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## Human Trafficking ... A Global Problem

The Lord McColl of Dulwich

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# **Human Trafficking . . . A Global Problem**

**The Eighth Annual  
John E. James  
Distinguished Lecture**

**Walter F. George School of Law  
Mercer University  
Macon, Georgia  
September 16, 2008**

**by The Lord McColl of Dulwich\***

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\* Lord McColl was made a CBE in 1997 and a Fellow of King's College in 2001. He was made a Life Peer for his work for disabled people in the Queen's Birthday Honours in 1989. He was Parliamentary Private Secretary to Prime Minister John Major from 1994-1997. Since 1997, he has been a Shadow Minister for Health. Lord McColl studied medicine at London University and was Professor of Surgery at Guy's Hospital until 1998, continuing to teach at King's College on the Guy's Campus. Chairman, Mercyships UK; Vice President, Mildmay Centres of Palliative Care in London and Uganda; President, Leprosy Mission; Vice President, Prince of Wales Health Council on Disability.

Surgeon to the international charity Mercyships. Vice Chairman, Special Health Authority, ALAC Services (1987-1991); Chairman, Government Working Party, ALAC Services (1986-1987); Surgeon, St. Bartholomew's Hospital & Sub-Dean of the Medical College (1967-1971); Harvard Research Fellow (1967).

*Publications:* MCCOLL REPORT (1986); TALKING TO PATIENTS (1980); NHS DATA BOOK (1979); INTESTINAL ABSORPTION IN MAN (1976). *Awards:* Great Scot Award (2001);

May I begin by thanking my hosts: William Underwood, President of Mercer University; Daisy Hurst Floyd, Dean of the Walter F. George School of Law; and The Right Honorable Lord Gordon Slynn. I would also like to pay tribute to and thank Mr. John James, who has generously founded this lecture series. He has been very much supported by his wife, Dr. Lil James, who has had great experience in the medical profession, especially in the care of women and children.

John E. James is a distinguished graduate of the Georgia Institute of Technology and of Mercer University. He received the Tradition of Excellence Award from the General Practice and Trial Law section of the State Bar of Georgia and the Outstanding Alumnus Award from the Walter F. George School of Law Alumni Association, and he also is a former President of the Georgia Trial Lawyers Association.

The subject of this lecture, human trafficking, is somewhat depressing, but the more it is publicised, the more likely it is that this terrible trade can be curtailed. Human trafficking is the debasement and violation of one's human rights by another. The United Nations's definition is "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of . . . force or other forms of coercion, of abduction, of fraud [and] of deception . . . for the purpose of exploitation . . . [and] include[s] . . . prostitution, . . . forced labour, . . . practices similar to slavery, . . . or the removal of organs."<sup>1</sup> In other words, the dislocation of men, women, and children by deception or coercion for the purpose of exploitation.

Human trafficking is a scourge that affects every country worldwide. The Council of Europe estimates that revenues from people-trafficking have reached a staggering \$42 billion, which equal those of Microsoft and twice those of Coca-Cola.

What is the extent of human trafficking? The International Labour Organisation says that worldwide there are approximately 12.3 million people in forced labour, bonded labour, forced child labour, and sexual servitude at any given time. Of those, 2.4 million are in that situation as a result of human trafficking. The United States Department of State estimates that, Annually about six to eight hundred thousand people, mostly women and children, are trafficked across international borders; this does not include the millions who are trafficked within their own

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Distinguished Maritime Award of the National Maritime Association, USA (2002).

1. United Nations Office on Drugs and Crime, *What Is Human Trafficking?*, <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>.

countries.<sup>2</sup> Approximately eighty percent of those trafficked are women and girls and up to fifty percent, or 1.2 million, of these victims are children.<sup>3</sup> The United Nations Children's Fund believes that a child is being trafficked every thirty seconds domestically and internationally. The majority of these victims come from the poorest countries and the poorest strata. A recent report from the United Nations Office on Drugs and Crime concludes that no country is immune to human trafficking, be it as a country of origin, destination, or transit.<sup>4</sup> This report points out that human trafficking equals arms dealing as the second largest criminal industry in the world, after narcotics, and it is fast-growing.<sup>5</sup> Of course, the nature of this abhorrent crime makes it very difficult to obtain accurate statistics about it. All the figures included in this lecture are necessarily somewhat speculative. They may over-estimate the problem. But even if they over-estimate by as much as a third, the human trafficking trade would still be enormous. And then there is the possibility that they may be under-estimates. This would suggest that we have a problem that is too dreadful to think about. And that is perhaps one of the causes of this growing problem. We find it painful to think about human trafficking. So we are tempted to look away and to walk by on the other side, allowing this disaster to get even worse.

