

RECONCILING HUMAN TRAFFICKING WITH THE PRINCIPLE OF EQUALITY 2012

Edward J. O'Boyle
Mayo Research Institute
www.mayoresearch.org
edoboyle737@gmail.com

We never can abolish slavery, until we honestly accept the fundamental truth asserted by the Declaration of Independence and secure to all the equal and inalienable rights with which they are endowed by their Creator. Henry George, 1883.

Perhaps no other nation has struggled more openly and painfully with its collective conscience on the issue of human slavery than the United States. From its very foundations in 1776, it has been forced to reconcile the principle asserted in the Declaration of Independence “that all men are created equal and endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness” with the widespread practice of buying and selling human beings into slavery. Reconciling equality and slavery first came to a head eleven years later in drafting the fundamental principles that would govern the United States. Specifically, Article I, Section 2 of the Constitution addresses how representatives and taxes are to be apportioned among the states.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, *three fifths of all other Persons* (U.S. Constitution, Article I, Section 2; emphasis added).

Delegates who opposed slavery wanted only free persons included in that number, while supporters of slavery were insistent that all persons including slaves were to be counted. By denying slaves the right to vote, delegates who urged including slaves hoped to achieve the desired outcome of greater representation of slaveholders in Congress. The three-fifths compromise clearly did not reconcile this fundamental conflict between equality and slavery.

Two fundamental problems surfaced in the ensuing years. What to do with fugitive slaves? What to do when territories entered the Union as sovereign states? A bloody civil war forced the reconciliation issue to a head. In the end, President Lincoln asserted that emancipation was the answer to those deeply divisive questions and the overwhelming power of the Union armies brutally enforced his edicts.

However, slavery in the United States did not end with the civil war. Even today, it continues across the land though few Americans are aware of it or admit to its true dimensions. In the following we put the U.S. problem of slavery and trafficking today in a global context because slavery today involves human trafficking across many international borders.

INTERNATIONAL EFFORTS TO BAN SLAVERY

The League of Nations Slavery Convention of 1926, which sought “to prevent and suppress the slave trade” and to bring about “the complete abolition of slavery,” defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (League of Nations 1926, pp. 1-2). This treaty followed three other major initiatives to suppress slavery: the General Act of Berlin of 1885 that addressed slavery in the African colonies of the European states (*General Act 1885*, Article 9); the General Act and Declaration of Brussels of 1890 that dealt with the slave trade by land and sea (*Declaration 1890*, p.1); and the Convention of Saint-Germain-en-Laye of 1919 that affirmed the “complete suppression of all forms of slavery and the slave trade by land and by sea” (*Convention Revising 1921*, Article 11).

The Brussels Act was the first comprehensive treaty against the slave trade (Anti-Slavery International, no date-a, p. 1). The United Nations approved a supplementary convention in 1956 that extended the abolition to include debt bondage, serfdom, treatment of married women or women given in marriage as their husband’s or parents’ property, and assignment of children to work where their labor is exploited (UN 1956). Additional information on the international treaties adopted in the twentieth century relating to sexual exploitation, slavery, and trafficking is available from ECPAT International¹ and the United Nations (see ECPAT 1996, pp.1-22; UN 2002, pp. 3-6).

SLAVERY AND TRAFFICKING: WHAT IT IS AND WHAT IT DOES

Bales (2002, p. 2) supplied a succinct definition of slavery suitable for today’s global realities: “a loss of free will and choice backed up by violence, sometimes exercised by the slaveholder, sometimes by elements of the state.” The UN Commission on Human Rights identifies several contemporary forms of slavery beyond the usual ones, including sale of children, child prostitution, child pornography, exploitation of child labor, sexual mutilation of female children, use of children in armed conflicts, traffic in persons and sale of human organs, exploitation of prostitution, and certain unspecified practices under *apartheid* and colonial regimes. Debt bondage is like traditional slavery because it is difficult to wipe out the debt that is passed on to the bonded laborer’s children. Sharecropping is a common way of entering debt bondage (Office of the High Commissioner, no date, not paginated).

ECPAT defines commercial sexual exploitation of children as

¹ ECPAT: End Child Prostitution, Child Pornography and Trafficking in Children.

an exchange in which one or more parties gain a benefit – cash, goods or kind – from the exploitation for sexual purposes of someone under 18 (ECPAT 2011, p. 1).

