sup> *Id.* at 49.

<sup>107</sup> International Justice Mission [hereinafter IJM Website], Who We Are, History, *available at* <http://www.ijm.org/whoweare> (last visited Nov. 28, 2009).

lawyers, investigators and aftercare professionals work with local governments to ensure victim rescue, to prosecute perpetrators and to strengthen the community and civic factors that promote functioning public justice systems.”<sup>108</sup> To accomplish this goal, the agency focuses on four clear objectives:

- (1) victim relief: rescue individuals fallen victim to slavery, sexual exploitation, and violence;
- (2) perpetrator accountability: use tools of public justice to pursue accountability and just consequences for specific perpetrators of these oppressions;
- (3) victim aftercare: give rescued victims access to material, emotional, and spiritual aid to help transition into new lives that can sustain long into the future; and
- (4) structural prevention: strengthen community factors that reduce vulnerability of at-risk populations, empower local authorities to stop abuses, and deter potential oppressors.<sup>109</sup>

With their eyes set on these objectives, IJM has seen “considerable progress” in its fight against injustice and slavery.<sup>110</sup>

Uganda and Italy have their own organizations which are playing a role in the war on trafficking. World Vision has dedicated itself to the healing and reparation of the destruction caused by the Lord’s Resistance Army in Uganda.<sup>111</sup> The group houses victims, most with children and between the ages of 16 and 24, and provides education about HIV/AIDS.<sup>112</sup> In addition, World Vision works with the victim to overcome poverty and social isolation, two of the demons which will make her susceptible to re-victimization if not addressed. Finally, Idan Lagum Lumoro has devoted her work to reconciliation between victims and their attackers at

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<sup>108</sup> *Id.*

<sup>109</sup> Bastone, *supra* n. 18, p. 85.

<sup>110</sup> IJM Website, *supra* n. 95.

<sup>111</sup> Bastone, *supra* n. 18, p. 111.

<sup>112</sup> *Id.* at p. 138.

World Vision – this work has not only served to bring peace and healing to each individual, but to also halt the cycle of violence and bloodshed propelled by tribal vengeance.<sup>113</sup> Work is also being done in Italy, by a Roman Catholic priest named Cesare Lo Deserto.<sup>114</sup> Deserto started running Regina Pacis as a shelter for young girls when an alarming number of Eastern European women continually approached him for rescue.<sup>115</sup> Even though the shelter resembles a prison, since the windows must be barred and security must be strict due to the number of traffickers coming to claim their “property,”<sup>116</sup> Deserto is still helping girls to reintegrate into society. Between the efforts of Deserto and the Italian law which grants legal status to victims who agree to testify, the victims of this heinous crime are treated within a human rights gamut and the benefits are evident.<sup>117</sup>

A human rights perspective, putting the rights and rehabilitation of victims first, has shown promise in combating the tragedy that is human rights. In fact, the European Convention recognizes the need for victim assistance, protection, and prevention – the U.N. Convention also identifies human trafficking as a violation of human rights, and all of the agreements on trafficking call on the Nation States to use all resources to combat trafficking. Instead of funding their own agencies and organizations to provide the victim assistance called for by a human-rights approach to battling the slave trade, Nation States could partner with organizations like the Hagar Center, IJM, World Vision, and Regina Pacis. Because these agencies are already producing good fruit by providing protection, housing, employment, and social reintegration for the victims of trafficking, governments could save time, efforts, and

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<sup>113</sup> *Id.* at p. 150.

<sup>114</sup> *Id.* at p. 158.

<sup>115</sup> *Id.* at p. 159.

<sup>116</sup> *Id.* at p. 161.

<sup>117</sup> *Id.*

resources by collaborating with such groups. Also, the organizations could also benefit from government financing if there is money apportioned to such victim assistance.

The final way in which cooperation between countries directly affects human trafficking, more so in the prosecution of traffickers, is extradition. Article 8 of the U.N. Convention states:

The offences referred to in articles 1 and 2 of the present Convention shall be regarded as extraditable offences in any extradition treaty which has been or may hereafter be concluded between any of the Parties to this Convention.