There have been some very significant changes since I started practicing as a surgeon. Heart transplants, keyhole surgery, cataract lens replacement operations: these were the stuff of dreams when I started. There have been huge changes. But some things have stayed the same. What has not changed is the fact that if we ignore a disease or an illness, averting our eyes and hoping for the best, the disease may get worse. Hoping for the best and looking away may provide a period of solace. But it is a false solace. It allows the disease to fester, and the longer we leave it, the more drastic the eventual treatment may have to be. There is always the possibility that if we ignore the problem for too long, it may become overwhelming.

We owe it to the victims of trafficking not to look away. We owe it to our society to bring this problem into the daylight and to expose it to

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2. U.S. DEP'T OF STATE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, TRAFFICKING IN PERSONS REPORT 2 (June 2005), available at <http://www.state.gov/g/tip/rls/tiprpt/2005/46606.htm>.

3. *Id.*

4. United Nations Office on Drugs and Crime, *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, 81 <http://www.unodc.org/documents/human-trafficking/Marika-Misc/An%20Introduction%20to%20Human%20Trafficking%20-%20Vulnerability,%20Impact%20and%20Action.pdf> (URL is case-sensitive)

5. *Id.* at 96.

scrutiny. That is a major purpose of today's talk. I do not have any magic solutions to this international problem. But by bringing the facts, repulsive as they are, into the public view, there is always the hope that able and creative minds, such as yours, may rise to the challenge of confronting this trade and reducing it, even if its complete elimination may be impossible.

I was reminded the other day of the amazing skill and courage of one of your countrymen, Dr. Dwight Harkin, who pioneered operations on the human heart. Until his work, the mortality rate of operations on the heart was such that no one would do it. Soldiers with shrapnel wounds to the heart were regarded as untreatable. In 1944 Dr. Harkin was working in a field hospital in England and was confronted with a large number of servicemen who had no hope of anything like a normal life unless some way was found to repair the shrapnel wounds they had suffered. Your Dr. Harkin had the skill, the courage, and the compassion to confront the problem. On the back of his work others followed, and today open heart surgery is regarded as unremarkable. Today, it is no exaggeration to say that the world is faced with a problem that requires every bit as much courage to confront—the problem of human trafficking.

The British Parliamentary Joint Committee on Human Rights considers human trafficking to be “one of the most serious human rights issues in the modern world.”<sup>6</sup> The committee outlines the varying forms of enslavement, including children drugged and forced to fight as soldiers; men bonded or chained in labour on mines and farms; women enslaved in quarries and households; women and girls trapped in the sex trade; and boys forced to fish in dangerous waters.<sup>7</sup> Save the Children, an international charity based in the United Kingdom (U.K.), estimates that there are five thousand children prostitutes in the U.K., nearly all of whom were trafficked. It is reported that an average of one hundred unaccompanied minors come through U.K. immigration at an Immigration Centre in South London each week. Of those, some eighty disappear. The strong belief is that most are taken by traffickers.

May I tell you about Anna, whose nightmare began in Eastern Europe when her father sold her into the sex trade at the age of eighteen years? Alone, frightened, and so very vulnerable, she was shipped to Italy where she was kept as a prisoner for seven months. From there she was smuggled into the U.K. in a lorry and then transported to London. Her

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6. JOINT COMMITTEE ON HUMAN RIGHTS, HUMAN TRAFFICKING, 2005-6, H.L. 245-1, H.C. 1127-1, at 5, available at <http://www.publications.parliament.uk/pa/jt200506/jtselect/jtrights/245/245.pdf>.

