THE QUEST FOR ROOT CAUSES OF HUMAN TRAFFICKING:

A STUDY ON THE EXPERIENCE OF MARGINALIZED GROUPS, WITH A FOCUS

ON THE REPUBLIC OF SERBIA

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ABSTRACT OF THE THESIS

The Quest for Root Causes of Human Trafficking: A Study on the Experience of
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The complexity of the phenomenon of human trafficking is not only a problem for
academics, but also a problem for those who work in this field, including police, people
running safe houses, medical personnel, etc. Trafficking in humans is actively
undermining the wellbeing of individuals, local communities, institutions, rule of law,
states and the international community at large. The overall goal of this dissertation is to
unweave the complexity of human trafficking and offer possible paths to better
understanding of this phenomenon by analyzing, explaining and evaluating the
underlying reasons for this growing global problem.

Within the field of human trafficking, there are many approaches to analyzing this
growing problem, but most fall short of recognizing the importance of root causes and
their complexity. Some focus on socioeconomic factors or issues of human rights
violations, while others focus on security and legal issues, e.g., illegal migration,
prostitution, border control and policing. There are also those who take a feminist
approach, seeing human trafficking in gender terms, e.g., male domination and control
over women as well as an extension of domestic violence. While these approaches are
valuable, without seeing the interconnected, complex nature of human trafficking, these
common approaches often fall short of identifying the range of underlying causes at

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work. The aim of my dissertation is to uncover some of these underlying causes, propose a four-stage approach to human trafficking that identifies different stages of this phenomenon and provide a holistic approach to analyzing and understanding human trafficking.

The study relies on insights gained through field research I conducted in the Republic of Serbia in 2004, 2005 and 2009 as well as an overall review of the field from 2004 to 2011. My methodology is two-fold and includes primary and secondary research. Specifically, my methodology involves: 1) a review of the literature, 2) semi-structured interviews among stakeholders and members of nongovernmental organizations working on issues of human trafficking, and 3) collection and analysis of over 200 questionnaires among the general public and third year high school students.

This dissertation moves beyond common ways of explaining human trafficking and highlights different perspectives that add to the complexity of this phenomenon. The questions addressed include the following. First, what are the root causes, not typically explored in the literature, e.g., stereotypes, culture, customs, traditions, religion, that make some people vulnerable to human trafficking. Second, are some ethnic minority groups, e.g., Roma, Nepal's Badi community and India's Dēvadāsis, who are traditionally socially neglected, more prone than others to be victims of human trafficking. Third, to what extent is general public perception and awareness of this phenomenon an overall determining factor of success in the fight against human trafficking.

This dissertation can be used as a starting point for providing a more holistic understanding of this phenomenon and for exploring the hypothesis that possibly less

privileged and often socially neglected minority groups are especially vulnerable to become victims of human trafficking.

ACKNOWLEDGEMENT

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> *A woman and the cows are a man's property.*
> –Wilson Tulito Molill,
> Senior chief, Ngong, Kenya

<u>**Personal Preface**</u>

It was the first birthday of my daughter when I read an article about Srey Pov in The New York Times. As a parent all you think of is your child. The joy that you get from just one smile is hard to put into words. Unfortunately, for some, smiles are not enough. The story about the life of Srey Pov shocked me beyond anything that I learned about human trafficking; it also confirmed the complexity of human behavior. Despite having already written the introduction to my dissertation, I began reflecting on the different sad stories I read over the course of my dissertation research and I could not resist changing my introduction.

Srey was only 6 years old when her parents sold her into a brothel in Cambodia. Despite her very young age and innocence, she was repeatedly sold, raped and abused. As reported by Nicholas Kristof of The New York Times: "Some 20 customers raped her nightly…and the brothel twice stitched her vagina closed so that she could be resold as a virgin." (2011, Nov. 16) As if that was not enough, on occasions when she tried to escape, she was punished by being "locked naked in the darkness in a barrel half-full of sewage, replete with vermin and scorpions that stung her regularly" (Kristof, 2011, Nov. 16). The longest time Srey was kept that way was a week. Hearing stories like this, one cannot help but feel sad, outraged and propelled to do something. Stories like this force us to question how cruel and unjust life can be for some. In the case of Srey, she was

able to fight and bounce back from her captors after three years of abuse. Today, at age 19, Srey is still in a shelter for victims of trafficking, i.e., the Somaly Mom Foundation, not only as a resident but also as an activist in the fight against human trafficking (Kristof, 2011, Nov. 16).

Human trafficking is not simply a crime, not simply something that violates the law, it is something that threatens to destroy the spirits of people living as victims of trafficking just as it threatens to corrupt the souls of societies that tolerate it. My connection to this topic came during a class on Organized Crime with Professor James Fickenauer at Rutgers University. I volunteered to do a presentation on human trafficking, and since then, my life has been connected to this issue. While studying this phenomenon, I started to realize that previously, before moving to United States, I personally witnessed cases of human trafficking without even being aware of it. For example, when I was working in Cyprus in 1993, a group of Russian dancers who worked with me in a local bouzouki club (known for traditional Greek folk music) were not allowed to socialize with my friend and me, despite their friendly relations with us. They told us that their manager forbade them to go out and have friends. At the time, I took this as a business stipulation and normal thing. I now realize the Russian dancers were likely trafficking victims. During the same summer, I met a Ukrainian girl on the beach. We talked and started to get to know each other when suddenly a very angry man on a motorcycle came and gestured for her to come to him. She looked afraid of him and immediately complied. I took this as the reaction of a jealous boyfriend. I now realize she was likely under the control of the man, likely a victim of trafficking. A year before that, while in Athens, Greece, I witnessed numerous raids by Greek police on popular

main squares. Illegal immigrants from Albania were the primary targets of the raids. This was a regular scene at the main squares a few days a week for the whole duration of my visit (3 months). I remember the occurrence appeared to be normal and did not bother anyone except the fleeing immigrants. While in Athens, I used the metro line from the port of Piraeus to the main Omonia Square a couple times a day. Almost every time I would see Roma women and children begging near the metro. As I later found out, they too were from Albania. I took these instances as a normal way of life for some people in Greece. Regarding the raids on the squares, I surmised that this was just the way a country, Greece in this case, fights against illegal immigration. I now realize that these cases likely involved victims of human trafficking. Back at home in Yugoslavia in 1992, I was dating a Belorussian girl who was a dancer in a local hotel's nightclub. I remember that suddenly one day she told me she had to go to another town to work and that her passport was taken by her new employer. That was the last time I heard from her. I was sad not to hear from her, but again, I took that as normal and did not make much of it. I now realize that, like the other cases, she was likely a victim of human trafficking.

Today, in light of my knowledge of human trafficking, I want to stress from my own personal (in)experience that, left unchecked, ignorance and lack of knowledge about the telltale signs of human trafficking can be easily transformed into larger patterns of ignorance and apathy, which can be very dangerous. Some of the examples described above can be categorized as typical examples of human trafficking. Limitation of movement, communication control, and expropriation of personal documents are all elements of control over personal freedom.

To the extent there is awareness of human trafficking, there is a tendency to think it is something that occurs somewhere else. In my case, I witnessed forms of human trafficking at home and abroad without even knowing it. It is not just bars and clubs where human trafficking lurks; everyday places like nail salons, massage parlors, farms and vegetable fields can be havens for trafficked persons.

Introduction

There are considerable efforts being made to combat human trafficking, improve awareness and knowledge, and ultimately prevent ignorance from turning into apathy. These efforts exist at the state and non-state levels; they include governmental actors, international institutions, nongovernmental organizations (NGOs), local community activists, media, corporations and researchers. A significant part of these efforts involves the role of researchers. Researchers add to the growing body of knowledge on human trafficking and provide understanding about its meaning, how it unfolds in different contexts, what are its drivers, what sustains it and how it fits into the current global landscape. Researchers also shed light on the prevalence of human trafficking over time as well as distinguish it from closely related yet distinct phenomena, such as human smuggling.

This dissertation is focused on the study of human trafficking in part because it is a growing global problem, but also because there are many controversies, misconceptions and gaps in the literature on human trafficking, particularly with respect to its role in the exploitation of humans, including women and children, desperate and impoverished people, and marginalized ethnic minorities. Human trafficking is commonly thought of as morally wrong, a grave breach of human rights, and a serious crime that cannot be

tolerated in modern societies of the twenty first century. Though some forms of trafficking in humans[1] have always existed throughout human history and continue to exist in its contemporary global scope, it is only in recent years that this type of criminal activity has been getting significant international recognition. The milestone moment marking this change came after 1999 with the United Nations Convention against Transnational Organized Crime, which addressed, among other topics, the issue of trafficking in humans and provided an international treaty, known as the Palermo Protocol or The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[2] This international initiative created a cascading effect among various individual states, which thereafter created and incorporated in their criminal codes new criminal penalties for offenses committed in relation to trafficking in humans. Consequently, this initiative was followed by an increase in funding, media reporting, NGOs working in this field, academic research, and organized efforts to educate and inform the general public about this phenomenon.

Today, human trafficking is recognized as a global problem that touches communities throughout the world, not only in developing countries, but also in the developed, modern and democratic countries of the West. As reported in the United Nations Office on Drugs and Crime Report from 2006, the scope of human trafficking is reaching people "from 127 countries to be exploited in 137 countries." (UNODC, 2006) According to the U.S. Justice Department Fact Sheet from January 2007, from the

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[1] In this dissertation, "trafficking in humans" and "human trafficking" are used interchangeably. This is consistent with the literature on this phenomenon.

[2] Moving forward, I will use "Palermo Protocol" to refer to The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

introduction of Trafficking Victims Protection Act (TVPA) in October 2000, "1,123 trafficking victims from 72 countries have been assisted by the Civil Rights Division and other law enforcement personnel in obtaining refugee-type benefits." Furthermore, the 2011 U.S. State Department Trafficking in Persons (TIP) report states that 184 states are evaluated and consequently placed on appropriate tiers according to their compliance with the fight against trafficking and the Trafficking Victims Protection Act's (TVPA) minimum standards.

Human trafficking is regarded as a major problem in the region of the Balkans as well, which will be the main regional focus of this dissertation. According to a 2002 report by the International Organization for Migration (IOM), "some 120,000 women and children are being trafficked into the EU each year, mostly through the Balkans." While there have been advances in the fight against trafficking in humans, including advances in legal jurisprudence, police activities, media reporting, as well as an increase in research on this topic, human trafficking is often misrepresented and misunderstood. In many contexts, it is also addressed with less urgency or provided with insufficient funds (especially for longer term projects).

While many researchers focus on defining the scope of this phenomenon, or on analyzing a particular form of human trafficking, e.g., sex trafficking or child trafficking, the focus of this dissertation is rather to understand the potential root causes or contributing factors of human trafficking, and to examine whether some marginalized ethnic minority groups are more at risk and prone to become victims of human trafficking. The objective is not to focus on a specific type of trafficking, e.g., sexual exploitation, forced labor, child trafficking, but rather to propose a new way of analyzing

human trafficking, i.e., according to stages, and to suggest that attention needs to be paid to the first stage, i.e., the preliminary stage. This dissertation argues that human trafficking is a process that has four multilayered stages[3]: 1) *preliminary stage*: risk factors and root causes for human trafficking; 2) *entering stage*: recruiting, transportation and initiation of victim; 3) *main stage*: actual abuse of victims, discovery and rescue process, or self-liberation; 4) *post stage*: recuperation and healing (physical and mental), legal process (if applicable) and reintegration.

The focus of this dissertation is examining elements of the first stage or *preliminary* stage of trafficking in humans, which precedes the actual act of trafficking itself. Though there is far less attention to root causes, this dissertation suggests it is extremely important to know and understand this stage in order to identify the risk factors and other indicators less commonly stated as possible root causes for human trafficking. With better knowledge of this stage, researchers and policy-makers can create strategies to prevent or decrease factors of risk that lead people to become victims of human trafficking. The point is not to create a universal prevention strategy, as there is little doubt that such a universal policy can work in the same way everywhere. Indeed, it is evident from anti-trafficking efforts and existing research that talk about a universal solution/approach (one solution fits all) is not feasible, largely due to the diversity of cases, global scope, cultural differences and dynamic nature of trafficking in humans. The point rather is to examine underlying causes or contributing factors that give rise to human trafficking and to call attention to the extent to which such factors may place certain segments of society at a greater risk for becoming victims (or going unnoticed).

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[3] All four stages are relevant when the victim is still alive and eventually released, rescued or self-liberated. In the case the victim dies, some of the stages may not be completed or entered.

This dissertation examines the extent to which the following factors (usually less explored) contribute to or influence levels of human trafficking: 1) state interest, public perception and awareness; 2) role of religion, cultural practices, customs and traditions in patriarchal societies; 3) role of discrimination, marginalization and social exclusion; 4) conflicting perceptions of victimhood, e.g., characterizing trafficked women as naïve young girls versus prostitutes; and 5) complexity of creating action plans to combat human trafficking and rehabilitate victims.

<u>Outline</u>

The approach includes the following sections. The Introduction discusses the topic, introduces the main thesis and describes the methodology. Chapter 1 provides a discussion of the background and history of human trafficking, with an overview of different forms, the scope of the problem and basic definitions. Chapter 2 includes a literature review, which provides a breakdown of the most widely accepted approaches to explaining and analyzing human trafficking, i.e., human rights, feminist, security, socio-economic, and a new approach I propose, i.e., the *emergency* approach; a description of current issues and controversies in the discourse on human trafficking, e.g., the need for better data, low or conflicting numbers, debate over legalization of prostitution, sex trafficking vs. other forms, and trafficking of women/girls vs. men/boys.

The goal of Chapter 3 is to provide an overview of the current levels of human trafficking in the Republic of Serbia, as well as an assessment of the main actors and responses to human trafficking in Serbia. This section relies on existing literature and findings from my own field research, including data from interviews and questionnaires, to analyze and provide answers to the main questions related to trafficking in humans in

the Republic of Serbia. These questions include: 1) to what extent do some aspects of cultural practices, customs, and traditions (or the perceptions of these) predispose Roma to become victims of human trafficking; 2) to what extent are stereotypes and anti-Roma racism possible root causes or contributing factors of human trafficking among Roma in Serbia; 3) is the Roma population in the Republic of Serbia and in the region at large more prone than others to be victims of human trafficking (or go unnoticed); and lastly, 4) what is the role of the public and how much is general public perception and awareness of this phenomenon an overall determining factor for success in the fight against human trafficking in the Republic of Serbia.

This dissertation approaches the phenomenon of human trafficking with a focus on the Republic of Serbia due to following factors. First, the Republic of Serbia, and the region of Southeast Europe at large, is one of the most important geographical links in the trafficking and smuggling of humans[4] in this part of Europe. As a result, it is imperative to understand and establish better knowledge of the real scale, dynamics and underlying reasons for the existence of this problem in this region. Second, the region of Southeast Europe in general, and the Republic of Serbia in particular, have suffered greatly during the nineteen nineties, due in large part to internal disputes and the breakup of the Federal Republic of Yugoslavia. As a result, this region has become a fertile ground for human trafficking, as well as a variety of other organized crime activities. In the most recent TIP Report (June 2011), the Republic of Serbia is categorized as a transit, origination and destination country. Third, being a native of the Republic of Serbia, I am able to utilize my personal knowledge of the culture, language and traditions of the people in the region

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[4] Trafficking and Smuggling of Humans is used to denote trafficking as transit, origin and trafficking as destination.

to provide a more nuanced understanding of this phenomenon in the Republic of Serbia. The goal is to provide an in-depth understanding of this phenomenon, propose an alternative, culturally sensitive approach to the study of trafficking in humans and contribute to the existing body of literature on this global problem.

After discussing the case of the Republic of Serbia, the remaining portion of Chapter 3 expands on this case by including a brief introduction of two comparative study cases: the Badi community of Nepal and the Dēvadāsis of India. Both illustrate the cultural complexity involved in practices of human trafficking in traditional societies. In discussing the Badi and Dēvadāsis, the objective is to show links between the Roma case in the Republic of Serbia and the larger idea that some ethnic minorities may be more prone to becoming victims of trafficking in humans.

As just mentioned, the comparative case studies include: 1) the Badi community, an ethnic minority in Nepal, and 2) India's Dēvadāsis or "temple women" (members of the Dalit Caste). The first case explores the Badi people of Nepal, an ethnic minority in Nepal, who are known among others in Nepal as an ethnic group with a tradition and custom of engaging in prostitution as their main profession (or caste trademark). This case analyzes the extent to which cultural practices, customs and traditions as well as ethnic bias predispose the Badi community to becoming victims of human trafficking. The second case discusses the traditional Indian Dalit Caste (also known as "untouchables"). In particular, it focus on Dēvadāsis, also known as "temple women," and questions whether certain practices related to the Hindu religion: a) create the pre-conditions for Dēvadāsis women to be exploited sexually, and b) make Dēvadāsis particularly vulnerable to becoming victims of human trafficking, especially via sexual

labour.

Lastly, the Conclusion provides recommendations for combating human trafficking and identifying possible prevention mechanisms and intervention strategies that build on the underlying causes or contributing factors that are often overlooked/underreported in existing research on human trafficking. The aim is to help create a more holistic approach to understanding the complexity of this phenomenon and to contribute to future efforts aimed at the eradication/elimination of trafficking in humans.

Methodology

The following describes the methodology and approach used during this dissertation research. The approach is twofold and consists of a combination of primary and secondary research. The first phase consists of a thorough review of the literature, including academic publications and reports, to gain deeper perspective on the controversies and challenges associated with human trafficking across different cultures. This phase involved the collection and examination of data from a variety of sources, including statistical analysis provided in official state documents, and data provided by nongovernmental organizations and international organizations. A content analysis of relevant media reports collected from the period 2004-2011, including reports from Serbian-language[5] as well as English-language media sources, was also conducted.

The second phase consisted in field research conducted in 2004, 2005 and 2009 in Republic of Serbia.[6] As part of this phase, I conducted twenty-five in-depth, qualitative

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[5] All translations in this dissertation were done by the author.

[6] The first portion of field research was conducted during the summer in 2004 and 2005. The second portion, which focused on Roma, was conducted in the fall of 2009.

interviews and met with various stakeholders, including: activists, governmental and nongovernmental representatives (local and international) and ordinary people. The majority of the interviews were with anti-trafficking advocates as well as Roma advocates. I also met with Roma schoolteachers and observed television coverage of a Roma settlement in Novi Sad, both of which gave me an opportunity to speak with young Roma students. The language used during the interviews and conversations was in accordance with the interviewee preference, i.e., either English or Serbian.[7]

In addition to interviews and meetings, I also developed and distributed a questionnaire to: a) gain knowledge about how Serbian society perceives the issue of human trafficking, and b) test levels of public education and awareness of this phenomenon. The questionnaire asked participants to provide their gender and age group, but instructed them to remain anonymous. This portion of research focused on collecting data from two segments of the population: high school students (third year) and the general population. The reason I decided to focus on high school students as one of the two segments of the population is due to their age. According to the literature, young age is among the main factors putting people at risk for being trafficked. In general, young people fall into a demographic group that is more vulnerable to being trafficked.

For this part of the field research, I distributed and collected questionnaires in four different high schools in the following municipalities in Serbia: Belgrade, Novi Sad, Zrenjanin and Kikinda. In total, one hundred twenty seven completed questionnaires

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[7] Only one interview, i.e., an interview in 2004 with OSCE representatives, was conducted in the English language. The rest of the interviews were conducted in the Serbian language, as I am a native Serbian speaker.

were collected from high school students in these municipalities. The participating students were given questionnaires during regular school hours; the questionnaires were distributed and collected by a teacher without me being present. In three of the four schools selected, I was able to rely on personal relationships to obtain permission to conduct the research relatively easily. In the fourth school, after a couple of telephone conversations, I was able to arrange a meeting with the school official. During this meeting, I experienced open mistrust; the school official asked me to confirm that I was not foreign spy. After this, I gained permission to distribute the questionnaire.

In addition to the four high schools, for comparison purposes, the same questionnaire was distributed among the general public in the town of Novi Sad in Republic of Serbia. In total, one hundred completed questionnaires were collected in Novi Sad. Novi Sad was selected in part for convenience and in part because it provided access to a large, ethnically diverse group of people in Republic of Serbia.

While interviews with victims would have provided highly valuable insight, interviews with victims are not part of this research. It was important to balance the value of this insight against the harm it may have caused victims and the sheer logistics of securing the interviews. There are multiple reasons that prevented the interviewing of victims. One was of technical nature; at the time the only safe house where victims were placed was located in Belgrade, which made it difficult to travel "on demand" when victims were able or willing to talk. Second, despite obtaining human subjects certification and approval from the Institutional Review Board (IRB) for interviews and questionnaires, approval to interview victims of human trafficking specifically was not sought out at the time of the IRB proposal. In completing the IRB application, I decided

against interviewing victims because I was not sure about the potential to cause or deepen the harm experienced by the victims. It was important not to risk re-victimization whereby victims would relive the trauma they experienced. Upon entering the field, time was of the essence; trying to include victims would have required an amendment to my research protocol. The process might have exceeded my stay in the region. Even though I did not anticipate interviewing victims, due to the reasons stated above, at the time of my research with victim support advocates, I inquired about the possibility of interviewing victims for future research. When I asked NGO activists who operated hot line and assistance programs about the possibility of arranging a meeting or interview in the future, they were reluctant to procure such a meeting. One activist offered to arrange a meeting with a few victims in the future, but indicated I would have to pay for the meeting. Overall, the sensitivity of the potential questions, level of trauma and gender difference between victims and myself (female vs. male), made me feel hesitant to attempt to conduct interviews with victims. Now that I have a deeper understanding of this phenomenon, I plan to include interviews with victims in future research.

For the Roma focus, which was largely concentrated in 2009, I met with Roma experts, human rights activists and ordinary Roma people. I also participated in discussions and meetings on potential opportunities for addressing Roma problems, including poverty and lack of schooling. In addition, I visited Roma schools and settlements nearby Novi Sad and observed Roma children in a specialized afterschool program for Roma children and in their home environment. Introductions from a Roma teacher and activist provided access to the Roma population. While the focus of this

dissertation did not require ethnographic research among Roma, my future research plan is to continue conduct ethnographic research with this community.

The field research conducted in 2004 and 2005 was largely focused on awareness of human trafficking and anti-trafficking strategies. In 2004 and 2005, interviews with state officials were conducted as well. The focus in 2009 was on perceptions of human trafficking and anti-trafficking activities and projects developed by activists and nongovernmental organizations. Furthermore, the focus in 2009 was on human rights activists and the Roma population in particular. Overall the combination of primary and secondary research enabled me to gain a firm grounding in the issues underway in Serbia with respect to human trafficking. It also allowed me to explore possible underlying causes or contribution factors for human trafficking among specific populations, e.g., the Roma population. The field research is complemented by a review of the literature, cases and reports on human trafficking, especially among marginalized groups. The aim is to bring together the different elements and factors examined and create a picture of how cultural practices, customs and traditions contribute to the vulnerability of some groups becoming victims of human trafficking. The hope is that the insights and analysis shared in this dissertation will help inform anti-trafficking strategies and create more awareness about the cultural sensitivities and nuances involved in human trafficking in the contexts discussed in this dissertation and beyond.

Chapter 1. Literature Review: Conceptions of Human Trafficking

It is meet that Hellenes should rule over barbarians;
as if they thought that the barbarians and the slaves were by nature one.

-Aristotle

Introduction

The aim of this chapter is to provide an overview of the main themes and issues discussed in the literature on human trafficking. This is done in two parts: a) background and history; and b) definitions, scope and forms of human trafficking. The main purpose of this chapter is to introduce the topic of human trafficking, provide brief background and history and shed light on its connection to human slavery; discuss common conceptions of human trafficking; highlight difficulties in measuring its scope; and discuss its complexity, as seen through different forms of this phenomenon.

Part I: Background and History

Despite the fact that it is only in the last decade that the phenomenon of trafficking in humans and its broader form, smuggling of people, has gained more interest among the international community, policy makers, academics, and the media, this problem is not a novelty, but has been well known throughout human history. In fact, history is full of examples of different forms of trafficking in humans, previously known as human slavery. Since this dissertation is focusing on trafficking in humans, or what is commonly referred to as *modern day slavery*, a brief historical background on human slavery is relevant to this discussion. Due to the rich history and diverse geographical scope of slavery, all historical and geographical aspects or examples of

slavery are not included, but rather a focus on some, e.g., slavery in Ancient Greece and the Roman Empire. Regrettably, there is not space for a discussion of Asian, Russian and Scandinavian slavery, though such a discussion would provide greater depth. Discussing only some cases of slavery should not be interpreted as claiming that the examples included are most important. The idea is rather to show commonality, continuity and persistence in modes of past examples of human slavery and current instances of human trafficking.

In order to continue to discuss, in brief, the history of human slavery, it is important to first answer the question: what is human slavery? While the literature on slavery and what it consists in is plentiful, for the purposes of this discussion, in defining slavery, this dissertation adopts the definition provided in the League of Nations 1926 Slavery Convention (heretofore, the 1926 Slavery Convention).[8] According to this convention:

> (1) Slavery is 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, p. 3)

The 1926 Slavery Convention also provides a definition of the slave trade.

> (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves. (League of Nations, 1926, p.3)

It is interesting that the writers of the 1926 Slavery Convention make a distinction between the act of putting someone in a position of slavery (the slave trade) and slavery

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[8] League of Nations, 1926 Slavery Convention, p. 3
http://treaties.un.org/doc/Treaties/1955/07/19550707%2000-53%20AM/Ch_XVIII_2p.pdf

itself. This point will be returned to later during the discussion of human trafficking.

The 1926 Slavery Convention was expanded on by the 1930 Convention (CO 29) of International Labour Organization (ILO) (heretofore, the 1930 ILO Convention), regarding forced or compulsory labour. According to the 1930 ILO Convention, forced or compulsory labour:

> [S]hall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. (International Labour Organization, 1930)

The definition provided in the 1926 Slavery Convention really captures in simple terms the essence of slavery, which consists in ownership rights over another human being. In general, the slave owner could do whatever he pleases with his slave and dispose of him at any given time. Historically, slaves have had to fully commit to the slave owner's will or otherwise face punishment. Physical harm and death of slaves was common in this one-way relationship, accompanied with total lack of any individual rights or social recognition among society at large. Consequently, it could be said that the position of slaves was equal to other property of the slave owner, effectively denouncing the human character of slaves.