The United Nations has provided the following definition of trafficking.

recruitment, transportation, transfer, harbouring, or receipt of persons, by means of 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 the person having control over another person, for the purpose of exploitation (which includes) ... prostitution ... or other forms of sexual exploitation, forced labour or services, slavery or (similar) practices ... servitude or removal of organs (UN General Assembly 2001, p. 32).

Smuggling is the “procurement ... to obtain ... a financial or other material benefit, of illegal entry of a person into a State Party of which the person is not a national or permanent resident” (UN General Assembly 2001, p.41).

Slavery and trafficking rob their victims of their sacred dignity as human beings, a dignity that inheres in the very nature of every human being and is everyone’s birthright. Slavery attacks the whole person -- body, mind, and spirit -- and reduces that person to an object or instrument for someone else’s advantage or enrichment. Slavery and trafficking subordinate one person to another, treating the core social values of freedom, equality, and community with contempt. Slavery and trafficking scoff at Kant’s second imperative that no one may be used for the pleasure of another human being; no one may be reduced to instrumental value. Thus, no one may be regarded as more highly valued -- more equal -- than anyone else.

In the following we present our remarks first on child slavery and trafficking followed by adult slavery and trafficking, then on the reasons this most inhuman practice persists, and finally on what is being done to root out this practice.²

SLAVERY AND TRAFFICKING

Children.

The trusting, innocent, dependent nature of children, coupled with their lack of worldly experience, make them especially vulnerable to entrapment in slavery. For that reason, their enslavement is an even greater atrocity than adult enslavement. However, estimating the extent of the various forms of child slavery and trafficking is quite difficult not only because the practice is clandestine but also because the children are silenced by their own fear and survival needs (Office of the High Commissioner 1991, not paginated).³

² The United Nation’s *Global Report on Trafficking in Persons* is not helpful in arriving at estimates of the scope of trafficking because this report is based on *reported* cases of trafficking (see UN 2009a, p. 51).

³ Though it was prepared more than 20 years ago, this statement is currently posted on the website of the Office of the High Commissioner.

The International Labour Organization most recently estimated that there are 215 million children worldwide who are child laborers, with boys representing nearly 60 percent of that total. Of the estimated 215 million, roughly 115 million are engaged in activities such as the sale and trafficking of children, debt bondage and serfdom, forced labor, compulsory military service, prostitution, and pornography (ILO 2012a, pp. 1-2). In what appears to be its most recent estimate, UNICEF in 2007 put the number of children who are trafficked every year at 1.2 million. According to UNICEF trafficking includes prostitution, work as low-wage or unpaid laborers, house servants, beggars, and soldiers (UNICEF 2007, p. 1). ECPAT confirms the 2007 UNICEF estimates by quoting directly from that report.

1.2 million children are trafficked globally every year. These children are exploited into prostitution and pornography or used for cheap labor (ECPAT 2011, p. 29).⁴

In the very same report, however, ECPAT finds that the empirical evidence has serious shortcomings.

... accurate estimates and evidence of the scope and scale of violence against children can be *extremely* difficult to produce (ECPAT 2011, pp. 41-42; emphasis added).

ECPAT is not alone in its criticism. A 2008 UNICEF-sponsored conference in Rio asserted the following.

There continues to be a lack of reliable, disaggregated data on the prevalence and nature of sexual exploitation of children and adolescents and on children at risk ... Information continues to circulate that is not based on updated knowledge and the wealth of field-based experience ... (UNICEF 2008, p.4).

Reluctantly we arrive at the conclusion that the best available global estimates of child slavery and trafficking – including the estimates published by the ILO in 2012 and reported in the following section -- are not entirely reliable. Even so, given the attention these problems have received from numerous agencies and organizations around the world, it is clear that child enslavement and trafficking are huge and frightening in their consequences for both victim and perpetrator.

Adults.

Bales was the first (in 1999) to make estimates – approximately 27million persons -- of the extent of global slavery. According to Bales, these enslaved persons work in agriculture, brick making, mining or quarrying, prostitution, gem working and jewelry making, cloth and carpet making, and domestic services. In addition, slaves clear forests, make charcoal, and work in shops. In the U.S. farm workers have been locked inside barracks and have labored in the fields under armed guards; enslaved women from Thailand and the Philippines have been freed from brothels in New York, Los Angeles, and Seattle (Bales 1999, pp. 1-33, 200).

⁴ Perhaps coincidentally, ILO in 2003 put the number of children who are trafficked for child labor at 1.2 million (ILO 2003, p.14).