The Parties to the present Convention which do not make extradition conditional on the existence of a treaty shall henceforward recognize the offences referred to in articles 1 and 2 of the present Convention as cases for extradition between themselves. Extradition shall be granted in accordance with the law of the State to which the request is made.<sup>118</sup>

One case arising from the European Court of Human Rights on September 22, 2009, deals with an extradition request made by Belarus to Ukraine for one of their nationals, for suspicion of aggravated trafficking in human beings and organized crime.<sup>119</sup> Defendant Dubovik had left Belarus one year prior to the issuance of the arrest warrant to live in Ukraine with her family.<sup>120</sup> On July 26, 2007, officials in Ukraine arrested the defendant under the international arrest warrant and placed her in custody to await extradition,<sup>121</sup> at which time the defendant filed for refugee status in Ukraine.<sup>122</sup> While it was within the General Prosecutor's province in Ukraine to grant an extradition request, the President of the Chamber decided on September 12, 2007, that the defendant would not be extradited.<sup>123</sup> Furthermore, the defendant was granted refugee status by the State Migration Committee on March 5, 2008, thereby barring extradition

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<sup>118</sup> U.N. Convention, *supra* n. 39, at art. 8.

<sup>119</sup> *Dubovik v. Ukr.*, App. Nos. 33210/07 & 41866/08, 2009 Eur. Ct. H.R., ¶ 7.

<sup>120</sup> *Id.* at ¶ 6.

<sup>121</sup> *Id.* at ¶ 8.

<sup>122</sup> *Id.* at ¶ 10.

<sup>123</sup> *Id.* at ¶¶ 11, 13.

and leaving the defendant availed for release.<sup>124</sup> In what turned into a claim under Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the extradition of the defendant was never granted.<sup>125</sup> While the pertinent facts of the defendant's criminal behavior were not divulged in the case – the President of the Chamber and State Migration Committee may have both been justified in blocking defendant's extradition to Belarus – the problem still remains that a possible trafficker has gone unpunished for her crimes against other human beings. As evidenced by the U.N. Convention Party Status, both Belarus and Ukraine are parties to the U.N. Convention;<sup>126</sup> therefore, extradition is mandated even if the two countries do not have a separate extradition agreement between themselves.

As state above, cooperation is a key aspect of battling human trafficking, and parties must be held accountable to enforce the agreements to which they have consented and signed. It is true that mitigating circumstances may have existed in *Dubovik* which the case does not reveal; yet, if the epidemic that is human trafficking is to be effectively addressed, the international community must be whole-heartedly devoted to the cause. This may include demand countries accepting a perceived infringement on sovereignty in order to cooperate with supply countries for more effective bilateral efforts. This could also include reliance on and faith in the justice systems of other countries, that when a national is extradited he or she will be treated fairly and equitably. A call for cooperation, formation of a monitoring mechanism (such as GRETA), and stricter extradition standards could be included in a protocol to the U.N. Convention; yet this should not even be necessary. Cooperation between supply

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<sup>124</sup> *Id.* at ¶¶ 15, 17.

<sup>125</sup> *Id.* at ¶ 27.

<sup>126</sup> U.N. Convention Party Status, *supra* n. 45.

and demand countries has shown promise and effectiveness in combating trafficking. Countries that are aware of, and dedicated to the eradication of, the problem should be ready to implement whatever means necessary fight modern-day slavery, especially when those means are as simple as bilateral cooperation and agreement. Also, creation of a monitoring mechanism would benefit the Nation States which have ratified the U.N. Convention, because they would not have to spend their own resources on monitoring the implementation of the Convention. Furthermore, cooperation between governments and organizations already offering victim assistance is mutually beneficial, as noted above. Cooperation, along with an emphasis on victims' rights and aid, combine to form two-thirds of what could be an effective implementation strategy. The third and final tactic for implementation is media awareness and education.

### **3. Media Awareness and Education**

The role of media in society cannot be denied. Whether it be in printed form, on the radio waves, on the worldwide web, or on a television station, the media has significant power in what the public perceives as truth. One example of the role of media in raising awareness about the prevalence of human trafficking comes from November 25, 2009, when Keloland reported that a couple in Tea, SD, was involved in the sex trafficking of a child.<sup>127</sup> Keloland viewers are now aware that trafficking is a problem that must be addressed, and it does, indeed, exist in South Dakota. The Palermo Protocol, European Convention, and other NGOs have recognized the power which media holds in raising awareness on both the demand and supply sides, and the power of education at the early stages of development.

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<sup>127</sup> Keloland Television, *Couple Faces Life in Prison for Sex Trafficking*, Nov. 25, 2009, available at <http://www.keloland.com/news/news/NewsDetail7807.cfm?ID=93236> (last visited Nov. 30, 2009).