It is interesting that the 1930 ILO Convention links slavery with forced or compulsory labour. In his discussion of slavery, William Phillips makes a point of distinguishing between slavery and dependent laborers. He provides an account of the necessary conditions of slavery, which include: "the slave's position as property," "unlimited rights the master had over him or her" and "the slave was an outsider." (Phillips, 1985, p. 6) Phillips' attention to the slave as outsider is interesting. While he acknowledges that there are cases of internal slavery (though they are not his focus), his

point is rather to suggest that slaves are perceived as outsiders in the community. Of course, as Phillips points out, in many cases, slaves were not only considered outsiders, but typically came from an outside place, an outside community. That being said, it is likely that having people from a different place and different culture, perhaps with a different color of skin or religion, helped to make slavery of "others" more readily acceptable by the common person. The notion of slaves as "others" or outsiders makes it is easier to think about slaves as barbarians, strangers, uncivilized or less developed, in order to justify supremacy over them. This kind of rationale has been applied not only to justify slavery, but racism as well. Such notions of supremacy can be found clearly in racist practices of more modern times, such as "white man's burden," segregation policies against indigenous Aboriginal people, Native Indians, and Blacks in the United States, apartheid in South Africa, India's Caste System, the Jewish Holocaust or treatment of Roma people in Europe.

As history bears out, instances of human slavery are widespread and far-reaching. Human slavery can be found in the early human civilizations of Mesopotamia, with historic traces to the legal codes of King Hammurabi (1760 BC), as well as the ancient civilizations of Egyptians, Greeks and Romans. They all practiced some form of human slavery as a means of enhancing their powers (military or economic) and institutionalizing social norms (Phillips, 1985). During these early periods, slaves were acquired in a few typical ways. The most common way was capturing them as prisoners of war from conquered nations, tribes and other ethnic groups. In retrospect, prisoners of war could consider themselves lucky to be slaves considering that their other option was death. Furthermore, slaves could be obtained by sea piracy, kidnapping or

purchased and traded on the slave market; i.e., rather than capturing them in war they could be bought from someone else (slave traders). They could also be born into slavery, e.g., by being born of slave parents, and therefore become slaves from birth by default (Phillips, 1985). The latter form was arguably the most cost effective for slave owners since it provided natural replenishment of slaves and did not require any upfront cost. The profitability of a homegrown slavery practice, however, depended on the particular timeframe and country. In the time of Plato's Athens, "it was cheaper in the fourth century to buy a grown slave than to breed and rear one in the family" (Morrow, 2002, p. 24). A less common way of becoming a slave was being given up into slavery, e.g., by destitute parents, or by self-sale (usually not for life, but for some mutually agreed upon period of time) (Phillips, 1985).

Though it is difficult to generalize, historically the desire for slaves frequently stemmed from the need for a cheap (or free) labor force, due to the growing population, market forces, new transportation systems and applications of new innovative techniques of production, e.g., water irrigation. This need was coming from states as well as from private individuals. In Egypt, for example, slaves were involved in large construction projects, such as Pharaoh's pyramids, or more importantly, in the construction of water irrigation systems. Consequently, the water projects in turn revolutionized agriculture and created the need for even more help in the field. In Ancient Greece and in the Roman Empire, in addition to agricultural fieldwork, slaves were used for a variety of construction work, e.g., public water aqueducts and roads, household work, rowing galley crews, non-combatant army fulfillment, as well as for entertainment (sporting events, gladiators, concubines, spa entertainers and sex work). Certainly, the life span of slaves

was largely dependent on the living conditions related to the slave's profession. Those working as household-help, education tutors, artisans, private guards or concubines enjoyed better and longer lives than those working in labor-intensive professions, such as stone quarrel workers or gladiators (Finley, 1998).

In order to better understand the scale of human slavery during this time, perhaps the best example comes from Greek's Sparta. It is commonly acknowledged that the ratio between Spartan citizens and slaves (helots) was greatly favoring slaves.[9] Considering that the disproportion between free men and slaves was at such a level, it is not surprising that Spartans were so militant and brutish toward non-Spartans, especially slaves. Spartans no doubt felt pressure of being overtaken by slaves on a daily basis (Morrow, 2002, p. 23).

During Roman times, slavery was used as one of the main tools for Romans to propel their economy, especially in relation to agricultural work, but also as a status symbol among Roman elite or even among common members of the Roman middle class. This is confirmed in work of Orlando Patterson who claims that not all slavery was based on generation of capital but rather that a common theme involved a sense of class status. For Patterson:

> What was universal in the master-slave relationship was the strong sense of honor the experience of mastership generated, and conversely, the dis-honoring of the slave condition. Many masters, especially among primitives, acquired slave solely for this purpose. But even if the motivation was chiefly materialistic, the sense of honor was still enhanced. (Patterson, 1982, p. 11)

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[9] According to Raymond Morrow, the estimated number of free Spartan citizens in the middle of the fifth century was between twelve thousand and fifteen thousand versus one hundred forty thousand to two hundred thousand Helots (Morrow, 2002, p. 23).

Interestingly, in many cases, Roman military personnel used slaves as servants during military campaigns, though slaves were forbidden to join military ranks. Romans often relied on foreign "barbarian" manpower, as pointed out by Peter Heather. According to Heather: "The auxiliary forces, both cavalry and infantry (alae and cohorts), of the early imperial army had always been composed of non-citizens, and amounted to something like 50 percent of the military" (Heather, 2005, p. 119). For Romans, the notion of slavery is nearly synonymous with prisoners of war. In fact, the Roman definition of slavery is tightly related to this idea. As Phillips provides, in the definition of slavery given by the Roman jurist Florentius, there is a close connection between slavery and war:

> (1) Slavery is an institution of the common law of people (jus gentium) by which a person is put into the ownership (dominium) of somebody else, contrary to the natural order. (2) Slaves (servi) are so called because commanders generally sell the people they capture and therefore save (servare) them instead of killing them. (3) The word for property in slaves (mancipia) is derived from the fact that they are captured from the enemy by force of arms (manu capiantur). (Phillips, 1985, p. 17)

In part, according to authors such as Finley, slavery and the practice of obtaining slaves through war played a very important role in allowing people in Ancient Greece and Rome to maintain their social status as free citizens and protect their inherent rights. Slaves obtained through war gave both societies "others" to exploit and helped them avoid exploitation of their free citizens (Finley, 1999).

On the American continent, during the Pre-Columbian Mesoamerica time, slavery was not a novelty either. Mayas, Incas and Aztecs used slaves and war prisoners for labor related needs as well as for religious purposes, e.g., religious killings as offerings to the gods. In the case of Aztecs, conditions of slavery were much milder than "the

harsh chattel slavery of Europe" (Keen, 1990, p. 107). Slavery was further expanded in the Americas by Spanish and Portuguese Conquistadors' practice of forcible enslavement of Native Indians. Due to poor health issues of Native Indians and low tolerance for harsh labor conditions, Europeans replaced them on a much greater scale with Black Africans via the Trans-Atlantic slave trade.

The Trans-Atlantic slave trade's practices of taking Black African people (men and women) for the purpose of slavery (forced labour) in the Americas and Europe is perhaps the best known case of human slavery. In the majority of cases, people were forcibly taken by slave traders (including Africans themselves) and traded as commodities in exchange for gold and guns, among other things. In some cases, people were also captured during tribal fights or by kidnapping. Once they arrived in the Americas, they were used for manual labour, often for work in sugar and cotton fields or in the mining industry. While slavery gained its notorious reputation via the United States experience, according to Kevin Bales: "as many as ten times more Africans were shipped to Brazil than to the United States: something on the order of 10 million people." (Bales, 1999, p. 123)

In addition to Trans-Atlantic slavery, internally within the African continent existed the Trans-Saharan slave trade, which lasted between the eighth and sixteenth centuries. This form of slavery went along the caravan trading routes that stretched from the Sahara region into the Northern African lands of the Moors and Berbers (Morocco, Algeria, Tunisia). This region was also the place of the well-known Barbary sea piracy, which peaked during seventeenth century. As Paul Beapler provides, this was also the place Mary Louise Pratt describes as "a social place where disparate

cultures meet, clash and grapple with each other, often in highly asymmetrical relations of domination and subordination" (Beapler, 1999, p. 2). The pirates attacked ships, raided coastal areas, looted and raided villages and kidnapped people. The most profitable way for them to cash in on captured people was through ransom money from families or even states, selling them on auctions or using them as free labor and galley crews. (Baepler, 1999).

To understand just how lucrative this practice of kidnapping and ransom was for pirates, one can look to the example of ransom paid for one hundred fifteen American sailors captured in Algeria in 1785 and freed in 1796. According to Beapler: "the price for freedom was around a million dollars or roughly one-sixth of the federal budget" (Beapler, 1999, p. 8). This ransom deal was supposed to usher in future peace and mark the absence of piracy against American ships. This was not the case, however, and eventually the United State was dragged into its first war as an independent state. The war lasted for five years (1801-1805) and is known as the First Barbary War or the Tripolitan War. The war was eventually won by the United States (Fremont-Barnes, 2006).

Regrettably, in more recent times, sea piracy has re-emerged, its methods updated and revamped by contemporary criminal groups. While sea piracy is on a much smaller scale compared to seventeenth century practices, it is nonetheless a growing problem for maritime security and the transportation industry. As reported by the International Maritime Organization Annual Report for 2010, while this criminal activity occurs worldwide, it is most prevailing in the waters off East Africa, the Indian Ocean and South China Sea, particularly off the coast of Somalia and the Strait of Malacca

(Indonesia). Despite this, as the International Maritime Organization points out, most sea piracy worldwide was attempted in international waters.[10] The same report states there were four hundred eighty nine cases of acts of piracy and armed robberies against ships in 2010, which represents a 20.4% increase compared to 2009 (International Maritime Organization, 2010, p. 2).

As the discussion above reveals, historically slavery has been tied closely to the need for cheap labor and increasing profits. Former colonial powers, e.g., British, Spanish, Portuguese, Dutch, along with the United States, built their wealth on the backs of slaves and, as a result, were responsible for much of the misery endured by millions of lives. Of course, it must be acknowledged that during late eighteenth and early nineteenth centuries, people from these countries also successfully launched the abolitionist movement, with United Kingdom as the leader of this movement. In 1807, the British passed the Act for the Abolition of Slavery, and less than thirty years after that, it abolished slavery throughout its colonial holding. Other Western powers followed the British lead and abolished slavery during the nineteenth century as well. The last country to abolish slavery was The Islamic republic of Mauritania (Western African nation), which did so in 1981. They did not criminalize slavery, however, until August of 2007. The local NGO, SOS Esclave, estimates that half a million people (or 18% of the total population) in Mauritania are still slaves.[11]

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[10] International Maritime Organization, Annual Report – 2010 Reports on Acts of Piracy and Armed Robbery Against Ships, Ref. T2-MSS/2.11.4.1, MSC.4/Circ.169
If interested in modern day sea piracy, see the International Maritime Organization.
http://www.imo.org/OurWork/Security/PiracyArmedRobbery/Pages/PirateReports.aspx

[11]See Anit-Slavery.org
http://www.antislavery.org/english/what_we_do/antislavery_international_today/award/2009_award_winner/slavery_in_mauritania.aspx

After the international movement to abolish slavery, the need for cheap labor did not cease, especially within the growing economic power of the United States. The economic expansion and needs for new people to work as laborers during the nineteenth century opened the door for a pattern of unprecedented migration to the United States. This migration included illegal and legal migrants. Those coming via illegal channels from Asia, for example, used sophisticated Chinese and Japanese smuggling practices. The estimates provided by Benson Tong, reveal that the number of Chinese people who were part of this labor movement during the nineteenth century is somewhere between ten and thirteen million (Tong, 1994).

The large number of Asian workers on American soil served as a reason for some White people in the United States to fear the influx of non-Europeans. During this time, as Eileen Scully (2001) points out, foreign Asian women were used to heal xenophobic fears of Whites, as well as used as a tool for racial discrimination and segregation of Asian labor workers (Scully, 2001). To be clear, the availability of Asian women for Asian men meant Whites did not have to worry about Asian men seeking comfort with White women. Scully elaborates on this by referencing Susan Jane Hunt's work: "The cultural preferences of indentured workers dovetailed with the drive among employers and 'host' societies to keep white women off limits to non-Western males" (Scully, 2001, p. 77). Within this large-scale labor movement, it is argued that there were a number of cases of human trafficking and smuggling (Tsai, 1983; Scully, 2001).

Positions on slavery among elites

The issue of slavery was not only a topic debated by abolitionists, but also an issue that touched statesmen, politicians, businessmen, landowners, philosophers,

theologians, and others. Slavery was a fact of life and was built into the overall economy. For many, slavery meant riches, power, economic gain and influence. While the economic impact of slavery can hardly go unnoticed, many great minds pondered about slavery vis-à-vis social structure and hierarchy. Slavery was a topic many thinkers have had to wrestle with. History is replete with examples of philosophers, politicians and theologians trying to justify or come to terms with slavery. One of the most famous Ancient Greek classic thinkers, Plato, talks about slavery in connection with the ideal state and regulating Hellenistic laws. Plato sees division between those who rule (masters) and those who should be governed (slaves). In his work Laws, he states:

> [T]here can be no doubt that man is a troublesome animal, and therefore he is not very manageable, nor likely to become so, when you attempt to introduce the necessary division of slaves, and freemen, and masters…Two remedies alone remain to us, not to have the slaves of same country, nor if possible, speaking the same language; in this way they will more easily be held in subjection; secondly, we should tend them carefully, not only out of regard to them, but yet more out of respect to ourselves. (Plato, Trans. Jowett, 2008, p. 139)

Plato's pupil, Aristotle, also sees slavery as part of necessary division among free men (superior ones, those with a soul) and slaves (bodies) as a part of natural order. In his writing, Aristotle offers a nature-based understanding of why/how slavery is justifiable. He appeals to a sense of duality in life by referencing the internal struggle within a living creature (reason/soul vs. nature/body). Superiority and inferiority are also themes that arise in Aristotle's work regarding social order:

> Again, the male is by nature superior, and the female inferior; and the one rules, and other is ruled; this principle of necessity, extends to all mankind. Where that there is such a difference as that between soul and body, or between man and animals (as in the case of those whose business is to use their body, and who can do nothing better), the lower sort are by nature slaves, and it is better for them as for all inferiors that they should be under the rule of a master. For he who can be, and therefore is another's, and he who participates in reason enough to apprehend,

but not to have reason, is a slave by nature. (Aristotle, Trans. Jowett 2005, p. 7)

In his work "Politics," Aristotle starts his opening argument by explaining topics such as the state vis-à-vis the household economy, slavery, property, children and wives. On his view:

> The slave is a piece of property, which is animate, and useful for action rather than for production. Slavery is natural; in every department of the natural universe we find that relation of ruler and subject…Natural slaves benefit by subjection to a master…For that some should rule and others be ruled is a thing not only necessary, but expedient; from the hour of their birth, some are marked out for subjection, others for rule. (Aristotle, Trans. Davis and Jowett 2008, p. 7 and p. 32)

Historically, in Judaism and Christianity, slavery was typically acknowledged and not much contested. To some extent, slaves were even used in Christian monasteries and the church's land holdings. Furthermore, slaves were directed not to resist their master's will. Despite the acceptance of slavery as a part of life, the levels of slavery during the Roman Empire started to wane around the same time Christianity became the main religion within the Roman Empire. The extent to which the Christian religion was responsible for the decline in slavery is open for debate. It is perhaps more likely that the overall economic and political crisis of the Roman Empire during the third and fourth centuries explains the decline in slavery (Finley, 1999; Dunstan, 2010). This view is more commonly used in explaining the decline in slavery and fall of the Western Roman Empire in the fifth century. Authors such as Heather, however, think the Roman state: "was taking a bigger share of agricultural output in tax and had confiscated local city funds" and that "agriculture itself, the main engine of the economy, was not in crisis" (Heather, 2005, p. 118).

The seemingly ambivalent position of the Christian religion regarding slavery can

be seen from *Old Testament*. According to a passage from the Book of Exodus:

> When a slave owner strikes a male or female slave with a rod and the slave dies immediately, the owner shall be punished. But if the slave survives a day or two, there is no punishment; for the slave is the owner's property. (*Exodus* 21:20-21)

This passage shows that slaves had some rights in the eyes of Christianity; excessive force or mistreatment of slaves was recognized as grounds for punishing the owner if the force resulted in immediate death of the slave. On the other hand, from the Epistle of St. Peter in the *New Testament*, slaves are reminded that they should not challenge their master but rather be obedient and wait for God's reward and recognition for unjust treatment. The passage states:

> Slaves, accept the authority of your masters with all deference, not only those who are kind and gentle but also those who are harsh. For it is a credit to you if, being aware of God, you endure pain while suffering unjustly. If you endure when you are beaten for doing wrong, what credit is that? But if you endure when you do right and suffer for it, you have God's approval. (1 Peter 2:18-29)

The difference between the Exodus passage and St. Peter's passage reveal a sort of ambivalence in Christianity. While unjust treatment is to some extent considered wrong, slavery itself is not questioned. Both passages point to pseudo justifications given to slaves to endure their mistreatment.

On behalf of the Christian church, theologians as an elite of the past have tried to give their take on slavery as well. One of them was the well-known theologian, St. Augustine of Hippo, from Hippo Roman-Regious (modern day Algeria). St. Augustine provided what can be considered contemporary views on slavery for his time period, i.e., during the eve of the disintegration of the Roman Empire (late fourth and beginning of the fifth century) in his book "The City of God." Similar to Plato and Aristotle, St. Augustine writes about slavery as a part of natural order, but unlike the Ancient Greeks,

he connects slavery to original sin. In his words:

> [B]y nature, as God first created us, no one is the slave either of man or of sin. This servitude is, however, penal, and is appointed by that law which enjoins the preservation of the natural order and forbids its disturbance; for if nothing had been done in violation of that law, there would have been nothing to restrain by penal servitude. And therefore the apostle admonishes slaves to be subject to their masters, and to serve them heartily and with goodwill. (Saint Augustine of Hippo, 2009, p. 518)

For St. Augustine, slavery is a punishment that resulted from the violation of natural law. It is therefore somehow justifiable.

In contrast to St. Augustine's divine order or Aristotle's natural order, thirteenth century theologian, St. Thomas Aquinas, who was a Dominican priest from Italy and one of the most important theologians of Christianity, writes in his work "Summa Theologica" the following about slavery: "slavery is a condition of the body, since a slave is to the master a kind of instrument in working" (Aquinas, 2007 p. 4995). As we can see from this quote, for St. Aquinas, slavery is rather a mere tool for business conduct. Liberty for him is a natural state for every human being, but natural differences among people require some hierarchy. On his view, this creates the need for some to take command and for others to follow (Epstein 2009, p. 146). The social order/hierarchy, according to St. Aquinas, is not only an earthly matter but also a heavenly one. St. Aquinas speaks about the condition of man in a state of innocence by comparing it to the condition of the angels.

> [A]mong angels some rule over others; and so one order is called that of 'Dominations.' Therefore it was not beneath the dignity of the state of innocence that one man should be a subject to another. It is wrong to suppose that slavery falls upon the whole man; for the better part of him is excepted. His body is subjected and assigned to his master but his soul is his own. (Epstein 2009, p. 2996)

The duality of *mind and body* or *soul and body* is a theme carried throughout the work of

the Ancient Greeks and seen here in the work of St. Aquinas. While the body can be owned and enslaved, the soul cannot.

Furthermore, in "Summa Theologica," St. Aquinas continues to elaborate on his views concerning natural order. He states the following:

> Because nature did not bring in the contrary: thus we might say that for man to be naked is of the natural law, because nature did not give him clothes, but are invented by them. In this sense, 'possessions of all things in common and universal freedom' are said to be of the natural law, because, to wit, the distinction of possessions and slavery were not brought by nature, but devised by human reason for the benefit of human life. Accordingly the law of nature was not changed in this respect, except by addition. (Aquinas, 2007, pp. 1851-2)

In this passage, we find a twist on the theme of natural order and natural law as a justification for slavery. For Aquinas, it is not nature itself but human reason that "devised the distinction of possessions and slavery." As such, slavery is characterized as something that human reason designed "for the benefit of human life."

In the Islamic world, slavery played a role as well, though not as significant as during Roman Empire. According to William Phillips and Moses Finley, in the Islamic world, work in agriculture and other industries were mostly done by free men and not by slaves. Consequently, the economy in the world of Islam during this time period was not so much dependent on the work of slaves. Some Muslims, however, used slaves much more for fulfillment of military ranks. For example, the elite military forces of Mamluk's[12] sultanate of Egypt and Syria (1250-1517) and later of Ottoman Turks (early fourteenth century) were based on slaves. In the case of the former, they were mostly children who were: a) acquired as prisoners of war, b) sold by destitute parents (often

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[12] Mamluk means in literal translation "things possessed" or slave, especially in the sense of referral to military slaves (Ayalon and Sharon, 1997).

used as payment in lieu of taxes), c) stolen by subjugated groups, d) given by parents who were enticed by the high amounts offered for them.   As Ayalon and Sharon point out, for example: "the Mongols competed so fiercely with each other selling their boys, girls and relatives to the slave merchants, that it marred their internal relations" (Ayalon and Sharon, 1997, p. 314). In the latter case of the Ottoman Turks, an elite military force known as the Janissaries was compiled in the same fashion as the Mamluk slaves of Egypt and Syria (Nicolle and McBride, 2004).

Despite being slaves, in both cases, i.e., the Mamluk and Janissaries, they had good prospects for climbing upwards in the socio-military environment. The Mamluk and Janissaries were provided with excellent military training as well as religious education, general education and housing. Once they became active soldiers with good salaries; the prospects of moving up in ranks or administrative jobs become viable. Furthermore, "old or disabled Janissaries were given a pension as members of the *oturak* (veterans' unit)" (Nicolle and McBride, 2004, p. 10). In the case of Mamluk's graduates, they were offered freedom (via manumission[13]) upon completion of education and training. The kind of favorable treatment of slaves that is found among the Mamluks and Janissaries is historically uncommon. The complexity and favorability shaping the relationship between a Mamluk slave and his master (patron) is shown in the following:

> The patron and his freedman developed relations very similar to those of a family. He was considered to be their father, and them his sons, and freedmen amongst themselves were regarded as brothers. (Ayalon, 1997, p. 318)

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[13] Manumission refers to the act or process of freeing a slave.

The examples provided above clearly show the relationship between slave and master in Islam was much more favorable for slaves as compared to many other master/slave relationships.

Despite the appearance of generosity and kindness, it should not be overlooked, however, that brute force and the trade of human bodies was initially involved in the procurement of slaves in these cases. Both examples also show how easy it is for young children to be manipulated (even brainwashed) into accepting slavery or believing they are part of the master's "family" or will become part of the "family. Children serve as ideal candidates for today's human trafficking. Often is easier to control and manipulate young people and deter them from asking for help. As will be discussed later, in some cultures today, as was the case in the Mamluk and Janissaries, close family members are directly involved in the trade of children. This makes it even more difficult for local governments to adequately respond to the threat of human trafficking and recognize the potential abuse of children at the hands of their own parents or family members.

As is the case with other religions, the Qur'an also recognizes slavery and addresses some aspects of slavery it in its verses. When addressing slavery, the Qur'an does not use the word "slave" directly as much, but rather uses the phrase "whom their right hands possess." As said above, generally it can be said that slaves were treated better in the Islamic world than elsewhere. However, the Muslim religion too makes a distinction between slaves and free men as a part of natural order and God's grace. That can be seen in the following passage from the Qur'an, Surah 16, verses 016.071[14]

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[14] Translation provided by University of Southern California.
http://www.cmje.org/religious-texts/quran/verses/016-qmt.php#016.071

Yusufali: Allah has bestowed His gifts of sustenance more freely on some of you than on others: those more favored are not going to throw back their gifts to those whom their right hands possess, so as to be equal in that respect. Will they then deny the favors of Allah?

Pickthal: And Allah hath favored some of you above others in provision. Now those who are more favored will by no means hand over their provision to those (slaves) whom their right hands possess, so that they may be equal with them in respect thereof. Is it then the grace of Allah that they deny? (Qur'an)

The theme connecting the view of slavery portrayed above and the views portrayed by the Ancient Greeks and Christian theologians is difficult to miss. Slavery is seen as part of a hierarchy (whether imposed by nature or God) and therefore not something to be questioned, but rather accepted and respected.

Perhaps one of the most striking examples of the complexity of the slave practice and related issues connected to it, e.g., superiority and inferiority in the social order, can be seen in the United States' practice of racism and segregation of Blacks. In the case of U.S. history, there is tremendous much struggle and hypocrisy regarding these issues. On one hand, the country is so proud of its history and celebrates individual and national freedom as well as equality among people. On the other hand, historically, it denied those rights to Native Indians and later to African Blacks. The nation's struggle between slavery and freedom, racism/segregation and equality can be seen even in the individual example of Thomas Jefferson, the third president of United States. Jefferson's personal struggle was divided between his role as policy maker and anti-slavery supporter and his darker side, that of being a slave owner, a lifestyle that supported his own financial needs/status. It is believed that Jefferson had throughout his life about seven hundred slaves working for him (Cohen, 1969, p. 510). Jefferson's struggle with slavery has been

well researched in the literature on slavery and the history of the United States.

Historians often emphasize Jefferson's changing views about slavery throughout his life.