7. *Id.* at 30.

life became a living hell as she became a sex slave and was required to service sixty-five to seventy customers every day for five agonising years. She wanted so badly to plead with her customers for help, but her traffickers threatened to kill her if ever she told anyone. To show Anna that they were serious, they beat her without mercy, breaking her arm, and then raped her repeatedly. Surely some of those customers must have sensed that she was there under duress. Finally, Anna escaped, but she will never escape the haunting memories or the physical and emotional scars that she will always bear.

It is reckoned that fifty percent of this trade is fueled by the demand created through adverts in our local newspapers. Surely, carefully crafted legislation should be put in place to outlaw such advertisements if newspapers fail to put their own houses in order.

The United States Central Intelligence Agency estimates that fifty thousand people are trafficked into or transited through the United States annually for sexual and labour exploitation. In 2007 the U.S. Government continued to advance the goal of eradicating human trafficking within its country.<sup>8</sup> This coordinated effort included several federal agencies and approximately \$23 million in the Fiscal Year 2007 for domestic programs: (1) to boost antitrafficking law enforcement efforts, (2) to identify and protect victims of trafficking, and (3) to raise awareness of trafficking to try to prevent new incidents.<sup>9</sup>

The following reports are culled from over two hundred studies found on the web:

(1) California is the top destination in the U.S. for people who force women and girls into hard labour and sex trade. Researchers from the University of California at Berkeley found fifty-seven forced labour operations over a five-year period in about a dozen California cities, involving more than five hundred people from eighteen countries.

(2) Minnesota social service groups have assisted up to five hundred sex trafficking victims and fifty-five labour trafficking victims in the past three years, according to results of a study issued last month by the Minnesota Department of Public Safety.<sup>10</sup> This study confirmed that

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8. U.S. DEPT OF STATE, OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS, *TRAFFICKING IN PERSONS REPORT 1* (June 2008), available at <http://www.state.gov/g/tip/rls/tiprpt/2008/105385.htm>.

9. *Id.*

10. See MINN. DEPT OF PUBLIC SAFETY, *HUMAN TRAFFICKING IN MINNESOTA* (2008), available at [http://www.dps.state.mn.us/OJP/cj/publications/Reports/2008\\_Human\\_Trafficking\\_Report.pdf](http://www.dps.state.mn.us/OJP/cj/publications/Reports/2008_Human_Trafficking_Report.pdf).

human trafficking is a much bigger issue than had been imagined in Minnesota.<sup>11</sup> Trafficked victims may be desperately poor, dependent on drugs, illegal immigrants, or just a kid running away from home. Traffickers beat, rape, and starve their victims; hook them on drugs; and take away their passports.

(3) According to U.S. Immigration and Customs Enforcement, in the past twelve months, immigration agents have raided a number of suspected brothels in quiet San Francisco neighbourhoods, exposing a previously unseen tragedy. Prostitution of youth is sadly all too common and often involves children as young as nine years old. This is a devastating problem that few people want to talk about. Rarely do children begin selling their bodies on their own; they are forced into prostitution by traffickers and pimps. According to the advocacy organization Standing Against Global Exploitation, eighty-five percent of children in prostitution previously suffered incest, rape, or abuse at home and are often singled out by pimps because they are runaways. Some years ago a girl of fifteen years was referred to me for surgery because the main artery of her right leg was said to be blocked. For three months her leg had been cold, blue, and badly swollen. She complained that the leg was in pain and paralysed. Although the leg looked very impressive, the condition was hysterical and the diagnosis was incest. Her father had been sexually abusing her for seven years and her self-induced condition coincided with her acquisition of a boyfriend who attacked the father and severely injured him. I naively assumed that was one solution to the problem. Not a bit; the boyfriend then began beating the girl. When I made inquiries about the prevalence of incest in general, I was horrified to learn that at least ten percent of children are involved in the United Kingdom and the same percentage is found in many countries, including the United States.

(4) Over the years, Dr. David McCollum, a physician from Chanhassen, Minnesota, who chairs the American Medical Association National Advisory Council on Violence and Abuse, has seen patients who seemed to be in an abusive situation, but who did not quite fit the profile for victims of domestic violence. However, there were common themes. Someone was always with these patients, never letting them speak for themselves; and even if they did, their English was limited or nonexistent. The patients also always seemed insecure and uncomfortable. Dr. McCollum now thinks these patients may have been victims of human

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11. *Id.*

trafficking. Thanks to the U.S. Department of Health and Human Services, resources are now becoming available to help physicians identify the problem and the department is rolling out its "Rescue and Restore Victims of Human Trafficking" awareness campaign to provide physicians and other health care professionals with the tools to detect victims of this crime.