One year later the United Nations reported that there were upwards of 200 million migrants worldwide of whom approximately 15 million were smuggled into the country where they presently reside (cited by Richards 2001, p.19). Two years later, the ILO stated emphatically that it was not possible at that time to provide reliable estimates of the extent of forced and compulsory labor around the world (ILO 2001, p. 102).

More recently, however, the ILO has developed a methodology that revises the one it used to produce global estimates on forced labor for 2005. This revised methodology means that ILO estimates no longer can be compared to its estimates for 2005. For that reason we do not include herein the ILO 2005 estimates.

The ILO in 2012 estimated that at any given point in time between 2002 and 2011 about 20.9 million persons were engaged in forced labor.⁵ Forced labor includes labor imposed by the State in prisons that operate below ILO labor standards, by military service, or by rebel armed forces. Additionally, forced labor is labor imposed by the private economy either for sexual exploitation or labor exploitation in such economic activities as agriculture, construction, domestic work, and manufacturing (ILO 2012b, p. 13).

Of the 20.9 million persons in forced labor, 15.4 million are adults and 5.5 million are children (ILO 2012b, p. 14). These estimates have been cited in the U.S. Department of State's report on modern slavery (see State Department 2012, p. 45). Caveats similar to the ones we observed in the preceding section on child slavery and trafficking apply here: the ILO's latest estimates for adults in forced labor may not be entirely reliable.

WHY SLAVERY AND TRAFFICKING PERSIST

Just as there are two principal parties to the practice of slavery -- the person enslaved and one who enslaves -- there are two sets of reasons as to why the practice persists. On the part of the person enslaved there is a material need grounded in the unrelieved poverty and dearth of opportunities of that person's pre-enslavement circumstances, though the linkage between poverty and slavery is neither complete nor direct (see, for example, ECPAT 2009, p. 36, 41-42, 78; World Bank 2009, p. 11). Unmet need pushes that person -- if a child is involved, his/her family or guardian may use that unmet need to push him/her -- into labor that through deception, force, and violence is exploited, where the poverty continues and a form of bondage may be imposed.

There is also a fundamental human need for work as such that meets the need to belong and the need to engage in work that is challenging and creative, allowing that human being to develop more fully towards his/her full potential as a person. The need to belong can be denied effectively by several means including language barrier, physical confinement, and

⁵ Given the standard error associated with this estimate, the range on this estimate is a low of 19.5 million and a high of 22.3 million (ILO 2012b, p. 13).

passport seizure. The need for creative work opportunities makes the innocent and naive vulnerable to being duped and deceived by the promises of the agents of slavery (Ryf 2002, pp.49-51). For example, the promise of marriage may entrap a girl into forced prostitution (Walker-Rodriquez and Hill 2011, p. 2). Both boys and girls may be threatened or tricked into prostitution by false promises of work (ECPAT 2009, p. 41).

We prefer this framework for addressing the persistence of slavery rather than the more conventional supply/demand or push/pull model because at the very core of slavery, as mentioned previously, is a devaluing of human beings that strips them of their inherent dignity as persons and reduces them to instruments for the illicit and unjust enrichment of others. Bales reports that in Pakistan, India, Mauritania, and Brazil nearly every slaveholder he met and interviewed regarded himself as a businessman. Indeed these agents of slavery were family men and pillars of the community (Bales 2002, p.4). This objectification of human beings is best described in the language routinely used to characterize the prostitute: “sex object.”

Objectification, however, is even more common than what is represented by the practice of human slavery and trafficking. Millions of other humans are reduced to objects as John Paul II warns in *Evangelium Vitae* (§3) through murder, genocide, abortion, euthanasia, wilful self-destruction, mutilation, torments inflicted on body or mind, attempts to coerce the will itself, subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children, disgraceful working conditions.

LIBERATION AND REHABILITATION

Liberating and rehabilitating children and adults who are enslaved or trafficked begin with the recognition that slavery and trafficking today are a worldwide human tragedy that ultimately reduces to one human being treating another as an exploitable property rather than a human person.

Millions of men, women, and children around the world are forced to lead lives as slaves. Although this exploitation is often not called slavery, the conditions are the same. People are sold like objects, forced to work for little or no pay and are at the mercy of their “employers” (Anti-Slavery no date-b, p. 1).

Antonio Costa, Executive Director of the UN Office of Drugs and Crime that in 2009 published *Global Report on Trafficking in Persons*, asserted that

... many governments are still in denial. There is even neglect when it comes to either reporting on, or prosecuting cases of human trafficking (UN 2009b, p. 1).