That it was not easy to transition from slavery of Blacks to a free and equal

country for all can be seen through the struggles of Abraham Lincoln, the sixteenth

president of the United States, who played a pivotal role in the emancipation movement

of slaves in the United States. Despite his optimism and leadership in the anti-slavery

movement, Lincoln's policies were heavily burdened with issues of race. In his response

to the 1857 Supreme Court decision in the Dred Scott vs. Sandford case and the court's

opinion that African Blacks were not citizens, and hence did not have constitutional

rights, Lincoln confronted the court's decision with the following statement in relation to

the Declaration of Independence:

> I think that the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all aspects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respect they did consider all men created equal—equal in certain inalienable rights, among which are life, liberty, and the pursuit of happiness. (Harry V. Jaffa, 2000, p. 300)

Furthermore, in September of 1858, during the Illinois senatorial election

campaign at the Fourth Joint Debate, between (at the time) Republican candidate

Abraham Lincoln and Democratic incumbent Senator Stephan Douglas, Abraham

Lincoln said the following about the issue of equality between White and Black races:

> I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races, that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And in as much as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. I say

upon this occasion I do not perceive that because the white man is to have the superior position the negro should be denied everything. I do not understand that because I do not want a negro woman for a slave I must necessarily want her for a wife. My understanding is that I can just let her alone. (John Hay, 1894)

While Lincoln is credited with having freed the slaves in the United States, historians have for long noted his own ambivalence about the lack of equality of the races.

As history shows, the issue of race and racial segregation was not officially settled in the U.S. until the mid nineteen sixties. In South Africa, apartheid remained until the beginning of nineteen nineties. It would be a gross exaggeration to say that racism ended in the U.S. and South Africa when official racist policies were changed. Nonetheless, it is important to note that the policy changes and corresponding legal changes in both countries had the aim of supporting policies based on equality rather than notions of superiority and inferiority. In July 1996, President of the Republic of South Africa, Nelson Mandela, addressed the Joint Houses of Parliament of the United Kingdom in London.[15] He said among other things:

> Racism is a blight on the human conscience. The idea that any people can be inferior to another, to the point where those who consider themselves superior define and treat the rest as sub-human, denies the humanity even of those who elevate themselves to the status of gods…The millions of graves strewn across Europe which are the result of the tyranny of Nazism, the decimation of the native peoples of the Americas and Australia, the destructive trail of the apartheid crime against humanity - all these are like a haunting question that floats in the wind: why did we allow these to happen…It is from this well of hope, engagement and confidence in the future that the ordinary citizens of our country are appropriating the concept we have laid before them of 'Masakhane' - a Nguni word which means 'let us build one another together.' (Mandela, 1996)

Mandela's leadership in post-apartheid South Africa and personal struggle for freedom has helped keep the issue of racism and notions of superiority and inferiority on the agenda as important issues for all democracies. In the current era, unlike Lincoln's time,

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[15] http://www.anc.org.za/show.php?id=3448

support for racism and ideas of superiority and inferiority would likely lose rather than win an election in most democracies in the global era–though some democracies have faced such challenges in recent years, e.g., Le Pen of France or late Jörg Haider of Austria.

The concept of freedom has been a central theme in the struggle against slavery. Freedom and the fundamental right to it is something anti-slavery abolitionists stressed for years. Mandela's fight for freedom and the path of nonviolence echoed that of Mahatma Gandhi. Indeed, mutual understanding and non-violence were major themes in the work and life of Mahatma Gandhi. His passive resistance and *do not harm* approach led India to liberation and independence from the British, its former colonial power. Gandhi's example is counted as inspiration for many who struggle against oppression and racism toward freedom using nonviolence. Gandhi believed that real action lies in truth and that truth is the force of change. He believed that: "man is not capable of knowing the absolute truth and therefore not competent to punish" (Bondurant, 1958, p. 16). During the All Indian Congress Committee in Bombay, on the 8th of August 1942, Gandhi proclaimed in his speech:

> The bond of the slave is snapped the moment he considers himself to be a free being. He will plainly tell the master: 'I was your bondslave till this moment, but I am a slave no longer. You may kill me if you like, but if you keep me alive, I wish to tell you that if you release me from the bondage, of your own accord, I will ask for nothing more from you. You used to feed and cloth me, though I could have provided food and clothing for myself by my labour. (Black, 2008, p. 785)

In an interesting way, this passage from Gandhi is reminiscent of the mind/body or soul/body discussion provided earlier. Gandhi underscores the importance of freeing one's mind from the bond of slavery, i.e., of thinking of oneself and considering oneself

to be free. The separation of mind/soul and body is a theme that also carries through the experience of Holocaust survivors and others who experienced trauma. The role of the mind and consciousness rising in the struggle for freedom is also echoed in Frantz Fanon's writing on the postcolonial experience (Fanon, 1952).

While doing the research on the historic part of human slavery, a few characteristics have become clear. One is the persistent continuum of this phenomenon throughout the human history. It is fascinating to see that some aspects and forms of slavery have existed for so long. Another is how widespread human slavery was. Geographically, it would be rather difficult to find a place without history of human slavery. Thirdly, it is interesting to see not only how well human slavery was institutionalized throughout all levels of the state, economy, religion and other social realms, but also how deeply it was interwoven into the social fabric. Human slavery had become a societal norm on some level and it was used as a standard tool for institutional operations, and most importantly, for financial gains. Additionally, for some it was used as a social status symbol or measure success, while for others, e.g., Roman *pater familias,* it was just one part of estate business.

Lastly, perhaps most striking fact is how human slavery was regarded by humanity. Its practice was considered legitimate and accepted by people as a normal fact of life; it was normalized and carried the perception that this is how some fellow humans ought to be treated. Granted, over time attitudes against human slavery changed, in part due to changes in human compassion, advances in education, role of religion, revolts of subjected people (not strictly physical in nature, i.e., "slavery of the mind vs. slavery of the body"), as well as changes in technical innovations and

introductions of mechanical machineries.   In fact, the last elements (technical innovations and mechanical machineries) may have played the most important role in the eradication and elimination of human slavery as traditionally known in history. The technical innovations and mechanical machineries were responsible for eliminating the need for slave work on a larger scale and de facto lowered the value of slave labor. That in turn, made possession of slaves a financially unsound practice.

The notion of "otherness," however, as a leftover of human slavery, still persists in today's society, regardless of whether it pertains to intra-state or extra-state "others." It is common to hear in everyday rhetoric among ordinary people and politicians, topics that emphasize differences among people, sometimes even dehumanizing individuals who are not part of "our" culture, religion or nation. This is closely related to the narrative of modern day slavery, or trafficking in humans. Indeed, similar issues, such as: hate crimes, racism, homophobia, cultural and gender bias, anti-migration feelings, or general lack of human compassion can be found regarding modern day slavery. Furthermore, slavery of the past and slavery of today are not only connected, but they feed off each other. Human slavery of the past did not disappear. Rather, it can be said that what changed is merely its name, forms and modus operandi. The most important change regarding slavery has occurred in the realm of its legality and how it is treated/accepted by countries, institutions and individuals. This is one area where a major change is seen from the common historical experience. Indeed, whereas throughout most of history, slavery was often legal or allowable, it is now often illegal and its illegality is largely accepted, though not necessarily enforced, by institutions and governments throughout the world.

As discussed above, while attitudes toward slavery have evolved over time, they have always been complex and often contradictory in their approach to the treatment of slaves. There have been, throughout history, attempts to justify slavery and the treatment of slaves on legal, moral, natural, political and religious grounds. In retrospect, it seems these attempts to justify slavery resulted in its institutionalization.   Arguably, the internalization of a slave-mindset or mentality has its roots in the institutionalization of slavery and is perhaps responsible for the normalization of slavery, i.e., the idea that slavery is a normal or acceptable part of life, among some cultures. While the fight against slavery on moral and legal grounds may have led to an awakening about the injustice of slavery in modern times, its legacy and institutionalization of "othering," social hierarchy, superiority vs. inferiority, racism and other forms of discrimination still prevail in many places throughout the world. This institutionalization may lay the groundwork for an apathetic response to slavery in its modern form–human trafficking. These and other themes are discussed in the next section on human trafficking, which reflects on the history of slavery as it relates the concept of human trafficking.

Part 2. Definition, Scope and Forms of Human Trafficking

> *"Modern day-slaves come in all races, all types, and all ethnicities."*
>
> -Bales, Soodalter, 2009, p. 6

As previously pointed out, instances of what is known today as modern day slavery or trafficking in humans, have existed throughout history in a variety of shapes and forms.   A closer look reveals characteristics from the past are quite similar to those that exist today. Table 1 provides a description of the commonalties that exist along the continuum of slavery of the past and modern day slaver, i.e., human trafficking.

Table 1.

Commonalities of Slavery and Trafficking in Humans/Human Trafficking

	Slavery	**Trafficking in Humans**
International	Yes	Yes
Legality	Yes-No	No (Main Difference)
Time continuum	Yes	Yes
Elasticity of Forms	Yes	Yes
Economic gain	Yes	Yes
Organized Help	No-Yes	Yes
People used for:		
Sex	Yes	Yes (Prostitution)
Entertainment	Yes	Yes
Bondage	Yes	Yes
Military	Yes	Yes (Child Soldiers)
Enslavement	Yes (Main Form)	Yes
Forced Labor	Yes	Yes

This table shows that in the past as well as today, the business of trading people was and continues to be global.[16] Furthermore, when comparing other elements, the similarities between trafficking in humans and slavery of the past become evident. People were and still are being used for more or less the same reasons and purposes. Perhaps what is different with trafficking in humans as compared to slavery of the past falls largely in the realm of legality, i.e., human trafficking is illegal, whereas for many years, slavery was legal. In addition to legality, there is also a difference in acceptance among people. Awareness of human trafficking often inspires moral outrage against it, whereas slavery was often justified on moral grounds. Additionally, some other elements are different as well. The terminology used to describe human trafficking, its dimensions

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[16] I will talk in later part of this section more in details about international scope of Trafficking in Humans

and forms, differs to some extent from that of slavery. Nonetheless, the abusive methods and main goals of modern day slavery or trafficking in persons, e.g., profit generation, are similar to those of the past. In rough terms, *slave traders* of the past correspond to today's *human traffickers*, they are the actors involved in bringing people into a position of slavery, i.e., a position of being trafficked. In this analogy, slaves of the past are trafficking victims of today. They are people who are often coerced and exploited, beaten and degraded, stripped of their freedom at the hands of and for the profit of others.

Before going into more details on this, it is important to first define and understand what is trafficking in humans, especially since it is closely connected to the related phenomenon of human smuggling. Despite apparent similarities, there is a significant difference between human trafficking and human smuggling. In order to better understand the phenomenon of human trafficking and how it differs from human smuggling, it is necessary to provide current definitions. It is also necessary to discuss common myths and misconceptions about human trafficking, as well as its significance in the global era, i.e., in the context of globalization.

Despite its historic existence, until recently, the international community did not have a universally accepted definition of human trafficking. This situation changed in the year 2000, with the United Nations Convention against Transnational Organized Crime, which took place in Palermo, Italy. This convention produces some very important documents, and among them, the milestone pillar that addresses the issue of trafficking and smuggling in humans and draws a distinction between "trafficking in persons" and "smuggling of migrants." In particular, The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (heretofore, the Palermo

Protocol), supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in November, 1999, UNGA Resolution 55/25 of 15 November 2000, gives basic guidelines, recommendations and definitions of trafficking in humans. Trafficking in humans is defined as:

> Recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs. (The Palermo Protocol, 2000)

The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in November, 1999, UNGA Resolution 55/25 of 15 November 2000, defines smuggling of migrants as follows:

> Smuggling in migrants includes procurement of illegal entry into a country of which a person is not a national or permanent resident in order to obtain direct or indirect financial or other material benefits. (The Palermo Protocol, 2000)

By defining and differentiating trafficking and smuggling, the United Nations has given guidelines to individual states to develop further their own ways to adopt and implement the provisions of the Convention in their own criminal codes. The Convention against Transnational Crime with its Protocols was entered into force on December 25th of 2001, once forty countries ratified it. Some of the first countries to adopt trafficking in humans as a criminal offence in their criminal Codes in 2000 and 2001 were the United States, Belgium, Italy, Holland, Moldova and Ukraine.

As can be gleaned from these two definitions, the main difference between trafficking and smuggling is the application of force and coercion or lack thereof.

Smuggling is said to involve the lack of coercion; it is based on a mutually agreed upon transaction between an illegal migrant and a smuggler, involving some financial/material exchange for procurement of some sort of services. Coercion, which is consistent with trafficking, implies the absence of a mutually agreed upon transaction. The potential benefits are directed one way (in favor of the traffickers) and the process does not have to involve crossing of international borders. It should be noted, however, that it is possible to have a case of smuggling "going bad" and transforming into a case of trafficking. Once an illegal migrant is out of his/her comfort zone, the original mutual agreement can be altered very quickly. Once someone in a vulnerable position finds himself/herself not in control of the situation, without a support system, and dependent on a criminal organization, the potential for this to happen increases. While the threat of smuggling converting or transforming to trafficking is real, if the smugglers have a large market combined with high demand and potential for future high payout (as in the case of Chinese migration market) it is less likely that this will happen too frequently, since smugglers have to protect their reputation and investment.

The United States was one of the first countries to adopt these guidelines and to translate them into its legal regulations. The following is the definition given by the U.S. government in The Victims of Trafficking and Violence Protection Act *(VTVPA)* of 2000, where severe forms of trafficking in persons are defined as follows:

(A) Sex trafficking includes acts in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

(B) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

The definition of human trafficking provided in the VTVPA has been the issue of controversy and has undergone revision. It was first drafted to refer mainly to trafficking in humans for the purpose of sex, i.e., sex trafficking, though this was later expounded upon to include other forms, e.g., forced labour. As is discussed below, there are many forms of trafficking in humans; sex trafficking is but one. Within the literature, however, attention to sex trafficking has been most pronounced. As Ronald Weitzer and others point out, most discussions of human trafficking focus on sex trafficking. According to the VTVPA, sex trafficking means: "The recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act." And commercial sex acts are defined as any sex act on account of which anything of value is given to or received by any person (VTVPA, 2000).

Both the definition given by the UN in the Palermo Protocol, especially with its attention to the protection of women and children, and the definition provided in the VTVPA, are important elements in the fight against human trafficking and helping to steer it in the right direction. By addressing relevant factors and providing comprehensive guidelines to the international community, one can say that finally human trafficking is recognized as growing global problem that requires immediate action.

The Council of Europe has also recognized the importance of human trafficking. In 2005, the Council of Europe produced the Convention on Action against Trafficking in Human Beings (heretofore the Council of Europe Convention). Among other things, this convention underscores the importance of prevention, gender equality, protection of human rights, assistance to victims and promotion of international cooperation in the fight against trafficking. Furthermore, Article 15 of the Council of Europe Convention

includes two important features: the rights of victims to be compensated for damages and suffering, as well as the obligation for states to guarantee this compensation in their internal laws.[17] An interesting complement to this convention is the establishment of monitoring bodies proposed by the Group of Experts on Action against Trafficking in Human Beings (GRETA). The role of this body is to monitor, evaluate and report on implementation and the actions taken with regard to the convention. Article 15 and GRETA are important elements in the effort to fight human trafficking and create positive steps in right direction.

In addition to these definitions and conventions, since a major part of this dissertation is focused geographically on the Republic of Serbia, it is important to add that Trafficking in Humans has been forbidden in the Criminal Code of the Republic of Serbia as well. After ratification of the Palermo Protocol, effective from April 12th 2003, Article 111b of Trgovina Ljudima (Trafficking in Humans) criminalizes this act for the first time.[18] In addition to this, Article 388 of the new 2006, Criminal Code of the Republic of Serbia provides regulations and clarifies differences between trafficking and smuggling in the Republic of Serbia.

While it is important to have a common definition of this phenomenon for many reasons, including the ability to prosecute human traffickers, some have argued that defining the problem does not change much.[19] Of course, conventions and laws only go

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[17] For more about this, see Project COMP.ACT-European Action for Compensation for Trafficked Persons. http://www.compactproject.org/

[18] Article 111b originally failed to recognize the difference between trafficking and smuggling, until the criminal code was changed in January 2006.

[19] For example, during a presentation I attended at Columbia University regarding Human Trafficking in 2009, I exchanged views with a member of the audience. In this case, the member of the audience negated

so far if they are not implemented or applied in practice. Without conventions and laws, however, appropriate anti-trafficking actions could not take place. For one, in order to break up trafficking rings or apprehend traffickers, the police or relevant authorities have to have reason de entre and a clear understanding of the role of victims. In the absence of a clear definition, situations arise where victims are treated as offenders and are processed as such, e.g., they are prosecuted as prostitutes or irregular migrants rather than treated as victims. Additionally, without laws that remove the rights of perpetrators to continue business as usual, appropriate legal action would not take place. Thirdly, in order to understand the problem and gather critical masses to support anti-trafficking efforts, individuals, community members and media representatives have to be able to understand the phenomenon and be able to distinguish among illegal migrants, victims and traffickers as well as the difference between human trafficking and smuggling.[20] If clarity of definition is lacking, this would limit the fight against human trafficking and create moral impunity for traffickers, thus giving them a green light to continue their operations without being judged for the human suffering they cause. Finally, without defining the issue, adequate policies, research and monitoring of human trafficking would be hampered. It is likely that without adequate understanding to inform anti-trafficking efforts and challenge its proliferation, trafficking in humans would only increase and further destabilize societies worldwide.

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the results and impact of the Palermo Protocol, insisting that a common definition does not amount to much.

[20] In the early years after the Palermo Protocol was adopted, there was great confusion and misunderstanding among media and individuals about forms. In the case of the Republic of Serbia even the legislature had a problem in drafting laws and was not able to distinguish the trafficking and smuggling from each other. Consequently, they had to create an amendment to the law to correct this confusion.

Scope of the Problem

While defining human trafficking has its own set of issues, the task of providing numbers on the overall scope of this phenomenon is quite problematic. In order to understand the significance of trafficking in humans, especially in the global era, it is important to address how widespread this problem is and estimate the numbers of people who are involved in this process on both sides, i.e., traffickers and victims. Providing an answer to the first half of this question is relatively easy when compared to the second half. Trafficking in humans is a global phenomenon; it happens in the smallest corners of small countries such as Bangladesh and the largest corners of large countries such as the United States. It is a phenomenon that knows no borders and that speaks no particular language, except that of exploitation, money and greed. On this note, Kevin Bales ironically calls modern-day slavery "equal opportunity slavery." Bales contrast today's slavery in the United States with slavery of the past.

> [M]odern day-slaves come in all races, all types, and all ethnicities. We are, if anything, totally democratic when it comes to owning and abusing our fellow human beings." (Bales and Soodalter, 2009, p. 6)

In the global context, the international trafficking of human beings, especially of women who are then forced into prostitution, represents the world's third largest area of organized crime. It is a business that produces seven billion dollars annually. An often-stated fact is that greater illegal profits are found only in trade of drugs and arms, as data from the United Nations Office for Drug Control and Crime Prevention (ODCCP) reveals[21] (ODCCP, 2000). To emphasize the global reach of human trafficking, it is

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[21] This information was first released by executive director, Pino Arlacchi, during the International Seminar on Trafficking in Human Being in Brazil, on November 20, 2000.

often stated that human trafficking reaches "127 countries to be exploited in 137 countries" as reported by the United Nations Office on Drugs and Crime (UNODC) (UNODC, 2006). According to UNODC studies, the global scope of human trafficking cannot be denied. As with slavery of the past, one would have a difficult time finding a place where trafficking in humans in some form does not exist.

While there is agreement on the global scope of human trafficking, the question of numbers is much harder to answer. At this moment, the research community still does not have an adequate mechanism to measure and correctly quantify the numbers of people involved in trafficking in humans. At best, there are good estimates rather than hard empirical facts. A look back to the period just preceding the Palermo Protocol reveals that numbers have always been an issue. Estimates provided in 1997, just a few years before the Palermo Protocol, reveal a range from seven hundred thousand to four million victims of trafficking every year. According reports provided in 1997 by the United States Department of State and the International Organization (IOM):

> 700,000 persons, mainly women and children, are trafficked across national borders worldwide each year. Other global estimates of the number of the victims trafficked annually range from approximately one to four million. (U.S. Department of State, 1997)

> According to the International Organization for Migration (IOM) 1997 estimates, the number of victims trafficked both internationally and across national borders is four million. (IOM, 1997)

The U.S. Department of State and IOM provided a jumpstart to discourse regarding the need for better data and improved methodologies to calculate the number of victims. The U.S. Department of State and IOM are two of four organizations that collect data on

global human trafficking.[22]   From their 1997 estimates, just how elusive the data is becomes evident.

The range given for victims of human trafficking is rather remarkable, e.g., from under one million to four million. In the case of one nongovernmental organization (NGO) "Free the Slaves," their estimates go upwards of twenty seven million slaves worldwide. The numbers question has, in turn, sparked a debate among practitioners and researchers alike. Despite criticism and skepticism regarding the numbers, the same estimates have been used rather consistently for years. In the 2002 Trafficking in Persons Report (TIP), for example, the same estimates are used.[23] On some level, it is difficult to approach the issue of human trafficking in a more meaningful way, e.g., through policy creation, victim assistance programs and overall planning, if the real numbers of victims remains unknown. Such deficiency had fueled the voices of many critics who have argued about the need for accuracy and better data gathering. Galma Jahic and James Finckenauer echo this criticism.[24] They point out that:

> The estimate that '4 million people are trafficked annually' is one of the most frequently reported, but ironically not cited (as to source) statistics. It is usually attributed to 'United Nations reports,' but the actual publication from which the information was derived is not cited. (Jahic and Finckenauer, 2005, pp. 30-31)

While new estimates have been provided since 1997 and attempts have been made to address previous gaps regarding the number of victims, the data are still unreliable and

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[22] The other two are the International Labor Organization (ILO) and United Nations Office on Drugs and Crime (UNODC).

[23] The Trafficking in Persons Report (TIP) is annual report conducted by U.S. State Department, the Office to Monitor and Combat Trafficking in Persons.

[24] See also Frank Laczko, "Human Trafficking: The Need for Better Data," Migration Information Source, Washington: Migration Policy Institute (2002).
http://www.migrationinformation.org/Feature/print.cfm?ID=66

inaccurate. The figures provided in various reports, either by individual states, international organizations or the nongovernmental sector have been revised, though they still contradict each other. Furthermore, lack of explanation on the sources or methodologies used in data collection remains a problem. For example, according to U.S. government data provided in the 2005 TIP report, estimates of victims trafficked across international borders range from 600,000 to 800,000. The report further states that: "approximately 80 percent are women and girls and up to 50 percent are minors." In this report, the number of victims is significantly less than previously reported, though still significant enough to warrant attention. Of course, critics argue that these estimates are largely inaccurate. Furthermore, as reported in the 2010 TIP report, the differences between estimates and the actual number of victims identified at the global level are significant. According to the 2010 TIP report, for the years 2008, 2009 and 2010, a total of 113,179 victims of trafficking have been identified. Criticism of data accuracy is evident throughout the field. The basis for estimates of six to eight times that amount, i.e. 600,000 to 800,00, remains unclear. According to the U.S. Government Accountability Office (GAO) report from 2006:

> Existing estimates of the scale of trafficking at the global level are questionable, and improvements in data collection have not yet been implemented. The accuracy of the estimates is in doubt because of methodological weaknesses, gaps in data and numerical discrepancies. (GAO, 2006)

There are many issues with data collection and estimates, not the least of which is the number of victims trafficked across international borders versus those trafficked internally. Moreover, whether the same victims are counted more than once remains in question. There is also the risk of overlap between victims of trafficking and smuggled

persons. In some cases, as discussed above, individuals were originally smuggled and later trafficked. Clarity on data remains one of the most difficult issues to grasp.

Elzbieta Goździak addresses issues with data collection in her analysis on human trafficking. Goździak claims that it is apparent there is a knowledge gap in research on Trafficking in Humans and points out the following:

> A 2005 analysis of research on human trafficking in the United States indicated that the field had not moved beyond estimating the scale of the problem; mapping routes and relationships between countries of origin, transit, and destinations; and reviewing legal frameworks and policy responses (Goździak and Collett, 2005). The situation is not much different in 2008; there is still no reliable data on the number of trafficking cases and the characteristics of the victims and perpetrators. (Elzbieta Goździak, 2009, p. 22)

Ronald Weitzer is among those who are very critical of the numbers provided. Weitzer argues that reports promoting high numbers in trafficking are not fully researched and are, in large part, used to support the views of abolitionist feminists and conservative religious groups. According to Weitzer: "In fact, there are no reliable statistics on the magnitude of trafficking, and the figures can only be described as guesswork. Even ballpark estimates are dubious, given the clandestine and stigmatized nature of the sex trade" (Weitzer, 2007, p. 455). Weitzer claims that such groups, i.e., abolitionist feminists and conservative religious groups, have created an alliance to pursue their ideological beliefs. Weitzer refers to them as "moral crusaders." On his view, their role is to create a perspective on human trafficking that links it closely to prostitution. Their aim, according to Weitzer, is to take social conditions, i.e., prostitution and human trafficking and construct or (re)create them as "problems." Writing about abolitionist feminists and conservative religious groups, he states:

> [t]hese movements define a particular condition as an unqualified evil and see their mission as a righteous enterprise whose goals are both symbolic (attempting to

redraw or bolster normative boundaries and moral standards) and instrumental (providing relief to victims, punishing evildoers). (Weitzer, 2007, p. 448)

The teaming up of abolitionist feminists and religious conservatives in anti-trafficking efforts will be discussed below in the section on feminism. Before this, however, it is important to continue the discussion of the numbers issue. On Weitzer's view, "moral crusaders" rely on large numbers and their conceptual linkage of prostitution and human trafficking to influence policy makers. While the conceptual linkage of prostitution and human trafficking will be discussed later, it is important to note that this can have the unintended effect of portraying an image of trafficking as a "victimless crime" or of suggesting that trafficking, like prostitution, involves consent. Again, the discussion of the conceptual linkage of prostitution and human trafficking will be addressed below.

Based on the discussion above, it is necessary to exercise caution about quantitative estimates on the number of trafficking victims. The importance of working toward the accumulation of accurate data cannot be underestimated (Jahic and Finckenauer, 2005; Lasco, 2002; Goździak and Collett, 2005; Goździak and Bump, 2008; Weitzer, 2007).