The Palermo Protocol requires Parties to “undertake measures such as research, information and mass media campaigns, and social and economic initiatives to combat trafficking in person.”<sup>128</sup> Amnesty International, in a public statement prior to the World Cup, called on the European Commission to launch a Europe-wide campaign to “inform and educate the general public . . . about the scale of the problem of forced prostitution and trafficking in human beings and, most importantly, to seek to curb demand by raising awareness among potential clients.”<sup>129</sup>

The European Convention, likewise, calls on States to take legislative, social, cultural, administrative, and educational measures to discourage the demand for sexual exploitation and to use the media as a tool in identifying demand as a root cause of trafficking.<sup>130</sup> The actual language of the European Convention states:

To discourage the demand that foster all forms of exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural or other measures including:

- a) research on best practices, methods, and strategies;
- b) raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings;
- c) target information campaigns involving, as appropriate, inter alia, public authorities and policy makers;

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<sup>128</sup> Palermo Protocol, *supra* n. 40, at art. 9.

<sup>129</sup> Pub. Statement, Amnesty Int’l, Red Card to Trafficking during World Cup [hereinafter Amnesty Statement], ACT 77/008/2006 (Apr. 26, 2006), available at <http://www.amnesty.org/en/library/asset/ACT77/008/2006> (last visited Sep. 15, 2009).

<sup>130</sup> Amiel, *supra* n. 4, at p. 45.

d) preventative measures including educational programs for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.<sup>131</sup>

Amnesty International, in the same public statement, also called the European Commission to launch a “prevention campaign targeting potential victims and informing them of the risks and dangers of becoming caught up in human trafficking networks.”<sup>132</sup> UNICEF agrees that prevention and education campaigns must be run to adequately protect potential victims. In order to improve protection for children in the East Asia and Pacific region, UNICEF uses the strategies of prevention, early intervention, responsive social service systems, recovery and reintegration services, as well as comprehensive legal protection.<sup>133</sup> In addition, UNICEF believes that awareness-raising campaigns, parenting education, outreach to vulnerable school children, the creation of special police units for child protection and rescue, and support in helping trafficked children re-enter society are important to the strategic protection of children from victimization.<sup>134</sup> The organization has also been instrumental in the innovative partnership between the governments of Thailand and the Philippines and the hotel industry to provide sought-after training and employment opportunities to youth in particularly vulnerable situations.<sup>135</sup>

The influential effect of media on society is undeniable – even if the influence and freedom awarded to journalists is greater in some countries than others, it is still an effective tool for raising awareness, educating, and even shaming. Media can provide and broadcast

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<sup>131</sup> European Convention, *supra* n. 41, at art. 6.

<sup>132</sup> Amnesty Statement, *supra* n. 128.

<sup>133</sup> UNICEF, *supra* n. 6, ¶ 21.

<sup>134</sup> *Id.*

<sup>135</sup> *Id.* at ¶ 29.

information to a large number of people in a very condensed amount of time; with the media's ability to reach citizens around the globe, the causes, signs, and dangers of trafficking can be made plain for, literally, the world to see. By unveiling the secrecy surrounding the darkness that is human trafficking, news organizations may play a role in bringing light into the shattered lives of victims. Awareness could bring about prosecution of traffickers, safety and help for the victims, and prevention against future slavery. Education would have a similar effect in prevention.

As mentioned above in the UNICEF strategy, education is important in preventing victimization. Yet to prevent the demand, the European Convention sets out what is the first declaration of its kind. By providing educational programs which "stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being,"<sup>136</sup> schools around the world can help displace the sense of entitlement that bolsters demand in the first place. If a new generation is taught to respect the dignity of every human, regardless of sex, the number of future traffickers and clients could be diminished, and hopefully extinguished. What is more, the amount of resources spent to implement such education would be minimal, whereas the benefits derived from such teachings would be great. Media awareness and education, together with victim aid and an emphasis on cooperation, may all be included in a protocol to the U.N. Convention.

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<sup>136</sup> European Convention, *supra* n. 41, at art. 6(d).

### III. Conclusion

Human trafficking is modern-day slavery, which affects helpless victims around the world. Not only are the victims subjected to inhumane and cruel treatment, but the economic purity of the entire world is also compromised. Pursuant to this realization, the international community has enacted many conventions, protocols, and declarations on the subject. While the Nations States of the United Nations have taken steps through passage of the U.N. Convention and the Palermo Protocol to combat trafficking, the European Convention remains the forerunner in the promotion of human rights. Furthermore, the European Convention has taken an innovative stance on the importance of education which the entire international community would be wise to follow. Through passage of a protocol to the U.N. Convention which supports cooperation between supply and demand countries, cooperation between state governments and organizations already in place which are helping victims, and cooperation between the media and the international community, human trafficking could be more effectively handled. The human trafficking industry is present, it is powerful, and it is relentless; it is not, however, insurmountable. The international community, *unified as one body*, can combat this travesty.