Between 2005 and 2010 the Congressional Research Service reported that the United States obligated nearly \$500 million for international anti-trafficking projects. However, reports regarding these projects have come under attack by the State Department’s Office of Inspector General for redundancy, excessive length and detail, and for doing “more diplomatic harm than good.” The Government Accountability Office has raised questions

about “coordinating, evaluating, and monitoring the effectiveness” of these projects. The CRS also reported apparently credible news accounts of U.S. representatives overseas engaged directly in trafficking and exploitation in Iraq, for example, and Afghanistan. Not surprisingly, the 112th Congress has entertained bills that would cut the level of funding for international projects to combat trafficking (Wyler, pp. 9, 12-13, 22, 31-32).

Nevertheless, the practice of enslavement and trafficking is so widespread today that we cannot use our own ignorance or lack of entirely reliable information as justifications for inaction. For that reason we turn to four international agencies experienced in this area for advice on how to address the problem of human enslavement and trafficking. Those agencies are Anti-Slavery International, ILO, ECPAT International, and the Office of the United Nations Commissioner for Human Rights. In the following our intent is not to be comprehensive. Rather we present selectively those recommendations that have some specificity and therefore make clear *what* should be done and *who* is to do it.

Based on its own studies, Anti-Slavery International in 2002 advanced 45 recommendations relating to government responsibilities in dealing with trafficking (see Anti-Slavery 2002). To our knowledge, it no longer holds to that set of recommendations. Instead Anti-Slavery International works with local partners to “investigate and report on slavery and promote action to eliminate this abuse.” It is, in other words, an action agency that targets countries especially in Africa, South Asia, East Asia, Latin America, Europe, and the Persian Gulf. For example it has targeted child trafficking in the cocoa farms of the Ivory Coast, child slavery in the cotton fields of Uzbekistan, and debt bondage in the garment manufacturing workshops of Delhi (Anti-Slavery no date-c, p. 1; no date-d, p. 1; June 2012, p. 10).

The ILO asserts that the abolition of child labor will be achieved more quickly and efficiently when the freedom of association and the right to collective bargaining are respected, workplace injustice is rooted out, and forced or compulsory labor is eliminated. Further, the ILO recommends that the age when a child can begin working should be 15 or the age of compulsory school attendance, whichever is higher (ILO 2012a, p. 1).

ECPAT International’s annual report for 2011 contains numerous recommended actions to protect children. Two are addressed here: Internet access to child pornography and child sex tourism. There are more than one million images of children on the Internet who have been subjected to sexual abuse and exploitation. For that reason ECPAT has become a core member of a coalition that targets this problem in the East Asia Pacific region with the intent of eradicating the profitability of commercial child pornography by tracking payments and shutting down accounts used by illegal enterprises. With regard to child sex tourism, ECPAT has worked on the development and implementation of a code of conduct for the tourism industry that helps combat this problem by persuading tour operators to put in place child protection policies, train staff, and report cases of child sex tourism (ECPAT 2011, pp. 17, 19, 35).

The Office of the UN High Commissioner for Human Rights in 2010 published a lengthy list of recommended principles and guidelines on human rights and human trafficking. The list includes a total of 17 principles and guidelines that are organized around four themes:

primacy of human rights; prevention of trafficking; protection and assistance; and criminalization, punishment and redress.

Our interest centers on the first theme. Specifically included in the 14 rights enumerated under that theme are, with the exception of the right to collective bargaining, the three affirmed by the ILO: the right to associate freely; the right to just and favorable conditions of work; and the right to not be submitted to slavery, servitude, forced or bonded labor. Also included in that list are the right to not be sold, traded or promised in marriage along with the right to life. This UN publication cites eight treaties that are the source of the right-to-life principle including Article 3 of the Universal Declaration of Human Rights (Office of the High Commissioner 2010, pp. 8-11, 16, 52-53).

FINAL REMARKS

Human slavery and trafficking are rooted in a culture of death and despair, where death is regarded as the *only* answer to intractable pain and suffering, an unwanted pregnancy, pedophilia, serial murders, along with drug kingpins, assassins, cop killers, terrorists. They will persist as long as humankind clings to the cultural value that there is a life not worth living, where some human beings are reducible to disposable objects.

In the end there is no reconciliation possible between slavery and trafficking and the principle of equality without rejecting the sacred dignity of every human being that is affirmed in, and the culture of life and hope that inspired, the assertion by the U.S. Founding Fathers that “all men are created equal and endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.”

Put differently, no reconciliation is possible unless one is willing to assert that some persons are in fact more equal than others.



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