In light of this, the question of why it is so hard to get accurate data on human trafficking becomes prominent. As in any other clandestine, shadowy activity, i.e., prostitution, gray market economy and drug trafficking, researchers do not have full access to or knowledge of these activities. Researchers often have to rely on convenience samples, secondary sources, estimates and other less empirical methods of acquiring data. A variety of factors serve as possible reasons why it is so difficult to provide accurate data assessments on this phenomenon. Some reasons for this difficulty include the following. 1) Since human trafficking is an illicit activity, it is unlikely to

find traffickers admitting to this and unlikely to find victims self-identifying as victims of trafficking. Given this, estimates are often based on those who have been caught (and are naturally lower as they do not include those who go unnoticed). 2) Even when the authorities get involved, victims do not always cooperate with law enforcement or during legal trials, often due to threats or fears of retribution. 3) Not all victims are recognized or identified as such, i.e., sometimes victims are treated as prostitutes, perpetrators, or illegal migrants. 4) Lack of a universal data collection system creates gaps in data and the tendency for under or over reporting (some instances are missed whereas others are counted more than once). 5) Reliance on data of others and continued use of the same data through cross-references obscures real figures. 6) Differences in forms of trafficking in humans and variations in conceptual understandings of this phenomenon limit accurate identification. 7) Plea bargaining processes or pursuing charges on different grounds limit number of trafficking cases. 8) Internal versus external data discrepancy exists because data on victims trafficked within the state typically are not collected. 9) Deceased or missing persons are not counted among victims. 10) Complicity of official actors in human trafficking creates a situation where human trafficking becomes camouflaged or overtly overlooked.

In light of the complexity of human trafficking and the importance of having accurate data, it is imperative for researchers to develop coordinated efforts to approach the difficulties outlined above. There is a need for researchers to engage in more empirical studies and to work directly with victims and collaborate with service providers regarding data collection. Perhaps, as pointed out by Goździak and Bump, applying new methodologies will help address the data issues discussed above. Goździak and Bump

propose more advanced methods, such as rapid assessment, capture-recapture methodology and Respondent-Driven Sampling (RDS). An example of an alternative methodology can be found in the work of John Davies (2009). Davies engaged in participant observation with a group of Albanian victims of trafficking that were working as prostitutes in Lyons, France.

The value of applying an alternative methodology is seen in an empirical research study completed by Norwegian Fafo Institute and its authors, Anette Brunovskis and Guri Tyldum (2004). In their work, they focused on measuring the levels of foreign prostitutes (primarily of Eastern and Central European descent) in Oslo and explored the mechanisms of trafficking women for sexual exploitation. Their study through the collection of advertisements, following up leads with telephone conversations and then interviewing former victims of trafficking that returned to their home countries. In both cases, Davies (2009) and Brunovskis and Tyldum (2004), the studies provided very valuable qualitative insight into the dynamics of human trafficking, though the studies are not without limitations. Since both studies were concentrated on isolated cases and small numbers of victims, the results cannot be generalized. While it is clear that the data difficulties will not be addressed overnight, it is certainly important for this issue to be on the agenda as it affects both the direction of literature and policy making.

While there are many crimes that suffer from inaccurate data, e.g., rape is largely underreported, in order to create a proper response in the fight against human trafficking, knowledge of its scale is important. Armed with such information, anti-trafficking advocates would be in a better position to create meaningful strategies and appropriate policies, assistance programs, education and action campaigns. Accurate data would also

enable authorities to create adequate protection and reintegration programs as well as appropriate policies and laws. It is difficult to measure the efficacy of awareness campaigns and other anti-trafficking efforts in the absence of accurate numbers. Better empirical research and new methodologies will likely help improve the overall quality of research on this phenomenon as well as eliminate misinformation and misuse of high or inflated numbers. Improved research will also help debunk story telling and replace stories with real facts.

Forms of trafficking

The diversity of terminology used to describe human trafficking as well as richness in forms can be added to the difficulties discussed above. *Sex slaves*, *modern-day slaves, human cargo, child soldiers and human merchandise* are just some terms used to describe victims of human trafficking. Perpetrators are often described as *traffickers, snakeheads* and *coyotes*. Human trafficking is referred to as *modern bondage, sex trafficking, trafficking in humans, trafficking in persons* and *modern-day slavery*. It is common in the literature for researchers to describe *push and pull factors* when discussing the phenomenon of human trafficking (as well as smuggling). Given the diversity in terminology and forms, it is common for the meaning of trafficking in humans to become muddied.

When researching human trafficking and the richness of forms of this phenomenon, as well as its reach, i.e., all age groups (children and adults), both genders (women and men), a pretty bleak situation for researchers and policy makers is revealed. Human trafficking encompasses so many forms and affects so many segments, hence it is difficult to know where to begin. After research and content analysis of different reports,

studies and publications on this topic, some of the most commonly recognized forms of human trafficking include the following:

- Trafficking for prostitution, pornography and other forms of commercial sex
- Trafficking for forced or bonded labour of adults and children (domestic, agricultural, farming, fishing, bars/clubs/restaurants, garment industry, diamonds, cocoa, coal and other mining industries)
- Trafficking for begging, petty crime, burglary and *collection of government subsidies*[25]
- Trafficking for purposes of forced or early marriage
- Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs
- Trafficking of newborn babies
- Trafficking of children as camel jockeys
- Trafficking and kidnapping of people for forced military recruiting (e.g., child soldiers),[26] ideological indoctrination and ransom

The different forms vary by occasion, length of enslavement, circumstance, and region; they also follow cycles of general demand. Trafficking for forced military recruitment is often linked to demand for forces (new recruits) during times of conflict, e.g., as was the case in Sierra Leone, Nepal, Sri Lanka, Columbia and Somalia. Similarly, armed conflicts often result in an increased demand for sex workers and an increase in instances of sex trafficking. Also, as in the case of the 1999 Kosovo conflict, armed conflict may

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[25] This form is something completely new and according to a Europol report: "social security, welfare and benefits systems are being targeted by traffickers using trafficked children to support and justify claims linked to family and housing benefits." Europol Knowledge Product: Trafficking in Human Beings in European Union, September 2011, p. 8.

[26] "Recruitment" covers any means (formal or de facto) by which a person becomes a member of the armed forces or of an armed group; it includes conscription (compulsory/obligatory military service), voluntary enlistment and forced recruitment.

trigger cases of trafficking in human beings for the purpose of the removal of organs.[27] In places such as the United Arab Emirates, Qatar or Saudi Arabia, demand for trafficking of children for use as camel jockeys is high, whereas it is nonexistent in other countries.

The diversity of forms of human trafficking shows the complexity of this phenomenon and confirms its fluidity. Trafficking appears to be both opportunistic and situational. A form of trafficking may be used for a period time, later to be replaced when the situation changes or a better opportunity arises. There are also newer forms or aspects of trafficking, such as the use of technology for recruiting and advertising victims for prostitution, the harvesting and trafficking of human eggs for use in in-vitro fertilization (IVF) treatments,[28] and the use of trafficked children to support and justify claims linked to government subsidies regarding family and housing benefits. The different forms or aspects of human trafficking are discussed throughout.

Due to space constraints, this dissertation will not elaborate in detail about all the forms listed above, but rather cover forms that are commonly mentioned in the literature. The most commonly stated form of human trafficking in the literature is trafficking of women and children for prostitution, pornography and other forms of commercial sex. Since there has been so much focus on this form, sex trafficking is often used interchangeably with human trafficking. Given its overuse in the literature, some authors worry that the focus on sex trafficking distorts the field and creates a one-sided

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[27] To find more about this, see the report from the Committee on Legal Affairs and Human Rights, Council of Europe, authored by Dick Marty.
http://assembly.coe.int/asp/apfeaturesmanager/defaultartsiteview.asp?ID=964

[28] See the European Union, European Parliament resolution on the trade in human egg cells, Official Journal of the European Union, C 320 E, 15 December 2005 (P6_TA(2005)0074).

concentration on this form at the expense of others. As a result, it is argued, this leads to an overemphasis on policies and programs geared toward only one form of human trafficking. It also obscures the complexity and depth of the phenomenon.

The reasons for an overemphasis on sex trafficking in the literature are multifold. One reason seems to be that sex trafficking is catchy and sensationalized. Sex trafficking makes sense to people on some level because it reinforces common stereotypes (and myths), i.e., that human trafficking occurs when naïve women, prototypically beautiful blonde women of Eastern Europe, often referred to as "Natashas," find themselves in the hands of handsome, friendly, wealthy men who promise to sweep them off their feet to a better life, but later turn the tables and put them in a position of forced prostitution. This scenario is perhaps easier for people, especially those in the West, to grasp because it reminds them of prostitution.   In this scenario, the victims are "Natashas," the perpetrators are traffickers, and the people who demand service, i.e., the customers are "Johns." The literature is full of analysis on "Natashas" and "Johns" and the limitation this stereotypical scenario has set for fully understanding the depth and complexity of human trafficking in all its forms. This is addressed below in the section on approaches.

Another reason for the emphasis on sex trafficking is perhaps ideological, i.e., it fits nicely with the policy goals of those who want to regulate/criminalize the sex industry, including pornography, prostitution, and commercial sex. Ronald Weitzer argues: "*In no area* of the social sciences has ideology contaminated knowledge more pervasively than in writings on the sex industry" (Weitzer, 2005, p. 934). While raising awareness of and creating protection for victims of sex trafficking is certainly a step in the right direction, critics like Weitzer are concerned about the linkage of sex trafficking

with pornography, prostitution and the sex industry. On one hand, this linkage could

encourage less understanding of and sympathy for the victim and create the perception

that the victims are somehow culpable for their position on the grounds that they

somehow chose to be in that position (as a prostitute or someone who willingly engages

in pornography). Indeed, studies have shown that this linkage often leads to a glossing

over of the victimization aspect of sex trafficking. This happens among ordinary people

as well as professionals who are supposed to protect those in need. The following

statement describes the mistreatment of a victim of trafficking by a female member of the

police force conducting interrogation. This statement is reported by the International

Centre for Migration Policy Development:

> They did not use some pejorative words but with words: 'You are all the same. You cover each other. You protect your bosses.' I think this is a sufficient description. When somebody thinks that it's your fault. I do not feel guilty for what happened. I know who I should blame. But when somebody blames you like that, you really feel terrible. She tells you directly to your face that you are a prostitute. (International Centre for Migration Policy Development, 2007, p. 100)

There are also researchers who argue that sex trafficking is of a larger piece of

exploitation of women, often asserting that agency is lacking in all cases, even cases

where consent is given. This touches one of the major controversies in the field. At one

end of the spectrum, there are what Weitzer calls "moral crusaders" who condemn the

sex industry and abhor the term "sex workers." At the other end, there are those who

argue that "sex workers" have made a choice to do this for a living and ought not to be

prevented from making a living by moral crusaders or do-gooders. While both views are

persuasive, it seems there is a danger in linking too closely the phenomenon of sex

trafficking, which typically involves coercion, and the phenomenon of pornography,

which may be consensual. The first is clearly illegal and involves the removal of

freedom, whereas the other is sometimes legal and does not necessarily involve the removal of freedom. It also seems unhelpful to overemphasize sex trafficking, as it takes attention from the other forms of trafficking, including forced labour.

The complexity of human trafficking reveals an overlapping victimization, i.e., in some cases; multiple forms apply to the same victim. A victim might be trafficked for labor in agriculture and then sold to a brothel for sex trafficking. As such, trafficking is not monolithic, but rather a complex phenomenon with multiple layers. One can be forced to marry (early or child marriage) and consequently be forced to perform sex and labour services. In such a case, three forms of trafficking would be imposed on the victim, i.e., forced marriage, forced sex and forced labour.

The discussion so far has shown there are many forms of human trafficking and that each individual case carries its own complexities, which typically are related to territorial, political, economical and cultural dimensions. In most cases traffickers are very pragmatic; they find it easy to adopt new techniques and new lines of 'business.' A common thread for all forms of human trafficking is that someone/some entity typically exerts coercive power over another; that power can be physical, mental or a combination of both, and can be applied with different levels of intensity.

At different times over the last few years, people have asked what is the worst form of trafficking. This question is awfully simplistic and misleading. One cannot judge and measure the pain exerted on someone else, nor can one understand the long-term consequence such an experience inflicts on people. Is it less painful for a parent to lose a child, for a child to be beaten, deprived of food and sleep and forced to work an 18 hour shift on a floating fishing vessel, for women to be repeatedly raped or for a man to

live without the kidney because traffickers stole his? These are all forms of human trafficking that affect victims in different ways. It is inappropriate to say what is the worst case. What is appropriate is to try to understand the complexity of the forms, how they are carried out, and how they are dealt with in the justice system and among society.

Authors such as John Frederick argue for distinguishing between trafficking cases on different grounds. Frederick distinguishes between "soft" and "hard" cases of trafficking. On his view, "soft" cases are when members of family are involved in the trafficking of a child, whereas "hard" cases are when coercive elements are in place and trafficking is against the child's will. For Frederick, "soft" trafficking "may occur because it is an established means of providing income to poor households, as well as of getting rid of a dowry burden" (Frederick, 1998). On his view, "soft" trafficking is a family mechanism for poverty reduction or a way for paying family debt. While there is obviously a difference between these examples, the use of "soft" and "hard" is not without controversy. The fact that family is involved does not take away the elements of suffering imposed on the victims, nor does it mitigate the infringement on agency or pain caused to the child by limiting opportunities for an alternative life. "Soft" trafficking may end up just as harmful (psychologically and physically) as so-called "hard" trafficking. "Soft" and "hard" should not, it seems, be used to imply weak and strong connotations.

Frederick's attention to the differences in how child trafficking is brought about is instructive. As is seen in the statement of fourteen-year old Nepalese girl, Sashi Tamang, who was rescued from a brothel in India, the role of family in trafficking cannot be underestimated. In an interview with Sashi Tamang, she indicated that she met fifty

young girls from Nepal who were trafficked through family; many were often unaware of what their new life would entail. "Most of them had come willingly. Even their own fathers had reached some of them here. But they never knew anything about all the suffering they would face in Bombay" (Newar, 1998).

This statement shows the complexity of trafficking and the need for more nuanced approaches. Cases involving family members or involving willing participation do not fit neatly with the solutions that many anti-trafficking advocates propose. In some cases, "victims" do not necessarily want to be "saved" or "rescued" as was underscored by Erin Kamler in a recent conference presentation.[29] According to Kamler's own experience observing/participating in a raid and rescue (RR) mission in Thailand, many girls that are "rescued" from brothels or night clubs are detained for long periods of time (often to facilitate prosecution) and have no way of supporting their families. According to Kamler, many did not think of themselves as victims and did not want to be saved. The interviews Kamler conducted with Burmese victims confirmed this.

Another complexity of human trafficking is related to the similarity between human trafficking and smuggling. While it is common to hear the terminology *trafficking and smuggling* used in conjunction, these two phenomena are very different. Trafficking in humans is not only an activity between different countries, but also something that can happen within the same country, whereas smuggling of migrants is always between two or more countries. The main distinction between trafficking and smuggling in humans is that in the case of smuggling, people acquire help from smugglers for a negotiated fee for their help and expertise, which can include assistance with transportation, illegal crossing

[29] I attended Erin Kamler's presentation at the conference: Violence, Memory and Human Rights held at University of South Florida in Tampa, FL. I also presented at this conference. Details about the conference can be found at: http://humanities-institute.usf.edu/events/memory/

and entry, directions, connecting with other individuals or groups, bribing corrupt officials and/or police, procurement of forfeited documents or traveling papers, and in some cases, job placements and assistance with identifying places to reside. In today's world, there is high demand for services offered by smugglers. This demand is largely associated with differences in standards of living between rich countries of the West and poor counties of the developing world, coupled with the inability to gain legal ways to migrate or travel (as will be discussed in detail later). Due to these factors, some people are in a desperate situation and feel forced to flee their homeland. In such cases, they are willing to risk becoming illegal migrants and may ask for help from organized crime groups, who charge anywhere from a couple of hundred dollars, to as high as thirty thousand (Chin, 2001).

Smuggling is very different from trafficking because smuggling involves choice (even if limited), whereas trafficking involves coercion. In some cases, despite starting out as a free choice, as in a case of smuggling they can turn into trafficking. Once a person is out of his/her comfort zone and crosses into an illicit route, the potential for becoming a victim of human trafficking increases rapidly. This type of scenario also contributes to the difficulty in data collection, as this person is likely to be characterized as an illegal migrant smuggled in and not a trafficking victim. Furthermore, not only is it difficult to register this case as trafficking, but because of the overlap, there is also potential to disqualify the person from receiving assistance from programs devoted to victims of human trafficking (e.g., temporary or permanent visas) or to be recognized as such.

The changing dynamics of human trafficking is reminiscent of changes in the global context. In many ways, human trafficking involves adjustments in supply and demand at the global level. If one were to trace the mobility of the commercial sex industry in Central and Southeast Europe from the nineteen nineties to today, significant changes appear. During the armed conflicts in former Yugoslavia, from the early nineteen nineties to the mid point of that decade, the region was a prime spot for human traffickers and other members of organized criminal networks. The levels of prostitution were rising rapidly and there was a mushrooming of brothels, adult nightclubs (go-go bars) and similar establishments. At the same time, recognition of human trafficking was in its infancy, as cases were slowly making their way to the media. The overall context of lawlessness, moral depravation and "anything goes" mentality which can be attributed to the war climate and factors of instability and uncertainty, may have allowed human trafficking to flourish unnoticed. Some of the other factors that coincided with the conflict in former Yugoslavia included: desire for female entertainment and sex, militarization, absence of rule of law, criminalization of state, and disappearance of social values among society. Of course, former Yugoslavia is not alone in this; the conflicts in other places, e.g., Congo, Somalia, and Rwanda, also witnessed a rise in demand for commercial sex and a decline in laws to stop it. The cycle of violence and victimization associated with human trafficking, especially sex trafficking, rose during the nineteen nineties, at the time when internal/intra-state conflicts were on the rise.

Once the conflict in former Yugoslavia ended, the demand for commercial sex decreased substantially (though not completely) throughout the region. In light of this change, the human trafficking that plagued former Yugoslavia during the conflict years

was diverted into other directions. The diversion to the European Union (EU) was a natural way of responding to the change in demand and market conditions (e.g., enlargement of EU). This example shows how human trafficking adjusts to business conditions and shifts on the demand side.

Interestingly, in 1996 just after the war ended in former Yugoslavia, the borders and highways of the Czech Republic, Slovakia, and to a lesser degree, Hungary, became prime spots for sex tourists from Germany, Austria and Italy. For traffickers, this signaled a way for them to make up for the loss of profits in the Balkans prompted by the end of the conflict. The new market potential seemed attractive to traffickers. On the demand side, Western "Johns"[30] could benefit from this regional repositioning by having access to girls from Eastern Europe more readily. Sex tourism[31] suddenly became much cheaper for them. Now "Johns" could get in their cars and have their demands met rather than having to fly off to Thailand, Brazil or Dominican Republic. From a business perspective, this made perfect sense. While the business analogy helps explain the mindset of traffickers and those who solicit the services of victims, it is important for researchers not to take this too far and overlook the reality that victims are not commodities to be traded on the open market (despite their treatment as such).

In discussing the trafficking in Central and Eastern Europe, Cathrin Schauer reports that in addition to adults, children were also part of the border sex market that developed during EU expansion. In her report, "Children in street prostitution – Report from the German-Czech border," she note that children:

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[30] "John" is a common term used to describe users of the commercial sex industry.

[31] Sex tourism involves travel with the goal to engage in paid sex with a prostitute (women or men) or with a minor.

Have been observed mainly along the Europastrasse E48 and E49 and near the small connecting roads to the German border check points, as well as in the Czech towns near the border. The girls and boys hang out near petrol stations, bus stops and restaurants. Within towns, they are found in parks, in front of supermarkets and the entrances of gambling halls and houses, and at the railway station. In one small town children were observed showing themselves in the windows of a brothel-like institution. In some areas, the children wait for tourists in cars or by windows. Women holding babies and small children have also been seen touting for pedosexuals from Germany. (Schauer, 2003)

Once these former communist countries became part of the EU (2004), the market conditions again changed. The border brothels were closing fast and again following the path of profit and demand. At that time, it was much easer and safer for a trafficker to bring victims to Amsterdam, Hamburg or Berlin. Since prostitution is legal there, victims could travel without any visa or border restriction/controls. Furthermore, those wanting to use prostitutes could access them anytime without having to incur extra costs or loss of time. A BBC news report[32] from 2004 underscores this shift and highlights the corresponding decline in visibility of prostitutes on the borders and highways in Czech Republic:

The number of prostitutes lining the main truck routes through the Czech-German border has plummeted since the Czech Republic joined the EU on 1 May…. Prostitutes along the highway from Teplice in north Bohemia to the Czech-German border crossing at Cinovec are also disappearing due to dwindling customers. (BBC, 2004)

The changing character of trafficking and constant adaptation of the modus operandi among traffickers has been observed by many researchers, including Andreani and Raviv (2004), and Hunzinger and Sumner-Coffey (2003). Moreover, the International Centre for Migration Policy Development points out that there are many techniques used by

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[32] BBC Monitoring, "EU entry hits Czech sex trade," 2004, May 11.
http://news.bbc.co.uk/2/hi/europe/3703387.stm

traffickers in order to respond to changes in the legal landscape stemming from the fight against human trafficking.

> [T]raffickers have regularly adapted their methods in response to new laws and policies, adaptations which move faster than the measures of anti-trafficking actors. In SEE, strategic changes have included paying victims small amounts of money (to dissuade them from escaping), mobilizing the asylum procedures or getting married to victims to legalize their status, strategies which, for a short time, seemed to have compromised identification efforts. (International Centre for Migration Policy Development, 2007, pp. 78-79)

Given the changing dynamics of trafficking, it seems researchers, police and policy makers need to be more flexible and mobile in their efforts to fight human trafficking and keep pace with criminals. This is not an easy task, however, given the complexities and ever changing environment discussed above.

To conclude, this chapter defined human trafficking and the related phenomenon of smuggling, provided a general picture of the history of slavery and scope of human trafficking, described the different forms of human trafficking, and identified general themes in this field. The next chapter builds on the discussion above and introduces the different approaches to analyzing and explaining human trafficking in the literature.

Chapter 2. Approaches to analyzing and explaining Human Trafficking

My 'prince' was a monster. And I lived a nightmare…My body, my soul …my life belonged to a group of criminals who blackmailed me, threatened to kill me and were always saying they could harm my family back home.

–N. V.,
34-year-old trafficking victim from Brazil[33]

There are numerous types of sources that are covering issues of human trafficking today. It can be said that it is a fast growing field, despite its relatively newer literary birth in the nineteen nineties, with research sources falling more or less in the following groups: articles and books written by academics and journalists, reports produced by agencies and organizations, documentary films created by independent filmmakers and activists, and news reports produced by media. While it may be considered a newcomer in academia, Chapter 1 argues that human trafficking should be looked upon as part of a continuum with links to slavery. Though the human trafficking narratives and terminology are different today, the abusive methods, victimization and profit generation mechanisms share a core with slavery of the past.

Though a universally accepted definition of human trafficking is provided in the Palermo Protocol, when discussing human trafficking in the literature, there are multiple approaches to analyzing this phenomenon and multiple ways of categorizing it. For example, some focus on a single issue, e.g., legality, at the exclusion of other issues, such as culture and gender, while others include additional/conjoint topics in their analysis, e.g., health issues, labour and globalization along with human trafficking.

There are two dominant ways of explaining and analyzing issues of human

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[33] United Nations Office on Drugs and Crime, UN.GIFT, Human Trafficking: An Overview, Vienna, 2008, p. 36

trafficking: individual (single issue) and integrative (two or more issues). Even though both methods are useful and informative, this chapter will argue that the more holistic, integrative approach provides a better model for understanding human trafficking due to its attention to the complexities of human trafficking, richness in forms and crosscutting issues.

In addition to multiple perspectives of analysis, other factors that complicate research and analysis in this field include: the variety of forms of human trafficking, the multiple types of abuse used against victims (physical and mental), as well as the global scope of trafficking. Moreover, since victims of human trafficking are represented among different age groups and both genders, the creation of appropriate policies and programs for victim assistance becomes challenging. The fact that human trafficking is often linked in the literature to related issues, such as smuggling, migration, prostitution, pornography and the commercial sex industry, creates additional confusion. It is important to address these issues because left unaddressed they can contribute to the creation of a stereotypical, stigmatized, view of human trafficking in the minds of the public and policy makers alike.

In this section, the aim is to provide a brief overview of some of the most common approaches to analyzing human trafficking in the literature. These approaches shape contemporary discourse on human trafficking and often set the stage for policy creation. While some approaches tend to focus on specific issues at the expense of the interconnectedness of these issues, others incorporate multiple issues. Depending on the approach, the issues discussed include: health issues, reproductive rights, migration, labour, socio-economic status, law enforcement/policing, border control, national

security, organized crime, sexuality, women's rights, abolitionist, gender, human rights, children's rights, individual rights and geographical issues. As stated above, it is common for a particular approach to focus on one issue, e.g., women's rights, or two or more issues considered to be related, e.g., migration and border control.

With this in mind, before explaining each approach, Table 2 (below) displays these approaches according to how they fit into more cohesive groups. Four main types of approaches are included from the literature and a fifth approach is added. The four main approaches are human rights, feminist, security and socio-economic approaches. All others fall more or less into one of these four categories. While it helps to categorize the approaches in this way, the effort to group these approaches is not meant to suggest the four are discrete categories as there are overlapping factors that connect them.

In addition to the four main approaches, I argue that it would be useful for further research and analysis of this phenomenon to include a new approach, i.e., one that would include the assessment of human trafficking in relation to a potential emergency crisis stemming from a natural or man made disaster. The types of crisis I have in mind include natural disasters, e.g., large-scale earthquakes, tsunamis, floods, as well as man-made disasters, e.g., armed conflicts and civil wars. These types of crisis can trigger special and opportunistic moments for human traffickers to exploit people during what are very confusing and critical times, often coinciding with a sudden increase in refugees, lack of rule of law, chaos, desperation and a greater amount of vulnerable people. I refer to this approach as the *emergency* approach. Despite its individual uniqueness, along with the special circumstances in which potential victims find themselves, it may be useful to build out this approach and try to create standardized policies and plans of action for

crisis situations. Having good training and strong preparedness can make the difference between having large scale of human trafficking (as was experienced in the case of the earthquake in Haiti), medium or lesser scale (as was the case of the Indian Ocean Earthquake and Tsunami), and small scale or almost no recorded cases of trafficking, (as was the case with the Tohoku Earthquake and Tsunami in Japan). The creation of standardized models and policies to prevent human trafficking in crisis situations may also help people and governments become equipped to deal with crisis situations overall. Furthermore, by having such policies in place, emergency response agencies would be better positioned to prevent/limit the extent to which criminal minds take advantage of the chaos and exploit even further those in need.

