

INTRODUCTION TO THE PROBLEM OF MODERN SLAVERY

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ABSTRACT

Modern slavery is gradually becoming one of the most widespread crimes in the world. A conscious understanding of the issue is an extremely important part of the process of tackling this problem. The aim of this work is to introduce the reader to the issue of human trafficking and its most common forms. The phenomenon splits in to the following main branches: sex trafficking, forced labour, debt bondage, domestic servitude, forced marriage, forced criminality and organ harvesting. Modern-day slavery happens all around us and at a surprisingly high rate.

Keywords: Slavery, Crimes, Human Trafficking

INTRODUCTION

Slavery had been illegal for many years, and as a result it has become more undisclosed than in the past. Nonetheless, it is thought that there are more slaves today than ever before. It is estimated that modern slavery worldwide business is worth around \$150 billion per year¹.

Human trafficking, also referred to as modern slavery is one of the most tragic human rights issues of our time. It splinters families, distorts global markets, undermines the rule of law, and spurs other transnational criminal activity. It threatens public safety and national security. But worst of all, the crime robs human beings of their freedom and their dignity². Slavery is prohibited under the 1948 Universal Declaration of Human Rights, which states: “No one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms”³. Nonetheless, slavery still exist — less about people literally owning other

¹ ILO, *Profits and poverty: The economics of forced labour*, 2014, 13

² Department of State US, Foreword of *Trafficking in Persons Report 2017*

³ Universal Declaration of Human Rights, art. 4

people — but more about being exploited and completely controlled by someone else, without being able to leave. People are stripped of their free will.

Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as 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 practices similar to slavery, servitude or the removal of organs⁴.

The tendencies associated with organised criminal activity, which we can observe around the world, all point out to a dynamic progress of this phenomenon, placing it right next to drug-related crime as well as arms dealing. Human trafficking does not only affect the countries which it influences directly - it is increasingly becoming a global issue. The data published by the International Labour Organization shows the scale of the problem. According to them in the past five years, 89 million people experienced some form of modern slavery for periods of time ranging from a few days to the whole five years. Secondly their 2016 report, *Global Estimates of modern slavery: forced labour and forced marriage* demonstrates that in 2016 40 million people became the victims of human trafficking, of which 25 million people were in forced Labour and the other 15 million found themselves in a forced marriage. Correspondingly, the United States Department of State estimates that every year 600-800 thousand people become the victims of human trafficking⁵.

Unfortunately, the statistics which are available represent only a fraction of the whole issue. The variety of forms of use, transnationalism, diversification of means of violence, difficult and oftentimes contradictory emotions of the victims and a non-uniform social apperception of the problem, differing by the region - all that makes human trafficking a big challenge for the international society as well as the authorities. What's more, modern slavery is a crime closely related to the migration movements making it a very dynamic phenomenon. It affects the whole world and is mostly caused by the social, economic and culture-based differences. In effect, human trafficking is a crime that is particularly difficult to detect and

⁴ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, art. 3

⁵ Department of State US, *Trafficking in Persons Report 2006*, 6

prove. The first step in bringing about a successful defense against its occurrence should be a widely spread awareness of what is meant by the term “human trafficking”.

The most common types of exploitation and human trafficking

We recognise a few main branches of modern slavery. The one that is the most common is sex exploitation. It takes place when someone is deceived, coerced or forced to take part in sexual activity. A percentage of victims consciously takes part in the sex business. Going abroad for financial gains is a common form of work amongst the female sex-workers. However a lot of times the workplace conditions are not corresponding to employer's promises. A big number of the victims gets involved in the sex business against their will — as an effect of a fraud or a clever deception. Recently „sex tourism” has also gained a lot of popularity. Its main target is to bring about commercial sexual intercourse between the tourists and the inhabitants of a given area. Sexual use of the victims may often involve forcing people to star in porn movies⁶.

The second biggest branch of human trafficking is forced labour.. Forced labour, sometimes also referred to as labour trafficking, encompasses the range of activities — recruiting, harboring, transporting, providing, or obtaining — involved when a person uses force or physical threats, psychological coercion, abuse of the legal process, deception, or other coercive means to compel someone to work. Once a person’s labour is exploited by such means, the person’s prior consent to work for an employer is legally irrelevant: the employer is a trafficker and the employee a trafficking victim. Migrants are particularly vulnerable to this form of human trafficking, but individuals also may be forced into labor in their own countries. Female victims of forced or bonded labour, especially women and girls in domestic servitude, are often sexually abused or exploited as well⁷.