(5) It is common practice for traffickers to make trafficked people memorise a phone number before they leave their country of origin, without telling them why. Then, these trafficked people are often abandoned at the departing airports with their only option being to carry on with their journey. They are deceived into expecting that when they reach the U.K. a helpful person will meet them and provide the job that they had been promised. When they arrive alone, they are usually flown back to their port of embarkation, where the traffickers are often waiting to re-traffic them. This practice has happened to some victims as often as twenty times in their lives. Before these people are sent back, they often call the memorised phone number and are picked up by the traffickers in the U.K. The police and social services have no idea of their whereabouts.

The effect of being trafficked is absolutely devastating. A report by, amongst others, the London School of Hygiene and Tropical Medicine in London, concluded that

Trafficking often has a profound impact on the health and well-being of women. The forms of abuse and risks that women experience include physical, sexual, and psychological abuse, the forced . . . use of drugs and alcohol, social restrictions, . . . economic exploitation, . . . legal insecurity, abusive working and living conditions, and a range of risks associated with being a migrant and/or marginalised.<sup>12</sup>

In another study on violence and injury during trafficking, ninety-five percent of respondents reported physical or sexual violence<sup>13</sup> and thirty-six percent reported receiving threats to their family.<sup>14</sup> To retain

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12. LONDON SCHOOL OF HYGIENE & TROPICAL MEDICINE, *THE HEALTH RISKS AND CONSEQUENCES OF TRAFFICKING IN WOMEN AND ADOLESCENTS: FINDINGS FROM A EUROPEAN STUDY 3* (2003), available at <http://www.lshtm.ac.uk/hpu/docs/traffickingfinal.pdf>.

13. LONDON SCHOOL OF HYGIENE & TROPICAL MEDICINE, *STOLEN SMILES: THE PHYSICAL AND PSYCHOLOGICAL HEALTH CONSEQUENCES OF WOMEN AND ADOLESCENTS TRAFFICKED IN EUROPE 32* (2006), available at [http://www.lshtm.ac.uk/hpu/docs/Stolen%20Smiles%20-%20Trafficking%20and%20Health%20\(2006\).pdf](http://www.lshtm.ac.uk/hpu/docs/Stolen%20Smiles%20-%20Trafficking%20and%20Health%20(2006).pdf) (URL is case-sensitive).

14. *Id.* at 35.



control over each woman, traffickers or pimps create an unpredictable and unsafe environment to keep them continually on edge.<sup>15</sup> Most of the women were also denied access to healthcare during their experience.<sup>16</sup> Immediately following their release or escape, most of them are burdened with numerous and concurrent physical and mental health problems.<sup>17</sup>

During a debate on health services in December 2006 in the British Parliament, I drew attention to the extent of human trafficking. Lord Slynne was present, and as a result, I was invited here today to give this lecture. During this parliamentary debate, someone was overheard to say, "What has human trafficking to do with the health services?" It has a great deal to do with it. Those who are trafficked are deprived of their freedom of choice and of movement and are often deprived of the medical attention they desperately need for the diseases inevitably forced upon them. In the European study from the London School of Hygiene and Tropical Medicine in 2003, they found that most of these tragic women had ten to twenty-five clients a night, and some had forty to fifty.<sup>18</sup>

Why would a person agree to leave their home with a trafficker? First of all, there is the promise of work for poor and uneducated people; secondly, perhaps, there is the false belief that they will have the opportunity to study; thirdly, there is the chance to travel; and, fourthly, they may do it because of cultural practices. Additionally, the parents may have sold their children because of extreme poverty. Following disasters, such as earthquakes, children are often at risk of being trafficked because they are easy prey if separated from their families. Further, traffickers regularly exploit the cultural norms of a society. For instance, in Nigeria, children commonly move away from their parents for a period during their early teens to live and work with extended family members. Depending on where the extended family lives, a child can be sent to the next village, another city or to another country. Traffickers exploit this practice either by kidnapping the child en route or approaching the extended family to purchase the child from them.