With this in mind, Table 5 lists the main approaches for analyzing human trafficking. The list is not exhaustive, but captures the main issues associated with each.

Table 2.
Human Trafficking Approaches*

Human Trafficking Approaches				
Human Rights	*Feminist*	*Security*	*Socio-economic*	*Emergency*
Children's Rights	Gender	Law enforcement and policing	Labor	Natural Disasters
Individual Rights	Abolitionist	Borders	Migration	Armed Conflicts
Health Focus	Women Rights	Geographical	Globalization	Child Soldiers
	Sexuality	Legal	Economy	Child Adoption
		Organized Crime		
* The integrative approach includes issues from two or more approaches listed in this chart.				

As we can see from the table above, there is a substantial difference in how each approach addresses, explains and analyzes human trafficking. The section below provides an overview of the main characteristics of each of approach. While each approach has its own characteristics, two of the four main approaches are primarily focused on the individual vis-à-vis human trafficking as the most important characteristic of analysis. These are the human rights and feminist approaches. On the other side, the security and socio-economic approaches include individuals, but rather focus on larger issues, such as border protection, policing, legal issues, labor and migration. The fifth approach that I am adding attends to the environmental conditions and man made conditions that may allow human trafficking to thrive. This approach includes a focus on the individual as well as other elements related to trafficking. Due to the complexity of explaining and analyzing this phenomenon, these approaches are elaborated on below.

Before beginning, it is important to underscore that these approaches are ways of addressing, explaining and analyzing human trafficking. They are not, strictly speaking, theories, but rather approaches or modes of analysis that provide perspectives through which to understand human trafficking. Since the study of human trafficking is intricately linked to anti-trafficking mechanisms, each approach also provides perspective on the types of anti-trafficking mechanisms it finds appropriate.

The discussion below is not so much a philosophical discussion about the nature or essence of human trafficking, but rather a discussion about how human trafficking is portrayed/perceived in the discourse and the themes associated with it. As discussed earlier, this dissertation is proceeding from the perspective that human trafficking is closely connected to slavery of the past. It also proceeds from the basic understanding

that human trafficking is an illicit activity that consists in the abuse, exploitation and enslavement, often through coercion, of human beings for the sake of profit or other opportunistic gains. Human trafficking is understood as a complex phenomenon that has multiple forms. Moreover, in its contemporary iteration, human trafficking is seen as largely fueled by the effects of globalization. In light of this, to be successful, it is argued later that anti-trafficking measures need to take account of the complexity and diversity of human trafficking, including not only its multiple forms, but also how it unfolds in different places and among different groups of people. The main point here is that it is important to address human trafficking in all its stages, i.e., preliminary, entering, main and post. Emphasis on the preliminary stage is particularly underscored in this dissertation as it is often overlooked and in need of attention, especially attention to underlying or contributing factors, including cultural, customs and traditions, marginalization and social exclusion, that may make some groups more vulnerable to becoming victims of human trafficking.

1. *Human Rights* Approach

The human rights approach to human trafficking a good place to start because it is arguably the most prominent in the literature and also because it is fueled by themes in global affairs, e.g., the rise in influence of nongovernmental organizations, media, activists, and intergovernmental organizations, such as the United Nations. This approach incorporates issues of individual rights, children's rights and health rights. In many ways, the human rights focus is a highly appropriate way to approach human trafficking because it places the individual/person/victim into the main focus of analysis, i.e., it is victim-centered.

The backbone of this approach is centered on the Recommended Principles and Guidelines on Human Rights and Human Trafficking (heretofore, Recommended Principles) of the Office of High Commissioner for Human Rights,[34] which emerged out of the Palermo Protocol in 2002. As we can see from the first line of these principles, the focus is placed on the individual (trafficked person): "The human rights of trafficked persons shall be at the center of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims" (The Office of High Commissioner for Human Rights, 2002). Form many researchers and anti-trafficking activists, the essence of this phenomenon consists in the suffering of human beings due to abusive/exploitative treatment. In light of this, the importance of the human rights approach comes into focus. Placing the victim at the center of research interest provides an important look into how this phenomenon unfolds, how people become victims, and what kinds of policies and programs may help prevent human trafficking or alleviate some of its effects.

In addition to the Recommended Principles referenced above, the human rights approach also builds on the concept of human rights set forth in the Universal Declaration of Human Rights (UDHR). Awareness of human rights and the need for laws to protect them has grown substantially since the UDHR of 1948. In the era of globalization, marked by an increase in internal conflict, rise in influence of non-state actors, loosening of borders, proliferation of internet technology and global reporting, increase in foreign travel, and corresponding rise in awareness of different cultures, human rights have become a focal point. Attention to human rights violations have not only influenced governmental policies, but have also influenced the way global business is conducted.

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[34] A useful reference on human rights and trafficking can be found in the Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, 2005.

Recently, John Ruggie authored the UN Guiding Principles on Business and Human Rights, which provides a framework for businesses to protect human rights (Ruggie, 2011). While there is reason to suggest that globalization coincides with the rise of a human rights culture, to the extent this culture exists, it is certainly not universal. Indeed, the past two decades have shown that human rights are controversial and respect for them is not a given. Some countries perceive human rights as Western constructs, perhaps designed to discredit non-Western countries and their policies. Others claim they have their own (culturally appropriate) version of human rights and need not subscribe to UDHR. Given the widespread awareness of human rights issues, regardless of how a country or its people perceive them, violations of human rights around the world often surface on the agenda of nongovernmental actors, activists and intergovernmental organizations such as the United Nations.

In order to reach a level of protection against human rights violations, it stands to reason that people need to know their rights and what it means to have human rights. In simple terms, human rights can be understood by following UNDR. UNDR's article one, states that "[a]ll human beings are born free and equal in dignity and rights" and article three builds on this by saying, "[e]veryone has the right to life, liberty and security of person." Article four is closest in relation to rights pertaining to human trafficking, as it explicitly states that "[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms" (The Universal Declaration of Human Rights, 1948).

While many in the West may take it for granted that human rights are obvious or a given, this is not necessarily the case throughout the world. The role of some human

rights advocates in developing countries is precisely to teach about and raise awareness of human rights. Žarko Puhovski, a human rights leader in Croatia, has for years insisted on building respect for human rights as a top priority over other priorities in post-conflict Croatia and the region of former Yugoslavia. Clearly, in the fight against human trafficking, awareness is very important. Awareness of human rights and knowledge that they apply to victims of human trafficking may give victims the courage to seek out solutions to their problems and help them understand their options. Of course, this is probably easier said than done, as can be seen from the statement of a male former victim of human trafficking.

> I did not even believe that people like me [victims of trafficking] are helped… It seemed to me there should not be such organizations which specialize in helping people like me, moreover, men… You know, people in our community think the following way: if a man got into such a situation, he is stupid. (International Centre for Migration Policy Development, 2007, p. 213)

Implementation of individual human rights is no easy task. This stems from the fact that not all societies share the same views on this, have reached the same level of social development (as perhaps Westerns countries), or on a more individual level, not all individuals or victims are aware of their rights and how to seek redress. Among some traditional societies and ethnic minority groups, other social codes and practices may be in place, such as: tribal codes and kinship relations. In such cases, customs and traditions may be more prevailing in providing codes of conduct than what is commonly understood in Western societies.

In Nepal, for example, the idea of women having rights as citizens is quite foreign. According to Sushma Joshi, the idea that Nepali women have rights that come out of being citizens, as commonly understood by Western standards, is not in practice.

Women are considered to be part of kinship and the male patronage system; they are not recognized as citizens in the way citizens are recognized in the West. Joshi states that "because of this, women's identities within the nation are still very much as kin: as mothers, daughters, sisters and in-laws" (Joshi, 2004, p. 243). Joshi goes further to provide an example of how ethnic diversity internally within Nepal can be an obstacle and factor of misunderstanding when it comes to defining what is "Nepali culture." She points out that on one side, there is the conservative mainstream view of Brahmin-Chettri regarding common culture regarding marriage, sexuality and sexual behavior. On the other side, however, it is "well documented that polygamy, premarital sex, divorce and other social practices unacceptable outside of the mainstream 'Nepali culture' exist and flourish in the diverse ethnic groups of nation" (Joshi, 2004, p. 249). In the case of Nepal, it is clear that culture matters quite a bit, as does subculture. This point is also underscored in Heather Montgomery's research in Thailand, which is discussed later.

In addition to Nepal, examples from Afghan society also show how tradition can play a negative role in anti-trafficking efforts and the emancipation of women. Liz Kelly elaborates on issues discovered in 2004 and reported in an IOM study on Afghanistan and the role of shame as a tool of control in traditional societies. She states:

> That it arises so strongly in this report is partly the outcome of the level of shame in an honour culture functioning as a huge deterrent to women reporting trafficking and any form of sexual violence, although shame attaches to victims of all forms of sexual violence across various cultures and contexts. (Kelly, 2005)

From the Afghan case, it becomes clear that awareness may not be enough. As Kelly points out, shame itself is a strong factor in deterring women from reporting trafficking. Knowledge that human trafficking is a violation of human rights is only one step in the fight against human trafficking; larger cultural obstacles need to be addressed,

particularly in traditional societies with an "honour culture" or similar modes of social control. The burden of being stigmatized and marked by society is hard to overcome, especially if a person has to return to the original place of habitation. For many, the painful experience and victimization is transformed into a sense of guilt or mea culpa, since it is branded as a "misdeed" rather than misfortune. This can be seen clearly in the following statement of an underage schoolgirl who is a former victim of trafficking.

> If I go to my village they call me a whore; if I go to school they say the same thing and it's very hard to get over something like this. (International Centre for Migration Policy Development, 2007, p. 195)

Setting aside cultural differences in awareness and acceptance of human rights, on a more individual level, some individuals or victims simply are not aware of what individual human rights are or what they mean. This can be found more often in cultures that are closed off or isolated from the world and where certain groups are marginalized or uneducated, though it is certain that not everyone in the United States knows what human rights are. In addition to this sort of *human rights knowledge gap*, there are some people who internalize their role and accept their position of exploitation as non-permutable. For those who are oppressed for a long time, if not for generations, the notion or belief that it is their fate or destiny to be in such a position is a huge hurdle to overcome. In reality, some individuals or victims think nothing can change their situation. Though the reasons for such beliefs vary, such beliefs exist throughout the world, especially in traditional societies.

This can be seen in a BBC interview with Boubakar Messaoud, founder of the local association SOS Slaves in Mauritania. In the interview, Messaoud talks about the role of generational oppression and how it has become part of the main fabric of society

and has served as a mental blockade for people to achieve self-realization of freedom and individual human rights. In the BBC report and interview on slavery in Mauritania, Messaoud underscores the power of oppression over generations:

> A captured slave knows freedom, so to keep him you have to chain him but a Mauritanian slave, whose parents and grandparents before him were slaves, doesn't need chains. He has been brought up as a domesticated animal…We have achieved what the American plantation owners dreamed of - the breeding of perfectly submissive slaves. (BBC, 2004)

Messaoud's insight is instructive. It shows that slavery and exploitation are very complex. For those who argue that slavery is never voluntary, the Mauritanian case causes trouble. Given their background, it is conceivable that the Mauritanian slaves may accept their position and not necessarily fight against slavery.

In other cases, cultural practices, customs and traditions serve as obstacles for achieving personal liberation. In an article published in Los Angeles Times, a thirty-eight year old woman from the Badi community in southwestern Nepal discussed her personal experience and the role of tradition. Describing the experience of the woman, the report states:

> Men have visited her house virtually every day for 28 of her 38 years to enjoy her body, and she sees no escape…'I started before menstruation, probably around 10'…She said her parents didn't force her, although they quietly encouraged her to follow tradition at a time when she was too young to know to do otherwise… 'Opportunities for other work are so limited,' she said, she feels the only way she can survive is through prostitution…'For many years, I thought it was my fate to be a prostitute. Now I realize this system wasn't made by God. It was made by man.' (Los Angeles Times, 2011)

The story above underscores not only the role of custom and tradition, but also personal belief in destiny. In some ways, it is difficult to combat trafficking in humans when victims are not aware they are victims or think their situation is natural or their destiny.

In a very articulate way, Martin Luther King Jr. (MLK) spoke about a sort of self-

awareness or realization as well. As mentioned in the previous chapter on the history of slavery, MLK discussed the notion of internal freedom vis-à-vis the issue of slavery. In particular, he pointed out that it is not enough to have a legal framework declaring equality, but rather it is necessary for one to be free internally, within oneself. Speaking about mental slavery, he said: "[a]s long as the mind is enslaved, the body can never be free. Psychological freedom, a firm sense of self-esteem, is the most powerful weapon against the long night of physical slavery" (Martin Luther King Jr., 1992, p.171).

While the human rights movement and corresponding development of a human rights culture seems to have gained traction, especially in connection with the aspects of globalization mentioned above, it is not clear the movement has gone far enough. To borrow from MLK, as long as people internalize their position or "place" in the world, they are unlikely to challenge their oppressed position.

While it is no doubt very helpful to have human rights principles in place, it is also important to work not just toward their acceptance but also toward a culturally nuanced understanding of the obstacles that stand in the way of acceptance. In MLK's view, for example, it is the absence of positive peace and individual action that reinforces this (slave) status. This is seen below, where MLK discusses segregation in American policy, the 1896 Supreme Court case, Plessey vs. Ferguson and the negative outcome of the doctrine: *separate but equal*.

> So long as the Negro maintained this sub-servient attitude and accepted this 'place' assigned to him, a sort of racial peace existed. But it was an uneasy peace in which the Negro was forced patiently to accept insult, injustice and exploitation. It was a negative peace. True peace is not merely the absence of some negative force–tension, confusion, or war; it is the presence of some positive force–justice, good will and brotherhood. (King Jr., 1992, p. 17)

MLK tied together quite nicely the role of insult, injustice and exploitation and in maintaining the "place" of the Negro. He also argued that the Negro's acceptance of this was forced, suggesting the Negro was aware of another way of life. In reflecting on this, it seems some of the mechanisms that worked to keep people oppressed in the case of segregation, including insult and injustice, also play a role in keeping people in a perpetual state of vulnerability to human trafficking. This is discussed in Chapter 3 in connection with the treatment of Roma in Serbia and in the cases of the Badi community of Nepal and Dēvadāsis in India.

When discussing the issue of internalizing a slave mentality, it is common to think that such a mentality develops over time, e.g., over generations. It is also the case, however, that mental slavery can strike hard even in cases where someone is trafficked for a shorter period of time, especially if the level of physical or physiological pressure exerted is intense. Once this sort of mental slavery or slave mentality is achieved, it can be a very powerful weapon of control over the victim. In the case of trafficking in humans, traffickers often use threats and fear to control the behavior of the victim. The notion that one's family and friends can suffer due to one's "disobedience" can be a very strong deterrent that prevents victims from trying reaching out for help, even if they know their human rights are being violated. This can be seen from the following statement:

> I think about my mother and my sister and I am afraid of what could happen to them because of me. Just as they caught and beat my mother up, they could go at night in the house, beat them again and nobody would know. (International Centre for Migration Policy Development, 2007, p. 168)

While the human rights approach is very strong and has gained great momentum in recent years, including support from governments and businesses,[35] on its own, it may not go far enough in addressing or capturing the insidious nature of human trafficking and its hold over victims. In order to be effective in the fight against human trafficking and for meaningful support for individual human rights to have a chance, appropriate actions and policies have to be established at deeper levels. They have to be wide ranging, covering all forms and stages of human trafficking, including the preliminary stage. The human rights approach to analyzing human trafficking falls short in the same ways that it falls short when addressing other human rights issues, such as female genital mutilation or education of women around the world, i.e., it falls short on the cultural level in places and among people for whom human rights violations, such as slavery, are accepted as part of their life, their destiny, their culture.

The appeal of a human rights approach is that it is universal and applies to everyone by virtue of humanity. In places and among societies, however, where slavery and other practices, which violate the principles of human rights, are *normalized*, i.e., accepted or acceptable for some groups, it is very difficult for protection of human rights to hold any weight. While this is changing, e.g., the case of India outlawing the caste system or the inclusion process of Roma in Europe via the "Decade of Roma Inclusion" campaign, it is a long and slow process. As in the case in India, just because the practice is outlawed, that does not mean laws are enforced or society itself has given up practices of discrimination and marginalization stemming from the caste system. Also, stating

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[35] Body Shop is one business that has been commended for its work in helping raise awareness of and promoting anti-trafficking efforts.

intentions in a convention or conference meeting does not automatically change the lives of people or result in the incorporation of Roma people into mainstream society in Europe. This is not only a problem for states but also for global businesses. Some businesses have been struggling in India in recent years, trying to figure a solution to maintain productivity amidst the informal application of the caste system, a very stigmatizing and marginalizing practice. Dell, for example, decided to insist on a common cafeteria for members of all castes, despite criticism that workers of different castes would not eat together.

A good example of a human rights based approach that has looked into deeper issues is the initiation of the "3P" paradigm, originated by the Palermo Protocol and the United States' VTVPA. This "3P" paradigm[36] includes efforts to prevent, protect and prosecute. By placing equal emphasis on all three segments of action, and not mainly on protection as is standard in the human rights approach, the "3P" paradigm promises to create manageable paths for the eradication of human trafficking and help potential and actual victims overcome their problems. Furthermore, by broadening this original concept with inclusion of the "3R" (redress, rehabilitation and reintegration) this process promises to produce better outcomes when it comes to addressing the needs of victims.

It is very encouraging that, through the "3P" + "3R" paradigm, it has been recognized that to be successful in anti-trafficking efforts, it is not enough to better protect borders and have more effective police raids. Rather, it is equally important to address deeper levels of this phenomenon and offer strategies for prevention, prosecution and rehabilitation. Without: a) addressing underlying reasons that lead to human

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[36] In addition to original "3P" paradigm, recently and additional 2 Ps were added, i.e., punish and promotion, as well as "3R," which stands for: redress, rehabilitation and reintegration.

trafficking, b) offering adequate long term rehabilitation programs, c) creating a more meaningful reintegration process, and d) helping victims of trafficking, protection of individual human rights seems meaningless.

In addition, there has been recognition recently of the need to go beyond involvement of traditional actors, i.e., police, government at the top level, and to involve the local community, former victims, grass roots activists and members of the business community in the fight against human trafficking. In the case of the last element, a good example of the initiation of an active partnership between the business sector and anti-trafficking efforts can be found in the UN Luxor Guideline. This guideline promotes inclusion of business corporations into the fight against human trafficking by raising corporate awareness and responsibility to conduct ethical relationships with employees and maintain safe working conditions.

Mirroring this development, it is also very promising to see a change in the literature, which is slowly recognizing that human trafficking is much more than just sex trafficking as initially portrayed. For example, the 2011 TIP report states that today's prevention against human trafficking:

> [E]ncapsulates cross-cutting endeavors that include rectifying laws that omit classes of workers from labor law protection; providing robust labor law enforcement, particularly in key sectors where trafficking is most typically found; implementing measures that address significant vulnerabilities such as birth registration and identification; carefully constructing labor recruitment programs that ensure protection of workers from exploitation; strengthening partnerships between law enforcement, government, and nongovernmental organizations to collaborate, coordinate, and communicate more effectively; emphasizing effective policy implementation with stronger enforcement, better reporting, and government-endorsed business standards; and tackling this global crime at its root causes by monitoring product supply chains and reducing demand for commercial sex. (US State Department, 2011)

The 2011 TIP report is a step in the right direction. It offers a more comprehensive look at human trafficking and draws attention to issues that are not only fundamental human rights issues but that also enter into the domain of "cross-cutting endeavors," incorporating issues such as labor discrimination, law enforcement, worker exploitation, collaboration with NGOs and product supply chain. With this in mind, the next section deals with a special segment of the human rights approach, i.e., children's rights approach.

1. a. Children's Rights Approach

Within the human rights approach, special attention is given to recognize differences in how to approach and deal with issues of human trafficking when children are a part of this. The children's rights approach is a subset of the human rights approach. It covers issues affecting children who are victims of human trafficking and seeks to protect their inherent rights as proclaimed by the 1989 United Nations Convention on the Rights of the Child (CRC)[37] and the 1999 International Labor Organization's (ILO) Convention No. 182 on the Worst Forms of Child Labor (heretofore, the 1999 ILO Convention).[38] In terms of defining who is a child, the CRC proclaims that: "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (United Nation's CRC, 1989). The four core principles of the CRC are: 1) non-discrimination, 2) devotion to the best interests of the child, 3) the right to life, survival and development, and 4) respect for

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[37] Article 35 specifically addresses human trafficking: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form." http://www2.ohchr.org/english/law/crc.htm

[38] This convention is built upon the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) and the Forced Labour Convention (1930).

the views of the child. Article 3 of the 1999 ILO Convention ties child labour closely with slavery and trafficking of children. It defines the worst forms of child labour as:

> (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

> (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

> (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

> (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. (ILO Convention, 1999)

Despite the existence of these international conventions, it can be said that children are the most vulnerable group of victims in the process of human trafficking. Children found as victims of human trafficking most often are used for forced labor, sex work, early or arranged marriages, domestic work or begging, and in the extreme situation, as child soldiers. According to some authors, this particular group of victims of human trafficking is not well explored, whether in literature or in practice in real life. In most cases, official policies and programs are focused on short-term solutions and fail to address the underlying reasons or contributing factors that explain why some children find themselves in the hands of traffickers in the first place. Due to their age and special needs, established programs and policies for addressing human trafficking do not apply to children. Furthermore, anti-trafficking agencies and organizations frequently are not in an adequate position to deal with their young age. In order to have successful and meaningful reintegration of children as victims of trafficking, it is necessary to establish a child sensitive team behind this process. With such a team, part of the focus could be on

understanding the pre-conditions that lead children to be trafficked and creating strategies to prevent children from being re-trafficked, which is a significant problem. When possible, the child's family members could be included in this process, together with appropriate care, education, nourishment and monitoring. In many instances, applying a child sensitive approach seems impossible. Many states are facing financial problems and do not have the resources or manpower to implement recommendations for children who are victims of trafficking. In Article 39, the CRC states:

> States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim…Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. (CRC, 1989)

The CRC places the responsibility to assist children who are victims of human trafficking in the hands of states. Despite the fact that these guidelines are in place, in some cases, children continue being mistreated after being (self)liberated or captured (arrested) for their role in trafficking. Often they are treated not as underage victims, but rather as common adult criminals, which is completely against the child's best interest and inherent rights. This has been pointed out in a journal article "Child Abuse and Neglect," which deals with the mistreatment of Albanian children who were trafficked in Greece in 2008. The group of authors state following:

> Key experts indicated that the return process was hindered by how the children were handled in Greece. Children above the age of 12 were jailed until there were enough to fill a truck and then deported back to the Albanian border where many were retrafficked. (Gjermeni et al, 2008, p. 946)

This kind of (mis)treatment is likely to expand trauma in children and foster future mistrust of officials and society at large. It is also likely to fuel rather than destabilize cycles of human trafficking that feed on children as victims.

The main reason for distinguishing children's rights from human rights is children are special, i.e., they have special needs and they are in especially vulnerable circumstances. The children's rights approach addresses a current lack of differentiation regarding differences between children's specific needs and the needs of adults, as well as differences between girls and boys. The need for a dedicated approach to children's rights seems apparent in dealing with the complexities of human trafficking. Until a few months ago in Serbia, a special shelter for children victims of human trafficking did not exist, so children had to be placed together with adults; this is not an isolated case. Furthermore, it is very rare to find in the literature work dedicated specifically to boys or issues of male sexual exploitation. According to UNICEF's 2008 Innocenti Working Paper prepared by Mike Dottridge:

> There is also often a social denial of the sexual exploitation of boys due to perceptions of masculinity. This explains why many shelters are not suitable for boys or girls who have experienced other forms of exploitation or abuse. (Dottridge, 2008, p. 7)

Without question, the situation of children as victims warrants a unique approach and specific policies. It also warrants a more cohesive plan for addressing human trafficking in its various forms, including differences between the trafficking of girls and boys. While there is much to be done in promoting children's rights generally and preventing, protecting and prosecuting against child trafficking specifically, progress is being made. Indeed, a good example of incorporating the local community into the fight against child trafficking is represented by the case of Village Committees in Benin. Since 1999, UNICEF and Benin's government jointly established over one hundred seventy Village Committees. The 2002 UNICEF Innocenti report, which focused on

child trafficking in West Africa, revealed the types of activities the Village Committees

engage in. According to the report, the Village Committees provide:

> [O]n-the-spot supervision, which encourages spontaneous monitoring of local
> children, an early warning system, and the division of tasks so that everyone
> involved has a full role. The Committees also provide efficient birth and
> death registers in the villages, keeping population information up to date.
> (UNICEF, 2002, p. 14)

While incorporating the local community is a unique way of combating child trafficking

in Western Africa, other methods have been adopted in different regions. The 2008

UNICEF Innocenti Report on child trafficking in Europe proposes its own strategies for

overcoming and preventing the creation of inadequate policies regarding victims of child

trafficking. In the European case, the need to incorporate the experiences and opinions of

children was proposed when creating policy.

> Listening to children and learning from children's experiences are a key reference
> that can inform this approach, as are children's views when preventive and
> protective measures are being considered. (UNICEF, 2008, p. 50)

The children's rights approach is child centered but also gender sensitive and

perhaps even more culture sensitive than the overall human rights approach. It

incorporates ideas and builds on strategies from the children's rights literature. While it

is certainly a very important approach, given its specific focus, it must be incorporated

into a more integrated or holistic approach to human trafficking. Research needs to be

done, moreover, to determine where trafficking in humans is likely to claim children as

victims and what child trafficking has in common with trafficking of adults. Clearly, the

initiative of prevention, protection and prosecution of trafficking in humans must

incorporate the case of children into its programs and policies.