Human trafficking takes up another form through forcing people to begging and committing crimes. This is when somebody is forced to carry out criminal activity through coercion or deception. Forced criminality also encompasses social welfare fraud. This takes place when exploiters falsely apply for tax credits and other welfare benefits using the victim’s details. It is not only the state that is the victim of social welfare fraud, there is often horrific abuse used against the individual in order to coerce them into falsely applying for benefits⁸.

⁶ M. Jawor, *Handel ludźmi jako problem zdrowia publicznego*, 2019, 10

⁷ Department of State US, *Trafficking in Persons Report 2017*, 17

⁸ Stop the Traffik, *Types of exploitation*, <https://www.stopthetraffik.org/about-human-trafficking/types-of-exploitation/>

One form of coercion used by traffickers in both sex trafficking and forced labour is the imposition of a bond or debt. Traffickers, labour agencies, recruiters, and employers in both the country of origin and the destination country can contribute to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt. Such circumstances may occur in the context of employment-based temporary work programs in which a worker's legal status in the destination country is tied to the employer so workers fear seeking redress⁹.

A human being is also being sold as a means of contracting a marriage. In such cases the victims is being forced to become married to either the buyer or a person pointed out by the buyer. A forced marriage, of which usually young women are subjects of, is nothing more than a trade. It could be an effect of a mutual parent's agreement, a way of resolving old conflicts, or a financial settlement between enterprises or families. The victims are then usually both the wife as well as the husband.

Children are often being used for illegal adoptions. This phenomenon can take up both a legal and an illegal form. The first one occurs when a man, with a permission of the biological mother, claims a child as his. A woman gives up her parental rights for given amount of money, and the new father who now owns the parental rights over the child takes him/her to his family. Other seemingly legal forms of it are handing a child over to a foster family before the end of the required period of six weeks, as well as the international adoption. with a dishonest purpose of providing medical services abroad, where in fact the adoption procedures begin when the child grows closer with his/her new parents. An illegal adoption takes place when a woman who's a buyer pretends to be pregnant, stages a home birth and then appears with a purchased infant who she registers as her own.

The last one of the branches presented is organ harvesting. It requires an advanced level of both medical and logistical strategies, which although does not mean that it is only absent in the less developed countries. When looking for a main reason for the organ harvesting, we are usually being told it's an ever-present deficit of transplantable organs in regard to the needs and the progress of modern medicine. International criminal organisations, noticing this tendency and recognising the profitability of the trafficking, are using the situation of an extreme poverty and are forcing an agreement for organ harvesting on potential donors, giving them only a fraction of the sum being obtained from the receivers.

⁹ Department of State US, *Trafficking in Persons Report 2017*, 17

CONCLUSION

Slavery, in its various forms, has been flourishing in places where the rule of law is weak and the social environment is disrupted. It requires awareness at every level and in every place in the world, in order to solve the problem of human trafficking.

REFERENCES

- United States Department of State, U.S. Department of State 2006 Trafficking in Persons Report - Canada, 5 June 2006, available at: <https://www.refworld.org/docid/4680d87d19.html> [accessed 11 May 2019]
- United States Department of State, 2017 Trafficking in Persons Report - United States of America, 27 June 2017, available at: <https://www.refworld.org/docid/5959ec2fc.html> [accessed 11 May 2019]
- International Labour Organization (ILO), Profits and Poverty: The Economics of Forced Labour, 2014, ISBN: 9789221287810; 978922128782, available at: <https://www.refworld.org/docid/53999aae4.html> [accessed 13 April 2019]
- STOP THE TRAFFIK. (n.d.). Types of exploitation, human trafficking & slavery - STOP THE TRAFFIK. [online] Available at: <https://www.stophetraffik.org/about-human-trafficking/types-of-exploitation/> [Accessed 6 May 2019].
- UN High Commissioner for Refugees (UNHCR), Refugee Protection and Human Trafficking. Selected Legal Reference Materials, December 2008, available at: <https://www.refworld.org/docid/498705862.html> [accessed 13 April 2019]