There are five key areas where action is urgently needed: publicity, prevention, protection, prosecution, and reintegration.

**PUBLICITY.** First, publicity is needed to educate and shame those using the services of trafficked people. If there were no demand by the general public for the services of trafficked women in prostitution,

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15. *Id.* at 36.

16. *Id.* at 62.

17. *Id.*

18. LONDON SCHOOL OF HYGIENE & TROPICAL MEDICINE, *supra* note 11, at 4.

trafficking would not be flourishing. This is a further reason for bringing the spotlight of publicity onto the trafficking business. Publicising the problem may encourage some people to think twice about using a service that is built upon abuse and exploitation.

*PREVENTION.* We should adhere to the old adage, "An ounce of prevention is worth a pound of cure" and make sure that international aid is used effectively to tackle the poverty that enables trafficking to occur. This could be done by injecting anti-trafficking initiatives into poverty reduction strategies. These programs might prevent incidents such as that of a young Czech mother of two who was brought to the U.K. under the pretence of becoming a waitress. Upon her arrival, she was brutally raped and beaten almost continuously until she managed to escape through the window of her brothel. The subsequent involvement of the Cambridgeshire Police enabled her to return to her family.

There are many worthy causes worldwide that would benefit greatly from increased aid, such as the Thailand NGO, Development and Education Program for Daughters & Communities (DEPDC), which utilizes a mix of strategies to convince parents about the dangers of the illegal sex trade. In many successful cases, the child's decision to continue her education overrides the parent's desire for money. At a recent international women's human rights conference, it was emphasised that we must reach vulnerable women with information and education, warning them against the dangers of trafficking. Countries have adopted a variety of novel methods to educate women about the dangers they face. When women apply for visas to work in rather dubious locations, the Austrian embassies warn them of the danger of forced prostitution and oblige them to apply for a visa in person. In Nepal, in attempts to prevent the trafficking of girls from Nepal to India for prostitution, an education charity provides skills in reading and math, and it teaches about the dangers of trafficking.

*PROTECTION.* Once the victims get out of these awful positions, it is crucial that governments take care to protect them. The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children<sup>19</sup> stresses the importance of protecting the privacy of the victims once freed from traffickers, especially during the prosecution of the traffickers. The protocol also calls upon countries to maintain the human rights of the individuals involved by having secure and efficient systems in place to address the

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19. U.N. GAOR, 55th Sess., U.N. Doc. A/RES/55/25 (2000).

physical and emotional needs of the victims. Countries must become more efficient in protecting the victims of traffickers to stop this horrific crime of trafficking children, some as young as five, brought secretly into Britain to work as domestic servants or in cannabis factories, for sexual exploitation, or for underage marriage. According to the United Nations Children's Fund report, "Rights Here, Rights Now," even if trafficked children are identified, "their care and protection is inconsistent, ad hoc, and, in some regions, completely absent."<sup>20</sup> The Report advocates reforms to help plug the gaps in the system including the provision of a professional guardian for each trafficked child.<sup>21</sup>

*PROSECUTION and REINTEGRATION.* The appalling figures illustrate the need for all countries to maintain efficient and successful systems of prosecution and reintegration. The highly clandestine nature of the crime means many cases remain unreported. This is further complicated because many victims of trafficking are afraid of attacks on their family in retaliation for their family's involvement in the prosecution of their traffickers. The privacy, dignity, and security of the victim are paramount. We cannot allow a flawed system of prosecution or reintegration to cause further harm to these individuals who have already suffered so much. The international nature of this crime demands an international response, and it is important that technical cooperation links between countries be maintained and strengthened.

Chief Constable Dr. Brain in the U.K. emphasised that organised criminals regard human trafficking as a lucrative and low risk crime and see the victims as merely another profitable commodity. To combat this plague in the U.K., police led operations called Pentameter One and Pentameter Two beginning in 2006. These operations have been a successful example of how collaborative working between a large number of different agencies can deliver operational results of the highest standards.