The Children's Rights approach to human trafficking builds on the growing body

of literature on children's rights overall. It seems the deeper this approach goes, especially when analyzing the cultural nuances involved in instances of child trafficking, including parents selling their own children, children being lured by the promise of work or bicycles (as is sometimes the case), and other such circumstances, the closer researchers and policy makers will get to addressing underlying causes of human trafficking today.

When it comes to addressing or identifying underlying causes and contributing factors, cultural diversity cannot be overlooked. In some cultures, children (girls and boys) feel that it is their communal and family duty or obligation to support their parents (as soon as they can) by whatever means possible, including prostitution. This was the topic of research done by Heather Montgomery. In her work, Montgomery explored child prostitution among children in Thailand (between the ages of six and fifteen years old). According to the children she interviewed: "prostitution was a means to an end, a way of fulfilling the filial obligations that they felt were demanded of them by their families" (Montgomery, 2009, p. 198). Montgomery's main research focus was to identify kinship obligations and filial duties as understood by children involved in prostitution. In her analysis, she concludes that the best way to understand this aspect of trafficking is to incorporate "the cultural reference points of duty and obligation" as seen by children. According to her interviews with children: "it was clear that they had profoundly different understandings of sex to those seen as fundamental and non-negotiable by Western observers" (Montgomery, 2009, p. 198). Montgomery observed that for these children: "neither prostitution nor sexuality was the focus of their identity, which was based instead on being a dutiful son or daughter, belonging to a society, and

fulfilling obligations to their family and to the community" (2009, p. 198). Montgomery is instructive in pointing to the complexity of culture, role of identity construction and understanding of trafficking. She shows that these children have a clear picture about what is moral and what is wrong in their eyes. The picture, however, is rather different from what a common person in the West would envision. For these children:

> Betraying family members, failing to provide for parents, or cheating on spouses or boyfriends was roundly condemned, but exchanging sex for money, especially when that money was used for moral ends, was not blameworthy and violated no ethical codes. (Montgomery, 2009, pp. 198-199)

Montgomery's research shows how complex the issue of trafficking can be, especially if looked at from the perspective of non-Western societies with different values, customs and traditions. Montgomery's analysis further underscores reasons the fight against human trafficking is an uphill battle that requires nuanced perspectives on the phenomenon and its consequences. The division between moral absolutists and cultural relativists becomes vivid in the case of human trafficking.

1. b. *Health Rights Approach*

Thus far, the discussion has focused on human rights, and a special subset of human rights, i.e., children's rights, as they pertain to human trafficking. Before concluding this section, it is important to mention health rights and how they are connected to human rights and human trafficking. According to the 1946 Constitution of the World Heath Organization (WHO):[39] "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition" (World Heath

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[39] The Constitution was adopted by the International Health Conference held in New York, from 6.19-7.22 1946. It was signed by the representatives of sixty-one states and entered into force in April of 1948.

Organization, 1946). Health rights are recognized as "fundamental rights of every human being." Despite being recognized after WWII, awareness of and attention to health rights reached heightened levels among the international community only during the nineteen eighties, when the global spread of HIV/AIDS began to take shape. In an effort to create a global campaign against HIV/AIDS, policies were produced and many coalitions created among actors ranging from human rights activists to gay activists, sex workers, feminists, members of the medical community, educators and even religious groups.

A secondary effect of the HIV/AIDS campaign has meant that people have become more aware of other issues of health rights as well. For example, campaigns dedicated to health rights that fall outside the realm of prevention of sexually transmitted diseases (STDs), including those within the sphere of women's reproductive rights, non-consensual medical treatment, health education, access to proper medical treatment, medical facilities and essential medicine, and non-discrimination, have begun to take hold. In many ways, the rise in influence of non-state actors, including celebrities, nongovernmental organizations, charitable organizations and religious groups can be credited for increased attention to health issues.

At the outset, it may be unclear why a discussion of health rights is warranted in connection to human trafficking. When discussing the relationship between human trafficking and health issues, however, the incidence of HIV/AIDs among victims of trafficking and sheer probability of contracting HIV/AIDs as victims comes into focus. While there is no hard data on the current numbers of victims of human trafficking who are infected with STDs or HIV/AIDS, there are strong indications that STDs in general and HIV/AIDs in particular are found among a large segment of trafficking victims who

are in some way connected with work in the commercial sex industry. In the absence of hard data, many speculate (but cannot confirm with numbers) that victims of sex trafficking are at high risk for being directly exposed to infectious diseases, especially STDs and HIV/AIDs. In light of this realization, it is imperative for researchers and policy makers to incorporate and appropriately address such aspects of human trafficking into their work. As indicated in the 2006 World Health Organization (WHO) report:

> The number of people living with HIV continues to grow, as does the number of deaths due to AIDS. A total of 39.5 million (34.1million–47.1 million) people were living with HIV in 2006—2.6 million more than in 2004. This figure includes the estimated 4.3 million (3.6 million–6.6 million) adults and children who were newly infected with HIV in 2006, which is about 400,000 more than in 2004…In the past two years, the number of people living with HIV increased in every region in the world. The most striking increases have occurred in East Asia and in Eastern Europe and Central Asia, where the number of people living with HIV in 2006 was over one fifth (21%) higher than in 2004. (UN and WHO, 2006, p. 3)

Regarding health rights, the International Covenant on Economic, Social and Cultural Rights (ICESCR), as one of the main authorities in this field, considers health rights to be "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (United Nations, 1966). The actualization of these standards, of course, differs from place to place, often depending on developmental level. Despite the lack of consistency in implementation, on some level it is important that states are trying to implement these guidelines.

An additional authority in this field is the Committee on Economic, Social and Cultural Rights (CESCR), the monitoring body of the Covenant. This body recommends that states provide citizens with the basic elements for good health, such as: safe access to clean drinking water, safe food, adequate nutrition and housing, healthy working and

environmental conditions, health-related education and information, and gender equality (WHO and Office of the United Nations High Commissioner for Human Rights, 2008). While these provisions may be taken for granted among those living in the developed world, many in the developing world are struggling to obtain the bare minimum of these standards.

When discussing health rights, it is important to point out that some well-intended policies turn to be counterproductive. In this area, it is very important for policy makers to take into consideration the real needs of people on the ground, especially the needs of people in high-risk groups, such as sex workers, and those who are direct care providers. As pointed out by a group of authors: "AIDS organizations are too often guilty of keeping sex workers out of decisions made on their behalf, and of implementing or supporting government programmes which are actually regulationism by the back door" (Overs, Doezema and Shivdas, 2002). It seems dangerous to tie health rights too closely with political aspirations for tougher regulation of the commercial sex industry or ideological positions against prostitution and pornography. Such efforts tend to muddy the issues and detract from the real health concerns of people who are in high risk situations, including those who are trafficked (against their will) and those who are engaging in prostitution (voluntarily). The question of consent and agency and whether prostitution is ever voluntary is discussed below in relation to the feminist approach.

In closing, the human rights approach offers a lens through which to view human trafficking, i.e., that human trafficking violates fundamental principles of human rights, including freedom from slavery and freedom for healthy, productive lives. The strength of the human rights approach is in its reach; it has been able to build awareness and

strengthen enforcement of anti-trafficking laws and policies at the highest levels (among states). The downside of this approach is not taking into account the cultural nuances that exist in the actual cases of human trafficking, especially involving customs and traditions, as well as cultural patterns that suggest enslavement is normal or destiny. To address these issues, the human rights approach must engage in deeper, complex, often messy issues of culture, customs, tradition and the like.

2. *Feminist Approach*

In many ways, the feminist approach and the efforts of its proponents can be credited for bringing human trafficking once again to the forefront of the international arena. In reality, feminist issues have been paramount to human trafficking for decades. This can be seen in the work of British feminist, Josephine Butler, during the late nineteenth and early twentieth centuries. In particular, Butler's attention to women's issues resulted in a wide reaching international movement and campaign against forced prostitution during the first half of twentieth century. During this time, forced prostitution (today's sex trafficking) was lumped together with the issue of trafficking of "white slaves" and was a compelling issue of the time. As a result of Butler's work and international pressure on this issue, we have five important international conventions on this topic, with the most important being the UN Convention for Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (heretofore, 1949 UN Convention). In the preamble of this convention, it says: "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community" (United Nations, 1949).

Under Butler's influence, puritan groups, such as the London National Vigilance Association and the American Social Hygiene Association, also worked to make white slave trafficking visible. White slavery was often publicized in the media at the time, typically bordering sensationalism. According to Eileen Scully, the term *white slavery* came out of the "decades-old regional traffic in English girls to Belgium and France" (Scully, 2001, p. 118). Despite its European character, however, it was believed that white women (white slaves) were trafficked from Europe to Asia, rich Arab or African sheiks, or used within military and colonial outposts. While white slaves certainly did exist, according to Scully and other researchers, the campaign against white slaves was racially exclusive and misleading since "99 percent of trafficking victims were women of color" (Eileen Scully, 2001, p. 87). Trafficking outside the context of white women, it seems, was not as relevant at the time.

While trafficking (at least in a limited sense) was on the radar through the mid twentieth century, for a few decades in the years following the 1949 convention, the topic of trafficking became dormant. This situation changed, however, when one of the most prominent radical feminists, Kathleen Barry, reintroduced it with her activist engagement and a book she authored in 1984 entitled "Female Sexual Slavery." In Chapter 4 of this book, Barry highlights the continuity of trafficking during the second half of twentieth century and introduces different cases of trafficking from various geographical regions, including a detailed case of a slave-like practice in Zanzibar.[40] According to her findings, trafficking is nothing new; she argues that many governments have known about such practices for some time, as have international organizations, such as United Nations and

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[40] Since 1964, Zanzibar is known as Republic of Tanzania.

INTERPOL. The latter, according to Barry, was aware of but suppressed findings about trafficking from two reports (1965 and 1975 reports) so that the general public would not learn about it and so INTERPOL would not "compromise countries, which had shown their confidence in INTERPOL by giving certain information" (Barry, 1984 p. 59).

The idea that trafficking has been around for a long time, though perhaps not always top of mind, is consistent with the discussion in Chapter 1 of this dissertation, which argues that human trafficking is part of a continuum with slavery. While hard data on the scope of human trafficking remains elusive, its continuity over time and the desire to collect such data has existed for years. This is underscored in a recent report by the national rapporteur on Trafficking in Human Beings of Holland, which is highlights a Royal Decree[41] from over a hundred years ago: "In 1908, the 'National office for the collection of data concerning so-called traffic in women and girls' was established." (BNRM, 2010)

Based on the discussion above, it seems human trafficking and attention to it (especially traffic in women and girls) has weaved in and out of interest over the last century or so, perhaps with peaks at the end of the nineteenth and twentieth centuries. Just as early feminists can be credited with bringing attention to the issue of human trafficking, albeit through forced prostitution and white slavery, the views of today's feminists have helped shape contemporary discourse on human trafficking, especially trafficking involving women as victims.

In her book, "The Prostitution of Sexuality," Barry discusses trafficking in connection with issues of sex, violence, control and domination within relations between

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[41] Royal Decree of Holland, 13 March 1908, Bulletin of Acts, Order and Decrees, no. 85.

men and women. On Barry's view, sex is a "socio-political construction into female dehumanization" (1996, p. 278). For Barry, women are subordinated to men vis-à-vis sex and violence. She goes further to say "the condition of subordination of women that is both bodied in femaleness and enacted in sexual experience" will lead into producing "sexual exploitation" (Barry, 1996, p. 278). Barry argues that this creates a situation where women represent the "territory of sexual colonization." On Barry's view, the ultimate goal for feminist activists consists in recognition that sexual experience consists in the domination of women and leads ultimately to sexual exploitation. For Barry, it is important to recognize that:

> [S]exual exploitation is treated as a class condition that is a crime against humanity as much as it is a crime against any individual human being. (Barry, 1996, p. 10)

Sexual exploitation, rather than human trafficking in other forms, is at the heart of Barry's work. Feminists such as Barry who approach human trafficking from a radical feminist position often focus specifically on sex trafficking and related issues of prostitution and pornography, to the near exclusion of other forms of human trafficking. On their view, human trafficking counts as an expression of domination and subordination by men over women; it is conjoined with sexual exploitation.

While it is certainly clear that a great deal of sex trafficking seems to meet this classification and involves sexual exploitation, not only are there other forms of sex trafficking that do not involve women at all, or that involve women as traffickers and men or young boys as victims, but there are also other forms of human trafficking that have nothing to do with sex.

Today, the feminist movement is one of the most vocal voices in the fight against human trafficking. Within the feminist movement, however, there is an apparent rift among different feminists, e.g., liberal and radical, about how to view and approach human trafficking and the closely related issue of prostitution. This division is especially vivid in the debate about issues of prostitution where, on one side, radical feminists, (including regulationists and abolitionists) claim that those women engaged in prostitution are all victims of human trafficking, and that no one chooses to be a prostitute of her own accord. According to this position, all prostitution should be condemned and made illegal. An opposing view is espoused by sex liberals and sex work activists who support the idea of legalization of prostitution and say that some people do in fact make a free choice to engage in sex work, i.e., that sex work or sex migration can be a free choice and does not necessarily involve sexual exploitation or human trafficking. These views are in complete opposition and the proponents of each view are quite dismissive of the work of the opponents. As a result of this division, some of the best-intended efforts among feminist scholars run the risk of being counter-productive in the initiative to better understand human trafficking and develop appropriate strategies to combat it.

Those who support legalization of prostitution (and the possibility of free choice) argue that prostitution is not necessarily a forced endeavor. On their view, some people make rational decisions to engage in sex work, and moreover, some even migrate for that reason. Ronald Weitzer, for example, claims that it is possible to speak about sex migration as a choice, since there are some individuals who migrate with awareness of the risks and even anticipation of working in the sex industry. Weitzer challenges the

desire to ban migration for the purposes of working in the sex industry. In doing so, he points to a study done by the United States Agency for International Development (USAID), which shows the involvement of close family members in the trafficking process, as opposed to strictly professional criminals. He goes further to say:

> There are multiple migration trajectories and worker experiences, ranging from highly coercive and exploitative to informed consent and intentionality on the part of the migrant. (Weitzer, 2007, p. 454)

Weitzer's aim surely is not to suggest that highly coercive and exploitative forms of sex migration ought to be allowable. Rather, his claim seems to be that it is important to parse out forms that involve informed consent and intentionality and those that do not.

It is questionable, however, just how far this parsing can go. One might imagine a scenario where someone has informed consent and intends to migrate and work in the sex industry but later finds it to be oppressive and no longer wishes to be part of it. Consent is tricky business. Philosophers have tried for years to make sense of consent. On some level, it is reasonable to claim that consent outside personal experience or first-hand knowledge is far from "informed." In the case of surrogate mothers, the courts have provided interesting perspective on this. The issue raised is whether a surrogate mother who "consents" to deliver and give up the baby she carried may change her mind, even when a contract is in place, on the grounds that while she did consent she did not know (and could not have known) how it would feel after giving birth to that baby.

Returning to the issue raised by Weitzer, i.e., whether migration for the purposes of working in the sex industry is necessarily coercive and whether informed consent makes a difference, it may help to discuss the case of Sosua. Views similar to Weitzer's are provided in the work of Denise Brennan who followed the lives of poor women of the

city of Sosua, Dominican Republic. In this study, the women of Sosua were engaged in the sex industry and used international marriage to foreign clients as an economic strategy or as a "stepping-stone to international migration." According to Brennan's observation:

> These poor single mothers are not simply using sex work in a tourist town with European clients as a survival strategy; they are using it as an *advancement* strategy…Sosua's sex trade also stands apart from that of many other sex-tourist destinations in the developing world in that is does not operate through pimps, nor is it tied to the drug trade; young women are not trafficked to Sosua, and as a result they maintain a good deal of control over their working conditions. (Brennan, 2004 p. 155)

The Sosua case shows an interesting element of complexity in the area of migration and sex work. It raises the issue of whether some women may actively seek sex work as a strategy for advancement and way to migrate out of their country. The Sosua case shows another other side of sex work and prompts researchers to question whether there is a relevant distinction between sex migration and sex trafficking, perhaps with the former sometimes involving informed consent and the latter always involving coercion. If the radical feminists are right and even seemingly consensual sex work involves sexual exploitation by definition, then on their view, the work of the Sosua women counts as trafficking. While this is compelling, given the complexity of consent, intuitively, it seems important to maintain a distinction between consensual sex migration and coercive sex trafficking.

As the Sosua case reveals, it is also important to be careful when discussing issues of victimhood and prostitution. Taking a more Weitzer-like view, it seems not all cases of prostitution end in victimization and not all cases of prostitution involve deployment of force, abuse or lack of agency as universal traits. The larger question this raises,

however, is whether all cases of what is loosely called sex migration involve victimization, and moreover, whether sex migration counts as human trafficking.

The overall question of whether trafficking victims are necessarily victimized adds an additional layer of controversy. According to Liz Kelly:

> The deployment of the concept of "victim" is too often within a context that implicitly suggests powerlessness. In fact, most trafficking victims continue to exercise agency, but in contexts where their options and possibilities are severely constrained. (Kelly, 2005, p. 254)

Kelly raises an interesting point about trafficking, i.e., that trafficking victims are not powerless and often exercise agency, though in a limited context. Does this necessarily mean, however, that they are not victims? Unfortunately, the deeper question of what counts as victimization remains unclear in this discourse. The overall lack of clarity on victimization threatens to muddy the meaning of human trafficking and regrettably lends support to the idea that human trafficking, like prostitution, is a victimless crime. In such contexts, there is a tendency to use prostitution and human trafficking interchangeably, which leads to further confusion rather than elucidation.

In reality, there are three dominant scenarios depicting the relationship between human trafficking and prostitution. In the first, women are victims of trafficking, and as victims, forced to engage in prostitution. In the second, women elect to migrate knowing they will work in the sex industry and have limited options in their lives; whether they are victims remains in question. In the third, women are not trafficked at all and do not migrate but simply choose to be prostitutes; whether they are victims remains in question. In light of this, discussions ought to be clear about which scenario (of course there are many more) they are referencing. In the scenarios provided above, human trafficking necessarily involves coercion and victimization whereas sex migration and prostitution

may or may not.

In an interesting way, the Sosua case shows there are different ways that people choose to migrate and different things people are willing to do to migrate (including engage in sex work). It reminds researchers that while some people are more risk averse, others are more open to engaging in high risk behavior, e.g., sex work or using smugglers to assist them in migrating, in order to "advance economically." This observation is also recognized in the work of Saskia Sassen who writes about globalization and the push and pull factors of "global cities and survival circuits." These two concepts meet in the realm of supply and demand. On the demand side, there is the need between the developed world or "global cities" for cheap labor, i.e., domestic work that was once in the domain of "first world women." On the supply side, there are "third world laborers" and their tactics to "struggle against debt and poverty," which creates "survival circuits" that include women. Sassen argues that globalization has a dual consequence:

> On the one hand, the dynamics that converge in the global city produce a strong demand for low-wage workers, while the dynamics that mobilize women into survival circuits produce an expanding supply of migrants who can be pushed-or sold-into such jobs. On the other hand, the very technological infrastructure and transnationalism that characterize global industries also enable other types of actors to expand onto the global stage, whether these be money launderers or people traffickers. (Sassen , 2004, p. 256)

Sassen raises interesting points about the dynamics of human trafficking and the role of women within the global context. Sassen's analysis moves the debate away from issues of sexual exploitation. Rather, Sassen points to the evolving role of women within the global context and relates trafficking to the global industry (not simply the sex industry) and maps it on the global stage. Sassen's approach is illuminating; she provides a fresh look at the nature of human trafficking and the role of women in the context of

globalization. She also discusses differences in the developed and developing world, which are relevant for understanding how trafficking unfolds in different contexts. Issues of globalization and human trafficking, as well as economic development, are discussed in more detail in the section below covering the socio-economic approach.

Having just reviewed different aspects of feminist thought, this section will now turn to the abolitionist approach, which is a subset of radical feminist thinking. According to the abolitionist position, no one makes a free choice to work in prostitution. Abolitionists believe that people involved in sex work and prostitution do not have the ability to make free choices, i.e., they suffer lack of agency and cannot make decisions about whether to enter or exit that profession. As a result, abolitionists argue for the non-existence/banning of migration for sexual work as a form of migration. Abolitionists do not share Weitzer's views on sex migration and would not think the Sosua case involves agency.

The abolitionist position regarding sex work was formed during the first half of the twentieth century. The views of abolitionists were integrated into international conventions on prostitution and trafficking. The 1949 UN Convention, for example, officially erased the option of prostitution as an expression of free will, or a free choice profession. Article 1 of the 1949 UN Convention agrees to punish anyone who:

> Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person or exploits the prostitution of another person, even with the consent of that person. (United Nations, 1949)

In accordance with the abolitionists' strict view on consent, writers such as Donna Hughes and Janice Raymond add that consent should not be allowable as a valid excuse for human trafficking. According to Hughes and Raymond "legislation must not allow

traffickers to use the consent of the victim as a defense against trafficking" (Raymond and Hughes, 2001, p. 96). In her position paper, "Demand for Prostitution," Raymond adds context to the issue of consent. She blames men for not being more aware of issues of trafficking and not being more sensitive regarding women's choice to be part of the sex industry; she also blames men even more for considering "force" in the sex industry as a "turn-on," i.e., if force is applied during initiation or used to keep females in prostitution, this is often a "turn on" for men and reveals that they do not seem to care (or even prefer) if consent is lacking. Raymond continues speaking about the use of force vis-à-vis men:

> Force has been an intrinsic part of the repertoire of many men's sexuality outside of prostitution. Men use coerced sex in the home, with children and subordinates. (Raymond, 2004, p. 1165)

In this passage, Raymond introduces the concept of "coerced sex" as part of men's sexuality even outside the context of prostitution. While the views of Raymond and other abolitionists are certainly thought provoking, one cannot help but find generalization in their work. Surely force is a part (not sure about intrinsic part) of *some* men's sexuality, but is it really a part of *many* men's sexuality? This argument brings pornography into the discussion of sex trafficking. In the views of abolitionists in the anti-trafficking sector, demand for pornography is linked to demand for prostitution and both are linked to demand for human trafficking, i.e., sex trafficking. On some level, abolitionists have a point about demand: demand seems integral to the persistence of sex trafficking. While demand for pornography, prostitution and sex trafficking certainly is worth exploring at the psychological and socio-cultural levels, the larger context of other forms of human trafficking tend to be overlooked among abolitionists.

Those who oppose abolitionist views on trafficking and its purported link to pornography and prostitution face a good deal of criticism from abolitionists. Raymond's colleague, Hughes, is quite imaginative when it comes to her criticism of those who oppose her abolitionist views. In an article published in National Review Online, Hughes states the following:

> There are some wolves in sheep's clothing among those who claim they are fighting the trafficking of women and children. In their disguise they speak loudly against trafficking as one of worst human-rights violations in the world — which it is — to conceal their goal of normalizing and legalizing prostitution and the transnational flow of women into sex industries. (Hughes, 2002)

Abolitionists vehemently oppose those who are against trafficking but favor the legalization of prostitution and sex migration.

The abolitionist views of Raymond and Hughes have also been adopted by some anti-trafficking NGOs, including Coalition Against Trafficking in Women (CATW). The founder of this organization is Kathleen Barry. According to CATW's web site presentation and the organization's philosophy: "All prostitution exploits women, regardless of women's consent." Furthermore, CATW states: "Sexual exploitation is a vehicle for racism and 'first world' domination,' disproportionately victimizing minority and 'third world' women."[42] This statement clearly captures some aspects sexual exploitation. On some level, however, seems at least plausible that there are cases when a person makes a rational, free decision to be part of the sex industry. Of course, this raises legitimate questions about the underlying reasons why a person would choose to do such work. This raises much larger questions about social issues of inequality, injustice and economic disparity, which are covered in the socio-economic approach below.

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[42] http://www.catwinternational.org/about/index.php

As discussed earlier, the question of choice has been at the heart of feminist thinking for years. The controversy over agency in the feminist approach to human trafficking mirrors the controversy over agency in feminist thinking overall. There are some who believe, for example, that women who decide to engage in pornography are not making that decision freely, but are coerced or influenced unduly to believe they are making that choice freely, or they are making that choice amongst other choices, all of which are limiting. This is a larger issue that touches on deeper psychological and socio-cultural dimensions that cannot be treated in this dissertation. The point in raising this, however, is to provide insight into some of the main themes in the discourse on human trafficking from a feminist and abolitionist approach.

Another complexity in the feminist literature on human trafficking involves the question of culture and geopolitical differences in the world. While the notion of the "West against the rest" has become a popular mantra to use when describing situations of the global rich exploiting the global poor, in the case of human trafficking, such exploitation is also homegrown. Cases of exploitation and taking advantage of others are not reserved for foreigners or Westerners exploiting external others, but also exist within groups and include cases where internal others are exploited, whether they are minority groups or members of a different class or race. In Nepal, for example, the majority population/larger community considers the Badi ethnic minority to be involved in prostitution as their trade or group characteristic and therefore takes prostitution to be natural for the Badi community. This view is not shared within the Badi community itself. Rather, the Badi community identifies its group as travelling entertainers for weddings, religious and other special occasions, though the entertainment trade has been

in less demand in recent years. On the other side, Asha (local NGO), describes Badi community relations as connected to prostitution by custom: "Their children were groomed into prostitution and on reaching puberty accepted their role just as a tailor's son would take to his father's trade" (Asha-Nepal, 2006, p. 25).

Often when researchers speak about cross-cultural issue or values, there is a tendency for the discourse to represent a 'Western frame of mind' and dismiss other cultures, histories and traditions, which may seem counterintuitive. In his writings about sexuality and cross-culture, for example, Sanjay Srivastava points to the need for incorporation of local specifics and a search for common themes among the West and non-West. According to Srivastava:

> The importance of cross-cultural work on sexuality lies in the subsequent ability to contest the idea that sexuality is a thing in itself, rather than a process, an identity, or an event, that is a site of many other social and cultural processes. This should not, however, be taken to mean that 'non-West" (for that is what we have come to understand as the term 'cross-cultural' is invoked) is a space of absolute difference, one with no historical linkages with what we understand as the 'West.' Rather, what is required is to foreground the specificity of locales-the accretions of 'culture' and history-that may invite unique reading on 'common' themes…This is of particular importance with respect to societies undergoing rapid cultural and social change. (Srivastava, 2004, p. 25)

Srivastava urges those working on sexuality and related issues to think of sexuality as a process that is a site of many other social and cultural processes. He urges us to gain understanding into the specificity of different cases (cross-cultural perspectives) but also to search for common themes, especially among societies undergoing rapid change. With Srivastava in mind, it seems it may help to revisit the Sosua case (as well as the cases of the Roma, Badi and Dēvadāsis to be discussed in the following chapters) from the perspective of commonality. In the Sosua case, a Sassen-like approach may provide direction for finding commonalities. From this perspective, the Sosua women can be

described as behaving in much the same way women in other societies would behave when faced with little possibility for economic advancement at home and greater opportunity abroad. This is in many ways the classic story of why people immigrate, i.e., for economic advancement and the chance for a better life. Ironically, the Sosua case can be treated as a story of desperation but hope for a better future.

Feminists of the abolitionist group and those of the sex work/free choice persuasion obviously disagree on the fundamentals of sex trafficking and related phenomena. What is missing from this debate, however, is attention to culture. In recent years, lack of attention to issues of race, class and culture have been a major part of feminist discourse. Feminists such as Patricia Hill Collins and bell hooks have written about the experience of African-American women and the need to pay attention to differences across race, class, ethnicity and cultural lines. There has been criticism that some liberal feminists (often White) claim to speak for all women, but in reality, are oblivious to the differences among women from different races, ethnicities, and cultures. Insufficient attention to the intersections of these dimensions represents a downside in feminist thinking on human trafficking and sex trafficking in particular. This theme will be discussed in the sections on Roma, Badi and Dēvadāsis.

To conclude this approach, it is clear the rift among feminist theorists and activists runs very deep. It is difficult to see such opposing views reaching a middle ground. Also, it is apparent that feminists of all persuasions as well as researchers in the developed world should be more sensitive to the diversity of alternative views on human trafficking (especially sex trafficking) and the problems that some communities are facing in the context of global change. As Srivastava points out, researchers may need to rethink the

meaning of cross-cultural and consider common themes, not just differences.

The point of doing cross-cultural research is to bring in cases from "different or other" contexts to learn something new or interesting about the phenomena under study. In the case of this dissertation, cross-cultural research on the practices of communities that are less often discussed is included in Chapter 3. In including cross-cultural research, efforts are made to analyze not just he differences but also the commonalities avoid repeating the mistakes of many well-intentioned Western activists and researchers of the human rights and feminist rights perspectives. Srivastava reminds researchers to consider whether it is appropriate to use the views of Western researchers and activists as a starting point in cross-cultural research and whether doing so has the effect of pigeonholing the experience of non-Westerners as "different or other."

In the case of this dissertation on human trafficking, the point of doing cross-cultural research is also to better understand the role that culture, customs, traditions and religion may play in facilitating this phenomenon or making some people vulnerable to it. Being culture-sensitive is not itself without its drawbacks, as the classic debate over essentialism and non-essentialism reveals. While essentialists often make generalizations, e.g., about the experience of all women, non-essentialists often focus on entirely on the particularities to the extent that it becomes difficult to say anything about women at all, e.g., women as women. The non-essentialist perspective forces researchers to challenge assumptions about the most basic of things.

From the perspective of being culturally sensitive and aware that non-Western counterparts may not share the experience of the West, it may be important to ask whether human trafficking (perceived as a "problem" in the West) is perceived as a

"problem" in the non-Western world. Furthermore, a related question is whether human trafficking always involves exploitation and whether it necessarily represents competing rather than complementary interests, e.g., profit generation versus community needs. These questions are less explored in the literature, perhaps because they pertain to a deeper, more nuanced understanding of the complexities of human trafficking rather than the crafting universal anti-trafficking policies.

In her discussion of the women in the third world, Jo Doezema argues that women and prostitutes from the third world need help in overcoming their problems; she specifically references the notion of "injured bodies" or "suffering bodies." Doezema refers to the work of Antoinette Burton, "Burdens of History: British Feminists, Indian Women and Imperial Culture, 1865-1915," where she captures how British Victorian feminists "deployed an image of Indian prostitutes, and Indian women in general, in keeping with the orientalism of Empire: that of Indian women as backward, helpless and subject to barbaric tradition" (Doezema, 2001, p. 16). Doezema calls for a more careful approach, arguing that "it is important to register that the 'suffering body' is not a one dimensional image whose sole function is to reassure western feminists of their moral rightness and superiority" but also can be used to "symbolize the excesses of the global march of capital, and its negative effects on women" (Doezema, 2001, p. 17).

To conclude this section, it is clear that feminists of all stripes have added a great deal to the discourse on sex, sexuality, sex trafficking, sex migration, the sex industry, prostitution and pornography. Their impact in terms of human trafficking is largely seen in forms of human trafficking that involve sex or sex work, and mainly where women (and girls) are victims. Their contribution to discussions of agency and free choice

provide important insights into the nature of human trafficking overall and force researchers to ask whether coercion and exploitation are necessary features of human trafficking in all contexts. As discussed above, while there are indeed connections between human trafficking and what appears to be consensual sex work, it is potentially dangerous to link these phenomena too closely as such a linkage threatens to muddy the distinctiveness of human trafficking and its connection to slavery (as nonconsensual). The feminist approach (or approaches) surely add to the understanding of human trafficking and highlight the nature of exploitation as it is experienced by women.

3. *Security Approach*

Until recently, the security approach was one of the main ways of tackling the issue of human trafficking, especially in the area of policy making and anti-trafficking tactics. In recent years, however, many advocates of this approach have recognized that in order to be more successful in anti-trafficking efforts, it is important to expand the somewhat restrictive security approach and include other aspects as well. The security approach combines issues of legal analysis and policy creation, law enforcement and policing, border control, migration topics and organized crime. This approach seeks to protect people (the nation, community, etc.) from experiencing human trafficking by *intercepting* or *deterring* human traffickers.

Originally, when the issue of human trafficking came to the forefront of interest among the international community (immediately pre and post the Palermo Protocol) it seemed logical to focus on this phenomenon via a security approach. At first, it was necessary to build a legal framework and establish mechanisms for action and prosecution. In order to accomplish these objectives, it was important to provide

adequate training for members of police, border and customs officers, as well as for members of the legal professions and courts. It was also necessary to codify human trafficking and develop procedures for coordinating with local, national, regional and international bodies. Since the security approach has more of a focus on restrictive elements, such as: border screening and visa regulation, as compared with the approaches discussed above, i.e., the rights based, victim-centered human rights and feminist approaches, it is easy to see why in recent times the security approach has fallen out of favor among academics, rights activists and practitioners who work directly with victims of human trafficking. In many ways, the security approach is about identifying, infiltrating and fighting human trafficking networks, and finding ways to prosecute them; it is not about identifying underlying causes of human trafficking.

Nonetheless, in the absence of a legal framework within which to place human trafficking, victims can be (and have been) accused of breaking the law, e.g., due to invalid visas or lack of travel documents, often triggering their deportation rather than offering them assistance as victims who need help. Under the same scenario, of course, perpetrators can be (and have been) let go, e.g., due to lack of legislation, or given a slap on the wrist in the form of small financial fines for misconduct. This "misconduct" is sometimes characterized as employing a foreigner without proper documentation.

Unfortunately, deep misunderstandings about human trafficking and weak support for punishment of traffickers existed at the highest levels, especially in the early years. In early 2000, for example, Lynellyn Yong describes a case in Bosnia and Herzegovina where a local district judge had to be replaced for abusive behavior and mistreatment of a trafficked minor. Yong also describes an incident where the

International Police Task Force "asked the local police to intervene to protect the trafficked women from the bar owner" and "the police officer was outraged because the local police drank with the bar owners and booked trafficked women" (Yong, 2002, p. 65). Such examples are not isolated cases restricted to the national level, but rather represent a global problem that fits tightly with the issue of corruption and general lack of awareness and sensitivity regarding the phenomenon of human trafficking (and its distinction from everyday prostitution). The following statement of a trafficking victim who went to the embassy to ask for assistance in issuing her a passport to return home underscores this. This is what she experienced:

> The ambassador said that he would not issue me a passport until I paid him. I told him that I had no money and he said 'then get lost. You can call your parents from this place and ask then to sell their house, everything and then send money here'… I told him everything [about being trafficked]. But he did not look interested in that. (International Centre for Migration Policy Development 2007, p. 56)

In many cases, human trafficking still is looked upon as a less important and low-key problem amidst the array of issues the world is facing today. There is a certain bias or stigma attached to human trafficking that infects the mindset of local communities as well as law enforcement and the legal system. The security approach is tasked with raising awareness of the dynamics of human trafficking in the local, national, regional and international context. This task is quite challenging, especially considering that misunderstanding and confusion about human trafficking exist at all levels of society. It is not uncommon, for example, for local communities to think victims of trafficking are somehow guilty of something, whether that something is being in the wrong place at the wrong time or simple naivety. In the case of male victims, in some communities they are scorned even more than female victims. For them, it is even

harder to explain what happened. As a result, in many cases, male victims do not even report their experiences or ask for assistance. This is seen in the following statement of a male victim of trafficking:

> You know, people in our community think the following way: if a man got into such a situation, he is stupid. In general in our community men are not to complain about anything. A man should be strong, to overcome all of the difficulties with fortitude. (International Centre for Migration Policy Development, 2007, p. 213)

It often strikes people in their moral conscience when they realize exactly what is entailed in cases of human trafficking, yet it typically takes awareness and a change in perceptions, stereotypes and bias for such realization to take hold.

In the global era, there seems to be agreement that levels of human trafficking have increased, though data to support this is lacking. In the literature, it is common to find arguments that attribute the increased level of trafficking and smuggling to restrictive immigration and emigration laws, and established visa requirements and quotas that limit movement and legal forms of migration. These issues are often given as the reasons some people deploy human smugglers/traffickers and consequently become prey to traffickers. As part of the process of globalization, while some countries, regions and industries are building more open/borderless societies (e.g., European Union, NAFTA), these new, inclusive processes come with limits and exclusions. These limits and exclusions can set the stage for some groups to fall through the cracks of the system and seek alternative means of survival. It is also the case that the overall loosening of borders has enabled human traffickers to take advantage of easier travel in order to move victims from one place to another.

In light of these observations, some anti-trafficking activists call for greater efforts on behalf of policy makers to incorporate more sensitive policies that rethink restrictive/limiting approaches to migration and sex work. While some policies are becoming more sensitive, in order for these policy changes to be real and meaningful, as Wendy Chapkis points out her in analysis of the Victims of Trafficking and Violence Protection Act (VTVPA), they have to make a greater leap away from their restrictive nature. Chapkis describes the VTVPA as a "soft glove with a punishing fist":

> [A]t first glance appears to be an inexplicable if welcome break from a continuing series of anti-immigration, antipoor, and antiprostitution policies in the United States. But a closer study of the law reveals that rather than being a significant departure from past practice on migration, poverty, and commercial sex, the new law actually serves as a soft glove covering a still punishing fist. (Chapkis, 2005, p. 51)

According the Chapkis, the VTVPA does not go far enough in offering real protection for victims or in changing the restrictive policies of the past.

The VTVPA, however, provides a step in the right direction. It gives the security community a mechanism through which to see people who are trafficked as victims and not accomplices or criminals. One of the well-intended mechanisms for protection of victims is the so-called T-visa, which can be granted to those victims of trafficking who are willing to participate in legal proceedings against traffickers. The T-visa leads to obtaining permanent residence (green cards) and eventually citizenship. In order to be eligible to receive this type of visa, one has to:

> a) comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking (or you are under the age of 18, or you are unable to cooperate due to physical or psychological trauma) and b) demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States. (U.S. State Department, VTVPA, 2000)

Since its inception in 2002 and until the beginning of 2011, there have been only two thousand three hundred T-visas granted, despite having a yearly limit of five thousand. The main reason for the low amount of T-visas being issued is the twofold requirement for the victims to cooperate in the prosecution of traffickers and for victims to demonstrate that they will "suffer extreme hardship involving unusual and severe harm if…removed from the United States" (VTVPA). Not all victims are able to meet these requirements due to fear of what can happen to their family and friends, as well as fear of shame and stigma in traditional and honor societies. Lack of sensitivity to the actual situation in which victims find themselves, including serious threats and duress from traffickers, means VTVPA loses efficacy. This consequence can be seen in the words of an Albanian victim of forced prostitution and trafficking, "AM," who as a result of her ordeal, became pregnant and delivered a baby. In the process of seeking asylum at the Upper Tribunal of Immigration and Asylum Chamber in England[43], AM confided in the presiding senior immigration judge:

> I believe that the attitude of my family and the people living in my village will be that it will be far better for me to take my own life, or be killed rather than my family having to face people with the shame I brought on them. I will be labeled as a prostitute, and once a prostitute always a prostitute. (Upper Tribunal of Immigration and Asylum Chamber, 2010, p. 9)

The sad reality is even the best intended policies cannot account for the intricacies that shape the daily lives of victims at each stage of human trafficking, including the post stage (recovery and reintegration). Recourse for victims of trafficking is not only a matter of outside intervention (state, police, safe house, etc.) but also a matter of

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[43] She was denied asylum on the first level hearing but granted asylum on appeal on the grounds of human rights.

victims' personal understanding. For some, it is simply too difficult to conceptualize what it means to be assisted and helped:

> I was a bit surprised (that assistance was free of charge) but he said that this was an international organization and I instantly thought that it was a religious organization. (International Centre for Migration Policy Development, 2007, p. 142)

In this case, the person is expressing disbelief in the possibility of being helped for free and without a secret agenda. The victim anticipated that a religious organization was behind this. In my own field research it was apparent that ordinary people in Serbia are often fearful or suspicious about "foreign elements" and secret agendas. I was able to navigate this impression because I was both a foreigner (from the United States) and a local (originally from Serbia). Feelings of confusion, surprise, even mistrust, flood victims, as is seen in the following statement:

> I was told that I could stay there with my children for some time. We would be treated and fed. I did not it believe at first. Nowadays it is a rare thing to have something for free. I thought they would ask for something later. I was also explained that it was a foreign organization that arranged assistance for such girls. I thought that they would probably want to remove some of my organs. It was strange for me to have free assistance as it was the first time in my life. (International Centre for Migration Policy Development 2007, p. 142)

In this case, the fear of the victim was profound. She just could not comprehend that some foreign organization would be offering assistance to someone like her without any stipulations or deviant plans (such as organ removal). Fear is a very powerful factor that should not be overlooked too easily when working with victims of trafficking. The fears experienced by victims should inform the creation of appropriate victim care policies. It is very important to balance the needs of victims against the desires of organizations to help them; it is especially important for victims to have reflection time.

Of course, not all researchers agree that policies such as the T-visa are so well intended. Chapkis, for example, raises a credible question about the real intention of the T-visa program. In her view, the T-visa is "designed not so much as a means to assist the victim in securing legal residency as it is a device to assist prosecutors in closing down trafficking networks." In her view, the VTVPA is nothing more than "protective law masquerading as a good cop to anti-immigration-policies' bad cop" (Chapkis, 2005, pp. 61-62). Indeed, the introduction of the VTVPA was seen to mellow criticism of restrictive anti-immigration policies in the cases of victims of human trafficking. It seems, however, the security approach and policies such as the VTVPA focus more on the capture and prosecution of traffickers than the protection and reintegration of victims. While it is true that the T-Visa program is available to individual victims and their immediate family members, which shows concern for the welfare of the victims, it is not clear this program is fully cognizant of the psychological states and socio-cultural crossroads at which victims find themselves.

Table 3 below shows the number of applications, approvals and denials for I-914 T-Visas for Individuals and I-914 T-Visas for Immediate Family Members from the period 2002 through June of 2010 (data for the year 2010 only goes up to the month of June). As the table reveals, the numbers are quite low considering the yearly limits are five thousand. What is also interesting is that the table shows the number of applications, approvals and denials, but the approvals and denials do not account for all the applications. As a result, it is unclear what happens to the applications that are neither approved nor denied, e.g., are they are in a state of limbo or have the applications been revoked. It is also unclear why there are sometimes fewer applications than approvals

and denials combined. My hypothesis is each application may include multiple parties,

though I do not have confirmation of this. (See Table 3)

Table 3.

I-914 T-Visa Applications, Approvals and Denials from 2002 to June of 2010.[44]

	I-914 T-Visa (Individual)			I-914 T-Visa (Immediate Family Members)		
Fiscal Year	Application	Approval	Denial	Application	Approval	Denial
2002	115	4	0	122	0	0
2003	557	285	28	331	207	13
2004	278	136	292	118	216	26
2005	229	113	321	114	73	21
2006	345	212	127	324	95	45
2007	230	287	106	149	257	64
2008	394	243	78	290	228	40
2009	475	313	77	235	272	54
2010[45]	345	304	87	208	225	69
Total	2,968	1,862	880	1,891	1,566	294

The T-Visa program gives victims a way to stay in the country and not have to

return home to a potentially threatening, dangerous environment. The stipulation,

[44] Alison Siskin and Liana Sun Wyler "Trafficking in Persons: U.S. Policy and Issues for Congress," December 2010 p. 27.
http://www.fas.org/sgp/crs/misc/RL34317.pdf

[45] Data for 2010 is only for the first six month.

however, of having to assist with legal proceedings against traffickers and having to prove they are in danger at home may be too much of a burden for victims. It also offers no protection against the family and friends of victims. While there are gaps to be addressed, for some, the T-Visa is a welcome opportunity, especially amidst an environment where countries are increasing rather than decreasing their immigration policies.

Indeed, as if the burdensome requirements are not enough, some countries, e.g., United States, Israel, India, and Australia, are not only making their immigration regulations stricter,[46] but they are also building up real concrete, electronic and barbed wired walls/fences, almost in an effort to recreate "New Great Walls of China."[47] In light of this, it seems not much was learned from history and the destinies of similar endeavors, e.g., the Great Wall of China, Berlin Wall, and Roman Emperor Hadrian's Wall in England. The rationale behind these policies is a growing need for better national security, and in recent times, human security (individual security). The security approach, as a law enforcement/border protection type of approach, focuses much more on the middle stages of human trafficking and deals far less with issues in the preliminary stage, especially when compared to the human rights and feminist perspectives.

In an increasingly global environment, where travel is potentially easier and borders are loosening in some places, it is ironic that others are tightening their borders

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[46] Since January 23th 2007 "all persons, including U.S. citizens, traveling by air, land and sea between the United States and Canada, Mexico, Central and South America, the Caribbean, and Bermuda will be required to present a valid passport", http://travel.state.gov/travel/cbpmc/cbpmc_2223.html

[47] On October 26th, 2006 President Bush signed the Secure Fence Act, which "authorizes the construction of hundreds of miles of additional fencing along our Southern border." http://www.whitehouse.gov/news/releases/2006/10/20061026-1.html

through the creation of physical walls. In the case of Israel, the role of walls is not only to separate the State of Israel from the outside world, but rather, to separate people within its borders. By creating practices similar to South Africa's policy of *apartheid* segregation, the State of Israel is making it almost impossible for Palestinian people to have a normal life and travel freely within the borders of the state. Such policies can only deepen antagonism among people on "the other side of the wall."

A similar situation has been underway in India over the last twenty-five years vis-à-vis its neighbors. In India, for example, a good deal of effort was put into creating a border fence to separate neighboring Bangladesh, as well as a fence separating India from Burma and India from Pakistan in the Kashmir region. The madness of the security fence separating India and Bangladesh was highlighted in an article in the June, 2011 issue of Foreign Policy. The article states that the fence:

> Is celebrated as a panacea for a whole range of national neuroses: Islamist terrorism, illegal immigrants stealing Indian jobs, the refugee crisis that could ensue should a climate catastrophe ravage South Asia. But for Bangladeshis, the fence has come to embody the irrational fears of a neighbor that is jealously guarding its newfound wealth even as their own country remains mired in poverty. The barrier is a physical reminder of just how much has come between two once-friendly countries with a common history and culture. (Foreign Policy, 2011)

It is an interesting reality that in the midst of an increasingly open, interconnected and interdependent global environment, there is a compelling need among some nations to maintain strict control over their territory, their history, their culture, their way of life, even at the expense of the will of people within their borders and immediately outside their borders in neighboring countries.

The ever growing physical and legal barriers to legal migration in receiving countries have the unintended side effect of influencing illegal migrants to rely more and

more on criminal channels for assistance. Dutch author Marjan Wijers supports this claim. According to Wijers: "The laws appear to benefit traffickers, who will always find ways to circumvent laws, while simultaneously working to the disadvantage of migrant women, increasing their dependence on third parties" (Wijers, 1998, p. 72). While securing national borders is certainly a legitimate priority, it seems the effort to secure borders so tightly in a changing global environment may be backfiring (at least in some contexts). With this in mind, in the case of human trafficking, policy makers should include the perspectives of rights activists, listen to the voices of community members impacted by such policies, and incorporate the views of former victims in order to be able create well-thought-out, balanced policies that will both protect the state's national interest and be more humane toward trafficking victims, migrant workers and others in need.

It is conceivable that with appropriate policy changes, some of the tragedies many illegal migrants experience in their plight to use illicit means to migrate could be avoided. Such tragedies and the senseless human suffering that stems from are a reminder that in the pursuit of a better life, some people literally pay with their life. The case in 2000 of fifty eight Chinese people who died from suffocation and were found dead in a cargo container in Dover, England, after trying to migrate illegally, reveals the sad ending many illegal migrants face. (The Guardian, 2001)

Despite the gravity of this recent tragedy in England, there was little attention given to this issue, especially in relation to alternative approaches to easing migration. As reported by The Guardian, in this case, when sentencing those responsible for this crime, Presiding Judge Moses said: "Undermining that system (immigrant control system)

creates the risk of oppression and prejudice against those who come to this country seeking protection as calls for more rigorous controls grow louder" (Kelso, 2001). This approach is echoed in a statement given by former British Prime Minister Tony Blair,[48] which called for "the importance of stamping out what is an evil trade in people" (PBS, 2000).

While the security approach certainly provides an important dimension in the effort to combat human trafficking, i.e., making human trafficking illegal and providing protection (however limited) for victims, on its own, it does not go far enough in embracing the true nature of human trafficking and its hold over victims. The security approach is focused quite clearly on the middle stages of trafficking and not at all on the preliminary stage. It is focused on breaking up trafficking networks and prosecuting traffickers, in addition to securing borders, but not directly on preventing trafficking from occurring in the first place. To be fair, however, prevention is something that requires a more integrated, holistic, cohesive approach. In order to prevent human trafficking, one needs to understand what are the underlying causes of the phenomenon, what facilitates its path, what keeps it going, who is at risk for being victimized, and what motivates human traffickers to engage in the practices they take on. While these are larger questions that exceed the scope of the security approach, together with the other approaches, the security approach can add value in the pursuit of answers to these questions. To be clear, an environment that forbids trafficking and even condemns it from a legal perspective is much different that one that permits it and celebrates it. Security matters, legislation matters and victim protection matters in the fight against

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[48] PBS, News Hour, Human Cargo, June 20, 2000
http://www.pbs.org/newshour/bb/international/jan-june00/human_cargo_6-20.html

trafficking. It is important, however, not to overlook the other factors that also matter, especially at the preliminary stage, including culture, tradition, marginalization, and socioeconomic status. The next section deals with the socioeconomic approach to analyzing and explaining human trafficking.

4. *Socioeconomic Approach*

While all the approaches discussed thus far are important for understanding different aspects of human trafficking, the socio-economic approach goes furthest in explaining and analyzing the underlying reasons (root causes) for human trafficking. In many ways, this approach addresses the core of the problem and what sustains it. The socio-economic approach focuses largely on socioeconomic issues of class, status and poverty, the latter of which is often sited as a main reason for people to fall victim to human trafficking. In analyzing socioeconomic factors, the hope is to better understand the triggering mechanisms that cause a person to cross from being at risk to becoming a victim of trafficking. Applying this approach and understanding the underlying risk factors allows anti-trafficking activities to target risk audiences more directly and create appropriate prevention policies that address the reasons why they fall victim to trafficking in the first place. It is common to find reference to the socioeconomic approach in the literature, as it encompasses larger issues that are not strictly related to trafficking, but nonetheless are closely connected to it. These issues include migration, human smuggling, labor, economy, social status and globalization. In the literature, poverty is one of the most commonly stated reasons for why people become victims of trafficking, but the relationship between poverty and human trafficking is not fully understood. For example, is it just poverty or also other factors such as economic policy, discrimination,

marginalization, etc., that are associated with increased risk. Clearly, a focus on poverty as an underlying factor contributing to human trafficking involves issues that are not strictly related to human trafficking and may extend beyond poverty. Such issues will be discussed in this section.

In the current global environment, there is strong consensus that human trafficking is morally unacceptable and illegal. Today, the scale of human trafficking is quite large and the issue of human smuggling even larger. Those who approach this phenomenon from the perspective of root causes wonder why we have human trafficking in the first place. Of course, there is no simplistic answer to this; there are many contributing factors. In human trafficking literature, these are known as *pull and push factors*. Both factors are commonly thought to play a significant role in human trafficking. On the pull side there is: need for cheap or free labor and cheaper products, demand for sex workers, and growth of the world population, accompanied by increasing differences in the standards of living between the developed and developing countries as well as intrastate social differences in status (rich vs. poor). Throughout history, as is the case today, significant social and wealth disproportions often have led to the exploitation of one group of people by another (zero sum game). What makes today's situation especially difficult for some groups of people, particularly those in the developing world or former communist countries, however, is the rapid speed of social, economic and political transitions. The overall industrialization process, change in farming and agricultural production, constant need for greater profits and cost cuts are forcing changes on people that they are not ready to deal with. Many are simply unable to adapt at such a fast past and in such a short period of time. Rapid changes in the global environment

along with poverty and socioeconomic status may play a role in setting the ground for exploitation at the hands of human traffickers. From this perspective, it seems appropriate to view this in the context of societies struggling to adapt to change, such as those emerging from the collapse of Soviet Union:

> [With] at least fifty years of comfortable social contract that guaranteed employment and social security for all, unemployment in Russia has hit the entire population extremely hard…The population that is hardest hit by unemployment and poverty is women and children. (Stoecker and Shelley, 2005, pp. 13-14)

The case of Russia raises an interesting question: does the combination of sudden, widespread unemployment and poverty, especially among women and children, create an ideal environment for human trafficking? Do additional factors, e.g., corruption, political instability, tight visa regime in an increasingly globalized environment add further to this? While an empirical study is necessary to fully answer these questions, it seems that these underlying factors may have something to do with contributing to an environment that is ripe for human trafficking. Though causality cannot be inferred without a more comprehensive analysis, those who approach human trafficking from the perspective of socioeconomic factors suggest there is a close relationship between such factors and human trafficking.