In 2006 Operation Pentameter One was the first nationwide, antihuman trafficking operation in the U.K. Although it increased the knowledge of how trafficking groups operated, much was still unknown. Therefore, it was essential to maintain momentum and to build on the success of Pentameter One by launching another, similar operation—Pentameter Two. Pentameter Two was linked to an initiative in a number of European Union countries being led by the U.K. and

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20. UNITED NATIONS CHILDREN'S FUND, RIGHTS HERE, RIGHTS NOW: RECOMMENDATIONS FOR PROTECTING TRAFFICKED CHILDREN 2 (2007), available at <http://www.unicef.org.uk/campaigns/publications/pdf/rightshere.pdf>.

21. *Id.* at 3.

Poland. Pentameter Two started in 2007 with briefings of more than five hundred law enforcement personnel. During its six-month operational lifespan, 167 victims of trafficking for sexual exploitation were recovered from 822 premises throughout the U.K. Of these, 157 were massage parlours or saunas, and 582 were flats and houses. In addition to the number of victims recovered, 528 arrests were made and more than 80 individuals have already been charged with a variety of offences. A number of others remain on bail while investigations continue. The assets of those believed to be responsible for human trafficking have been seized, including more than one million dollars worth of cash, and orders have been put in place restraining further assets running into several million dollars. These sums are absurdly low, given the huge annual turnover generated by the trafficking trade.

Pentameter Two was twice as successful as Pentameter One. The increase in arrests was encouraging in terms of police and partner agency effectiveness, but these operations again underlined that we have an insidious problem in the heart of society. The operations brought to light the case of a fifteen year-old girl from Lithuania who had been lured to the U.K. on the false promise of a summer job selling ice cream but was herded from brothel to brothel by gangs and individuals. She was sold seven times in the space of three months. After she had been freed, she said that she had run out of tears and that although she tries to forget, she still has nightmares. The deputy chief constable in charge of Operation Pentameter said that teenage virgins will fetch \$8,000 on the open market whereas a thirty-nine year-old woman may only command \$1,000. In the U.K., the average earnings of a trafficked person in prostitution for his or her pimp are \$200,000 per year. Operation Pentameter evolved into the Human Trafficking Centre, which has brought together all the involved parties, including lawyers, police, immigration officials, and many others. Despite the government's welcomed activities in trying to prevent trafficking, the problem is actually getting worse. We must have more stringent law enforcement and greater cooperation between the police, especially in those countries of origin. Governments need to put pressure on the European Union to insist on effective law enforcement measures as a criterion for new countries seeking membership in the European Union. In the United States, former Attorney General John Ashcroft significantly increased federal trafficking prosecutions. Thanks again to the Trafficking Victims Protection Act,<sup>22</sup> those found guilty of trafficking crimes face significantly increased jail time—up to twenty years in prison from the

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22. Trafficking Victims Protection Act, 22 U.S.C. §§ 7101-7200 (2006).

previous maximum of ten years and up to life imprisonment under certain circumstances.<sup>23</sup> Also, the Australian Federal Police are enlisting the support of the public by encouraging men to call a special hotline anonymously if they suspect that a woman they have used is being forced to work as a woman in prostitution.

The following are extracts from a report to the European members of parliament by the International Justice Mission (IJM) prepared by Terry Tennens. The IJM is a human rights organisation founded a decade ago to work alongside local police and prosecutors to help the victims of trafficking. The Mission employs law enforcement professionals who carry out undercover criminal investigations that provide effective intelligence networks. Most of their field operational staff are nationals of their own countries who train with the local police to conduct raids and rescues. They focused on Cambodia as an example of one of the worst sex trafficking countries with the least effective judicial system. In 2001 in a brothel area near Phnom Penh, they collected irrefutable evidence of names, ages, and locations of a number of young trafficked children and gave them to the local Cambodian authorities. Nothing was done. Similar investigations were repeated the following year in 2002, and again no action was taken. A year later they provided evidence of forty-five children under fifteen years of age who were being offered for sexual exploitation, and again nothing was done until the American ambassador threatened the Cambodian government that if they did not address the problem, foreign aid would be cut. Soon after, the Cambodian police raided the brothel area and rescued thirty-seven young girls, ten of whom were under ten years old, and the youngest being only five years old. Now, five years further on, these children are being well cared for, are healthy and happy, and their future is bright. Moreover, during the past five years, the Cambodian government has steadily increased its anti-trafficking activities, and the pedophile websites are now warning sex tourists to avoid that area. The International Justice Mission has suggested that the European Union (E.U.) should make it clear to any country wishing assistance from the E.U. had better demonstrate zero tolerance for human trafficking. Nor should anyone be fooled by a government indulging in a cosmetic exercise of rounding up and punishing the women in the commercial sex industry. The E.U. should insist on the full rigour of the law that is demanded by most of its member countries; namely, jail for pimps, brothel owners, traffickers, and others involved in sex and labour slavery.<sup>24</sup>

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23. *Id.*

24. INTERNATIONAL JUSTICE MISSION, TESTIMONY OF TERRY TENNENS, INTERNATIONAL JUSTICE MISSION ON CONFRONTING THE CRIME OF TRAFFICKING: PRESENTED TO THE EPP-

There is hope, even in the poorest countries, in helping to create real deterrence. Although many of these countries are plagued by corruption, there are areas where the police and judiciary are straight. But the problem in these poor countries is that they lack the resources, training, and motivation to deal with these crimes. For example, the International Justice Mission established an office in Guatemala City in 2006 with an all Guatemalan team of attorneys and investigators. They found the legal authorities more than willing to deal with pedophiles, and they assisted police in investigating and co-prosecuting these criminals in the courts. This resulted in a one hundred percent conviction rate in these cases. The E.U. is also assisting with judicial reform in those countries, including Guatemala, where it has helped to create a National Forensic Institute (INACIF) to upgrade forensic data.

In Thailand strong law enforcement has effectively ended the open exploitation of minors in Chiang Mai which is a centre of Thailand's commercial sex industry. When International Justice Mission investigators' undercover data from 1998 to 2002 was compared with data in their July 2008 survey, the IJM found a great improvement in that the percentage of minors had fallen from ten percent of all sex workers to only one minor. Strong law enforcement does work. The profits from trafficking are so huge that fines and closures of brothels are useless. It is absolutely essential to create real fear of arrest and imprisonment to deter these criminals.

Our work does not finish when the victims return to their homes. The process of reintegration is equally important to that of rescue or prosecution. A victim is likely to have psychological scars, encounter social stigma, and face difficulties in gaining employment, especially if they have been treated by law authorities as criminals, either for prostitution or illegal immigration. The same poverty that made the victim vulnerable to trafficking can also prevent successful reintegration.

In Atlanta in 2001 an organisation was set up called Wellspring Living to help rebuild the lives of sexually abused children and includes a low cost residential program. Also, the students here at the Mercer Law School in Macon, Georgia told me more about their organisation "STOP," which stands for "Sex Trafficking Opposition Project," and which I had heard about in London. It is most encouraging to see students of differing persuasions cooperating to combat trafficking.

Many communities do not have the resources to provide training or support for returning victims. There are some positive examples, however, that indicate ways in which international aid could assist the

victims. The Philippine government has established reintegration programs with therapy sessions to overcome fear, shame, and self-blame. These are provided in conjunction with programs that give victims information on options available for work, continuing education, and vocational training.

In the U.K. there is probably only one government scheme, called the Poppy Project, that provides safe accommodation for only thirty-five females who have been trafficked for sexual exploitation. The U.K. government needs to provide and resource support centres for trafficking victims nationwide. In Italy, there is the opportunity to receive a temporary residence permit as well as stay at one of the many supportive housing initiatives that provide care and counseling to victims of trafficking. This Italian approach has been successful and needs to be examined further and possibly adopted in other countries.

Many people have difficulty believing that even babies of six months have been raped repeatedly, and I can sympathise with them. For several years, I included in a lecture a photograph of a six month old boy with clear evidence of sexual abuse that I had completely misinterpreted because it was inconceivable to me in the 1960s that such a thing could occur. This phenomenon is known as "observation error." It is a scientific fact that it is possible for us to see what we think we see but, yet, be completely mistaken.

Prostitution is on the increase, and this may be one reason for the increase in trafficking. A recent estimate has suggested that one in ten men use women in prostitution. I was asked by people in Atlanta what could be done to change these men's lifestyles because attempts so far had failed to work, and nothing seemed to shame them. Remembering that John and Charles Wesley's visit to Georgia was a great success, I thought it appropriate to point out that their activities in Britain had also been effective and had transformed the behaviour of the people dramatically from a violent and unpleasant society into a wholesome attractive land. The same could happen today.

A reduction in prostitution should lead to a reduction in trafficking. To reduce prostitution unassociated with human trafficking, some advocate the legalisation of prostitution. However, regardless of how careful and thoughtful legislators are, introducing laws to legalise prostitution, rather than curtailing it, can be seen as a crack in the dam. This could put in danger the vulnerable, the weak, and the poor—the very people most in need of protection. A country's response to prostitution has a direct effect, firstly, on the amount of trafficking and, secondly, on where the women actually practise. In the U.K., the prostitutes are mainly indoors whereas in Holland, Germany, and Italy, they are usually out on the streets. In Australia and Holland, the

introduction of regulation has not succeeded in bringing prostitution within a safe regulated environment because unregulated prostitution has persisted. Unfortunately, Australia and Holland have become more attractive for trafficking.

Following an initiative in the United States, the U.K. police have tried to reduce trafficking by using a different approach to those caught soliciting prostitutes. Solicitors are told that there will be no prosecution on the condition that they attend a course of instruction on the abusive nature of prostitution. Alternatively, men can opt to have a summons delivered to their home that their wives will see. Those who attended this Change Course came to understand how degrading and abusive prostitution is for the victim. The result was a re-offending rate of less than two percent (19 out of 1400).

There have been some encouraging developments in countries like Sweden, which was the first to criminalise the demand side of prostitution. Those who buy sex are prosecuted, rather than those who sell it. The Swedish government reasoned that prostitution reinforces gender inequality, and it wishes to promote the equality of men and women. The government's ultimate aim is to abolish prostitution altogether. The effect in Sweden is that human trafficking has been significantly reduced.

The Safety First Coalition and English Collective of Prostitutes are lobby groups who object to legal moves to curtail prostitution on the basis that women should be free to choose. However, it should be pointed out that these lobby groups do not represent the majority of individuals in prostitution. They speak for the small minority of women who serve the more refined and expensive part of the trade and regard prostitution as a good career choice. They seem to ignore the fact that the majority of women in prostitution have very little choice at all and see no other way of dealing with their drug addiction and their entrapment by their pimps. This silent majority is too scared to speak out because they risk violence or even death at the hands of their pimps. Those who have escaped are very damaged and want to stay silent and hidden from their violent ex-pimps. In London, eighty-one percent of women in brothels are from abroad, according to the Poppy Project in 2004. It is highly likely that these women have been trafficked, meaning that most of the activity in these brothels constitutes rape. The Home Office recently piloted a poster campaign showing a picture of a brothel with the slogan underneath stating, "Walk in a client, walk out a rapist."

One may debate whether the criminalisation of prostitution is an infringement on the civil liberties of women in voluntary prostitution and their potential clients. However, there should be no debate about those who are not volunteers but are forced into prostitution.



I am only too well aware that I am speaking in a distinguished law school and that I am not a lawyer. For those reasons, I have not attempted to address the development of international law as it applies to trafficking.

I am also well aware, Mr. President, ladies, and gentlemen, that in giving a lecture here in Macon on human trafficking, it may seem to you like preaching to the converted because Georgia is already fully conversant with this problem and is very keen to address these issues. Your civil authorities are very concerned and are working closely with churches and business people to that end.

But I hope you may allow me to present a few personal thoughts in conclusion. Trafficking is not a new problem. The first reference I can find to it dates from around 750 B.C., when the prophet Amos warned the people of Israel that God was going to punish them, stating, "They sell the righteous for silver, and the needy for a pair of sandals. They trample on the heads of the poor as upon the dust of the ground and deny justice to the oppressed."<sup>25</sup> Even in 750 B.C. trafficking was recognised for what it was: an evil deserving punishment. And the denial of justice to the trafficked was recognised as a further evil.

I then leap forward to July 4, 1776 when your founding fathers so boldly declared, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."<sup>26</sup> These are the fundamental human rights that traffickers deny their victims: "Life, liberty and the pursuit of happiness." Surely, it should not be too much to hope that in 2008 governments and voluntary organisations will co-operate across nations and resolve to confront this trade for what it is—an evil to be eradicated.

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25. *Amos* 2:6-7.

26. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).