Whereas the processes of industrialization in Western Europe and the United States, fueled by technological innovations of the industrial revolution, capitalism, liberalization of trade and markets, lasted for over a century, today the people of developing and former communist countries are under great pressure to adopt new practices, rules of the market economy and ways of life almost instantaneously. Consequently, the need for rapid change and adaptation are causing some segments to push forward and others to fall behind, contributing to an even greater gap among

societies, e.g., between those who *have* and those who *have not* or those who *catch up* and those who *fall behind*, whether intrastate or interstate. The huge polarization within societies is creating a need among those who *have not* or *fall behind*, to look for opportunities elsewhere, often struggling to find appropriate alternatives. In light of this, certain *push factors* can be added to the *pull factors* as elements of the underlying forces contributing to trafficking in humans. These push factors are numerous and will be discussed throughout this section; they include lack of employment and other opportunities (education, mobility, housing), traditional societal norms or customs, armed conflict, etc.

It is not uncommon to find people at the margins of society struggling with a variety of problems, including how to overcome social stigma, how to find jobs, provide for basic family needs (food, shelter, safety). People at the margins are never quite secure, especially about the future. Some work two or three jobs but still cannot manage to get ahead, while others seem to accept their status more readily and seem somehow resolved to just getting by. In some societies, especially those with a history of oppression and cultural marginalization, people accept or internalize their fate and "given" role within society as somehow natural, deserved or normal (this was discussed above in the in section on the Human Rights Approach). Alternatively, for some destitute people, a viable solution is to leave their hometowns or countries. Leaving one's home, family, and friends is not an easy task, even when uprooting through legal channels of one's own accord. The decision to leave through illegal means is much harder, especially since one cannot know how things will turn out once leaving the comfort zone of familiarity. In today's environment, despite the perception of a more

open global society, emigration/immigration rules, visa regimes and other requirements and restrictions are limiting many people in their efforts to migrate legally or even just to travel.[49] For those who are destitute, marginalized or simply fed up, such limitation is often followed by a desire to seek alternative means for leaving the hometown or country.

While it would be an exaggeration to say all destitute, marginalized and fed up people look for a way out, whether through legal or illegal activities, it is the case that some (perhaps many) do. The pursuit of a way out, especially among desperate people in developing countries or countries in transition, is associated with risk of falling prey to human traffickers. There are many studies that link human trafficking, especially in Eastern Europe, precisely with the desire to flee harsh socioeconomic conditions. Stereotypical examples of beautiful, naïve women from Russia, Moldova or the Ukraine being offered jobs abroad as models or nannies only to be lured into a life of forced prostitution through deception are plentiful. Such cases, however, are not the only kinds of situations where people find themselves in the hands of traffickers. There are also cases where people elect to go with human smugglers thinking their fate will be better than their situation at home. They later discover, however, that their situation is far worse than they could imagine and they have not been smuggled but trafficked. In these types of situations, agency is very difficult to determine; decisions under constrained circumstances are hardly clear-cut. A theoretical question is whether trafficking can ever be by choice, i.e., whether people can choose to be trafficked. This was discussed

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[49] As an example, refer to, The Schengen Treaty, June 14th 1985.

above. There is firm ground for arguing that cases involving choice ought to be counted as smuggling (at least at the outset), though the line is clearly blurred.

Interestingly, socioeconomic conditions leading people to want to flee (through legal or illegal means) are not only apparent in poor developing countries but also exist within rich Western countries. In developed countries, less vivid or less visible forms of separation among people contribute to intra-social separations (whether intended or unintended). In recent times, mature European countries such as France and England have been showing cracks in their social fabrics (as well the United States with the recent social movement known as "Occupy Wall Street"). In the case of France, social disparities and separations exist between the mainstream population on one side and immigrants of African and Arab/Muslim descent on the other. The ghettoization and exclusion of these groups from mainstream society has not solved the problem but rather cultivated feelings of oppression and laid the groundwork for potential large-scale social unrest, as seen in the riots in France in the fall of 2005 and subsequent national state of emergency. The more recent riots in England in the summer of 2011 are also indicative of the dissatisfaction of people at the margins. In the past, these kinds of social disparities did not present as much of a challenge in Europe, since the number of foreigners were on a lesser scale. With globalization on the rise, especially since the fall of the Berlin Wall and establishment of the European Union, the mixing of people within European countries with different backgrounds, religious beliefs and customs has largely increased, regardless of their mode of entry. The process of globalization and expansion of the European Union tend to push state policy makers to modify their national strategies regarding immigrants/foreigners.

In some states, there is also the expectation that citizens will be more accepting of cultural differences. The need for changes in the way the French see difference and the way the state deals with difference is underscored in the following commentary on the 2005 riots in France:

> The civil unrest is seen as serious because it shakes the foundation of the French republican ideal, which envisions a uniform French identity that ignores ethnic and religious origin as the best guarantor of national unity. (The New York Times, 2005)

While the extent to which "uniform French identity ignores ethnic and religious origin" is itself questionable, it seems the French are facing the types of identity issues described by Yale Ferguson and Richard Mansbach in their work on shifting loyalties in the context of globalization (Ferguson and Mansbach, 1999). Though the rioting in England in 2011 had a different social backdrop (despite having a similar trigger for rioting as France, i.e., the killing of a young man by police), the English case further underscores how fragile social fabric can be, even in communities with well-established democracies, such as France and England. According to an article in The Guardian, which discussed findings from a Nottingham University study[50] on public attitudes after the riots, prejudice and intolerance towards minority groups began to rise.

> [P]eople were more likely to feel that British culture and society were under threat following the riots…the study revealed also a rise in levels of prejudice and intolerance towards minority groups. (The Guardian, 2011)

While it is expected for people to rally behind national identity in times of crisis (as vividly seen in the United States after the 9/11 attack), it is important for democracies to make sure national pride or loyalty does not grow into widespread intolerance and

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[50] The study is co-authored by Matthew Goodwin.

vigilante style rounding up of foreign or non-domestic members of the population.

The developed world, of course, is not alone in experiencing a rise in prejudice and intolerance towards minority groups, nor are they alone in experiencing an overall increase in social differences, especially regarding a rise in the gap between the rich and the poor. Similar scenarios can be found among developing countries as well. According to Bandana Purkayastha and Shweta Majumdar, India is a clear example of growing social differences among people and a corresponding rise in the gap between the rich and poor. According to the authors, since the nineteen eighties, India:

> [H]as developed both a very large increasingly affluent middle class (larger in size than the entire population of the U.S.), as well as growing numbers of desperately poor people who are witnessing the erosion of the meager government safeguards-such subsidized education, health-care, food, agricultural support–that they hoped to access before. (Purkayastha and Majumdar, 2009, p. 188)

Though India is not alone in experiencing a widening gap between the rich and the poor, it does represent a good example of the rapid growth of the affluent and corresponding fall of the poor in the context of globalization. While such disparities lay the groundwork for social unrest, they may also create an environment in which human trafficking and other forms of exploitation can flourish. People who are marginalized, hopeless and stuck with little option for upward mobility, often find themselves to be at risk for additional exploitation, whether from the state or criminal groups.

In addition to the socioeconomic disparities and factors of intolerance discussed above, which in many cases represent "push" factors driving people from developing countries to look for alternatives, it is important to consider a few more "pull" factors, which are often coming from the developed world on the demand side. The most commonly stated "pull" factors in addition to those from above are: need for cheap or

free labor, demand for cheaper products, demand for sex workers and workers in related entertainment industries, opportunity for profit making, legalized prostitution (in certain cases), military deployments, hope for a better life, etc. Clearly, these types of factors (pull and push) work together, respond to each other and adjust if necessary to changes in the market. The pull from developed countries for cheap labor and push from people in developing countries to escape their environment often sets the stage for a delicate balance of push and pull forces that lend themselves quite nicely to trafficking in humans. Those who approach human trafficking from a socioeconomic approach are concerned precisely with these issues and with the interplay of push and pull factors.

Attention to push and pull factors is common throughout the literature and is not only restricted to the socioeconomic perspective. Those who focus on the sex industry point to push factors, such as a hope for a better life, and pull factors, such as demand for sex workers or prostitutes, often but not exclusively found in the developed world. Outside the sex industry, the pull factor of the need for cheap labor combined with the push factor experienced by those searching for a better life should not be overlooked. Indeed, the existence of a shadow population within the EU community and elsewhere is not simply the result of illegal migrants entering the EU in search of a better life but also a reflection of the need for cheap labor in less desirable sectors. As observed by Jeffrey Cole and Sally S. Booth in their work on illegal migrants in Sicily, it is often the less desirable, dirty jobs that pull people in. In the words of one illegal migrant from Africa:

> We clean floors, we clean the shit off the bottoms of their old folks. Then they treat us badly, give us no respect because we're dirty! But how can we remain clean doing dirty work? (Cole and Booth, 2007, p. 3)

While it is certainly true that migrants (illegal or legal) have often been employed in positions that people in the mainstream avoid, in today's society, the pool of migrants is much greater due to changes in the global structure. This can be good for those who wish to migrate as well as those who wish to fill such positions. On the other hand, the high demand for cheap labor to fill such positions and strong desire among desperate people to seek a better life abroad makes it attractive for organized criminal groups to enter into the supply side of things and make money on the backs of migrants, often through human trafficking.

The factors discussed above, including many others, such as lack of work or limited opportunities, poverty, inadequate education, travel restrictions, have created a situation where some segments of the world's population are not able to fulfill their basic needs, let alone desires for migration or even simple travel. In extreme cases, the ability to live a normal life is so restricted that people are left to turn to illegal means of survival. Knowing this, it is not unusual to learn that people who are facing these kinds of problems, whether out of desperation, lack of knowledge, or lack of alternative solutions, take risks and use illegal channels, enlisting the help of different clandestine organizations or individuals who specialize in providing services for illegal border crossing, transportation and entry, etc. For the ones who find themselves in the hands of criminals, the line between willing partnership and becoming the prey of criminals, e.g., as victims of Human Trafficking, is very narrow. Hence, a person may start a life-changing endeavor as a willing participant in an illegal smuggling process but end up as a victim of trafficking in humans. Since migration restrictions are not likely to decrease in the near future (on the contrary, they are increasing, especially after the U.S. 9/11 attack),

and the demand for people living in developing countries to migrate is likely to increase, it is imperative that human trafficking and smuggling are addressed appropriately and timely (Kyle and Koslowski, 2001).

While it is natural to place moral blame on the human traffickers themselves, it is not always the case that they are the only blameworthy parties. Indeed, though it is important not to lose sight of their criminality, in some cases, parents or family members decide to sell their children or borrow against them, and therefore enlist the help of traffickers. There are also cases where women choose to be engaged in sex related work and seek the help of traffickers. When dealing with blame, there is the moral aspect of blame and also the criminal aspect. The question of which parties are responsible for human trafficking remains a delicate one and is often deliberately ignored or overlooked so as not to detract from other issues. It seems important to question, however, the extent to which responsibility for human trafficking derives from corporate greed, faceless bureaucrats, negative global forces, over used sexual images in film, marketing and advertising industries, the pandemic of global corruption, or empty international conventions. There are many, however, who find fault with blaming entities other than the traffickers themselves and refuse to consider the culmination of forces responsible in different ways for human trafficking. According to Chapkis:

> [T]he abuse of migrants becomes fully the fault of "traffickers" who must be stopped, not the by-product of exploitive employment practices, restrictive immigration policies, and vast economic disparities between rich and poor nations. (Chapkis, 2005 p. 55)

While Chapkis does not defend this position, and indeed, underscores the views of others who argue that an array of policies are also to blame for human trafficking, exclusive focus on traffickers and unwillingness to see subtleties among cases where people

decide/intend to migrate and those where people are taken against their will is prominent in the literature. It is also a major point of tension between those who argue from a socioeconomic perspective and those who argue from a security perspective.

The discussion above brings further attention to the complexity of human trafficking and the need for a more nuanced, integrative approach to analyzing and understanding this phenomenon. It also underscores the importance of finding better, more sustainable or creative solutions for addressing human trafficking and helping those in need. As the other cases have shown, perhaps more attention needs to be paid to empowering potential victims rather than catching and prosecuting traffickers. In this way, anti-trafficking efforts may benefit from incorporating lessons of the more sustainable solutions and approaches developed in the area of humanitarian aid, e.g., rather than simple food donations, the practice of giving seeds, providing know-how and tools to grow food is more empowering. While a similar policy in the anti-trafficking area may not *prevent* people from migrating or becoming victims of trafficking, just as the humanitarian aid case does not prevent people from going hungry, it may slow down the pace or limit the scope of human trafficking. Though there is no "silver bullet" which will magically resolve the world's problems, such thinking offers a start. Clearly, what works in one country or in one society may not be successful or applicable elsewhere. This was pointed out as well in a 2010 UN report, which refers to the case of one village populated by Hmong people in Lao People's Democratic Republic. Initially this village and its members were considered to be a potentially high-risk group for trafficking. It was suggested that they could benefit from a micro-loan project. As the following shows, this was an incorrect assumption:

The needs assessment revealed, however, that there was a low risk as the village was far from the main road and traffickers were not known to be active in the area. Furthermore, the population did not have much aspiration or desire to seek another lifestyle. Thus, while donors were keen to invest resources in this project for the purpose of preventing trafficking, this would have achieved very little in terms of prevention, as the project was not strategically targeted at vulnerable populations. (United Nations, 2010)

Nevertheless, there are some notable examples of alternative, sustainable solutions to addressing socioeconomic conditions that give rise to human trafficking in some communities. The following provides a few examples of interesting practices that have been successful in this regard.

The first case involves the work of American activist Olga Murray,[51] who is the founder of the Nepal Youth Foundation organization. I first learned about Murray and her organization via a television episode of the PBS[52] airing of "Daughters for Sale." Nepal Youth Foundation's main goal is the eradication of kamlari, which are practices of indentured servitude in Nepal. Kamlari is practiced among the ethnic Tharu people in Western Nepal. Traditionally, the Tharu people are farmers and sharecroppers who belong to members of the lower caste. Typically, they live a very poor and modest life. In a nutshell, the kamlari practice involves giving young girls away to affluent families to perform housework in exchange for small monetary compensation given to their parents. According to the organization's director, Som Panery, for Tharu girls, the bondage system stems from both tradition and a feudal mindset. According to Panery:

It is a feudal mindset that exists in our society…They do love their daughters. It's not that they hate their daughters. But you know—the temptation of a little money, 3,000 rupees, 4,000 rupees, $50, $60 a year is big money for their poor family. (PBS, 2004)

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[51]See http://nepalyouthfoundation.org/newsroom/newsmedia.html

[52] NOW, PBS, "Daughters for Sale," April, 2008. http://www.pbs.org/now/shows/414/video.html

Panery provides interesting perspective on the nature of human trafficking among the Tharu community. Panery points to the complexity of factors that lead people to become victims, including not only poverty and low socioeconomic status, but also tradition and a feudal mindset. While the feminist and security approaches discussed above do not focus much on these factors, they are at the forefront of the socioeconomic approach.

The Nepal Youth Foundation provides an inventive approach to addressing the underlying reasons why Tharu families give or lend young girls away. Their approach involves giving chosen families a goat or piglet, whose market value is similar to what parents would get for one year's work of their daughters. The idea itself came from Tharu mothers who explained why the conditions that caused them to go along with this practice (kamlari). The organization's approach reflects an attempt to address root causes and possibly prevent human trafficking by providing an economically sustainable solution. In this case, the organization's work is generating good results. In addition to underscoring the importance of evaluating the underlying reasons for human trafficking, this case also shows that good ideas can come from the ground up. As a result of this innovative approach, Tharu girls are staying with their families now, and with assistance of the Nepal Youth Foundation, they are continuing their school education. The organization is also working on awareness building and media campaigns, including radio programs and street plays for those who do not have radios. The Nepal Youth Foundation case is not only a success story in the case of preventing human trafficking (or at least limiting it), but also in empowering people from an economic standpoint.

In other cases, it has been confirmed that similar types of microloans can be good tools for helping disadvantaged people in the developing world to get out of poverty and

reduce the level of trafficking. This is seen in UNICEF's report on West Africa, which provides two good examples of micro-credit projects targeting the areas in Togo and Cameroon, which are thought to have "the greatest exposure of children trafficking" (UNICEF Innocenti Project, 2002). The Togo and Cameroon projects focused on people with the greatest need for help. The goal was to create income-generating activities and contribute to community development. In the both cases, a number of activities were developed, including Togo's loans for education and Cameroon's training and awareness campaigns, workshops and the establishment of community pharmacies. (UNICEF, 2002) If such examples can be replicated in greater numbers, perhaps struggling people on the bottom will be better able to provide for themselves and find alternative means for survival that exclude the need for traffickers and smugglers.

The case of the Nepal Youth Foundation and Togo and Cameroon examples speak to the interconnectedness and interdependence of socioeconomic issues and human trafficking, especially in societies that are traditional or where options are severely limited. Efforts to improve the socioeconomic position of people in such environments can also help reduce or even prevent instances of human trafficking that are related to these underlying factors. The need for socioeconomic assistance that offers sustainable solutions is critical. This is expressed in the following statement of a female interviewee from Kisumu, Kenya, which is provided by Human Rights Watch:

> I tried to do anything to keep us going – I made chapatis and sold them, I washed cars, and now I'm working for a woman with a small kiosk, but I don't think it's going to last. The government should lend money to people so they can start a business and be self-reliant. I may have to go into prostitution, and then I know I will get HIV and die. I would rather have a real business, but it is not easy. (Human Rights Watch, 2003, p. 13)

This is a clear example of a case where the vision of a person in a desperate situation suggests the potential path to a sustainable solution. In this case, lack of jobs, poverty and insufficient governmental support serve as barriers to self-sustaining economic initiatives. This example shows that some do try to avoid a life of prostitution and try to avoid falling in the hands of human traffickers, but nonetheless fail in desperation. Human advances depend not only on technological advances but also on good ideas and the will of people to make meaningful changes, including breaking down inhumane systems such as slavery, human trafficking, racial segregation and economic subjugation. The struggle for change, of course, is often long and painful and requires all segments of society to be supportive of the same cause, including political elites, academics, religious leaders, policy makers, social workers, NGOs and ordinary people. Once critical masses are reached, as was witnessed in the recent case of Arab Spring, change can hardly be prevented. A following next step, of course, is for it to be channeled into legal systems and accepted by the international community.

Despite the success of the cases described above, microloans cannot be used as a panacea in the fight against human trafficking. In more developed societies, microloans are not always relevant, either because of different standards or because they are just not sufficient for meaningful income generation. Also, for some individuals, small financial profits or improvements are just not good enough and do not override the need for bigger and faster gains.

While the microloan approach should be included as a potential tool for preventing some cases of human trafficking, perhaps another approach should be the creation of alternative visa programs where the needs from both sides ("push and pull")

are assessed and incorporated via legal channels, e.g., seasonal tourist or agricultural workers program. An innovative or alternative visa program could help prevent or limit some forms of human trafficking, especially those that involve trafficking for the purposes of labour. On the push side, such a program could very well result in a decrease in the need for migrants to seek help from smugglers or traffickers and provide safety to those who need work and are willing to travel abroad. On the receiving side, countries in need of such services could gain better control over migrants and potentially benefit from an increase in tax generation. While there are many other ideas, the point here is not to be exhaustive, but rather to suggest that analysis of the socioeconomic factors that lead people to fall into the hands of human traffickers can be very helpful in developing innovative or alternative strategies and programs that acknowledge the push and pull factors and work hard to prevent and limit trafficking resulting from them.

Even with such efforts, it is important to remember that traffickers are very sharp when it comes to assessing business conditions; they know how to increase profit margins, lower operation costs and minimize their risk of being prosecuted. In many instances, traffickers even pay small amounts of money to victims to create a false sense of partnership. Some victims get so caught up in the deceptive methods of traffickers that they forget their mistreatment and later become employed by traffickers. These kinds of "converts" tend to do mostly recruiting jobs, spy on other girls or carry out accounting duties for traffickers. From a business prospective, the trafficking mechanisms and traffickers themselves mirror those of businesses. Businesses often have to adjust to new market conditions in order to stay ahead of the curve, e.g., outsourcing, increase or decrease in inventory, cost cutting techniques, closing old and

opening new markets, introduction and use of new technologies. Traffickers themselves may respond to alternative visa programs and microloans in some contexts by simply relocating to obtain their supply in other places. Such policies, then, might work to limit or prevent trafficking in some places but divert it to others.

The parallels between business and human trafficking and other forms of organized crime have been explored in the literature. Louise Shelley is one author who provides a business model approach as a way of explaining trafficking in connection with organized crime. In an article she wrote in 2003, she offers six types of business models of trafficking. They include: 1) Natural Resource Model: Post-Soviet Organized Crimes; 2) Trade and Development Model: Chinese Traffickers; 3) Supermarket Model: Low Cost and High Volume U.S. - Mexican trade; 4) Violent Entrepreneur Model: Balkan Crime Groups; 5) Traditional Slavery with Modern Technology: Trafficking out of Nigeria and West Africa; and 6) Rational Actor Model: Dutch Approach to Regulation. While Shelley's approach is very interesting, it should be kept in mind that since trafficking is opportunistic and situational, the six business models are frequently changing according to new circumstances. The fourth model, for example, regarding the Balkans has changed over time and the circumstances are not quite the same as they were during the time Shelley was writing her article. Of course, as Shelley points out, the dynamics of trafficking stem not only from particular opportunistic situations but also from the cultural and traditional differences among criminal milieu as well.

Analysis of human trafficking from a business perspective is also explored by Siddharth Kara in his book, "Sex Trafficking: Inside the Business of Modern Slavery." In this work, Kara tries to breakdown the balance sheets of traffickers to provide an

estimate on profits, costs, growth rates and the number of sex trafficking victims worldwide. While it is difficult to assess the validity of his estimates, his work is very interesting nonetheless and quite useful as a starting point for further research. Kara properly points out that the operational costs for a brothel using prostitutes are greater than those using trafficking victims, which is a significant difference:

> The owners of brothels filled with slaves pay almost nothing to their 'laborers' from the retail price paid for sex. The only meaningful labor cost in sex slavery might be salary for staff and token payments to slaves or their families. (Kara, 2009, p. 33)

Kara's insight into the business side of human trafficking offers a further layer of complexity in approaches to analyzing and understanding this phenomenon. The business approach is indeed an approach that is in need of further attention.

In a brief interview with an owner of four brothels in Mumbai, India, the owner shares information on the business side of human trafficking, making it less opaque. This interview provides unique insight into the business perspective of those who run brothels and reveals the language used to describe the business. Through this interview, one can learn that victims are regarded as batches or commodities often picked up at auctions or bought by agents. The interview also revealed not only how widespread human trafficking is in Mumbai, but also highlighted the involvement and knowledge of officials. According to Kara, the brothel owner explained that:

> His agents bought prostitutes from various places. Sometimes *dalals* brought batches of them to Kamathipura and auctioned them; other times he frequented a market north of Mumbai where women were brought from Nepal, Bangladesh, and other regions of India for sale….He complained about police payoffs. 'This is my biggest expense.' (Kara, 2009, p. 53)

In light of this, it is very important to understand the business side of this problem and how profits affect the flow of human trafficking. Learning about how lucrative this

activity can be provides a better picture of why traffickers engage in trafficking in the first place. Such knowledge may help inform the creation of anti-trafficking policies that address the business side of human trafficking. The business approach reveals an important synergy between the socioeconomic approach and the security approach. In light of this, policy makers, police and legal officials ought to reconsider their current approaches and try to be more effective in prosecuting traffickers and hitting them where it hurts most, which is profit. Perhaps mandatory expropriation of financial gains obtained in trafficking practices should be included in sentencing (similar to Italy's anti-Mafia laws or the U.S. law against organized crime, i.e., RICO Act). With such a policy, the money confiscated or expropriated from traffickers could be used for reparation of victims, financing safe houses and other victim-centered programs, as well as for education campaigns and microloans.

Overall, this section highlighted socioeconomic factors that give rise to human trafficking and place people in danger. While there are many poor and marginalized people who do not fall victim to human trafficking in the world, there are also many for whom human trafficking is almost inevitable. Teasing out just what are the factors, socioeconomic but also cultural or traditional, that make some people more vulnerable to human trafficking is at the heart of this approach. Such analysis is essential to proper understanding of the phenomenon, as well as questions of how, where and why it manifests more readily in some places than in others. Ultimately, the socioeconomic approach offers an important lens through which to understand the human trafficking phenomenon. While it may not provide all the answers, combined with other approaches, it provides a more nuanced understanding of human trafficking that is lacking in other

approaches, especially the feminist and security approaches.

5. *Emergency Approach*

The last approach included in this chapter is actually a new approach I am proposing, which involves the assessment of human trafficking in relation to potential emergency crisis situations stemming from natural or man made crises. As discussed earlier, the types of crisis situations I have in mind include examples of natural disasters e.g., large-scale earthquakes, tsunamis, floods, as well as man-made disasters, e.g., armed conflicts and civil wars. Emergency crisis situations typically involve confusing times, lack of rule of law or suspension of respect for law, chaos, desperation and higher amounts of vulnerable people. Given the opportunistic nature of human traffickers, it is quite plausible that human traffickers may view such crisis situations as opportunities to exploit people in a vulnerable situation and make money. Emergency crisis situations represent an interesting business opportunity for human traffickers, just as economic crisis situations represent an interesting business opportunity for loan sharks and other figures in organized crime.

Within extreme emergency crisis situations, which usually last for a limited time (armed conflicts in general are longer than natural disasters), the period following the immediate emergency remains dangerous, especially for certain groups of people. The after-effects or post-conditions of emergency crisis situations serve as fertile ground for some groups to become connected with human trafficking (whether as victims or as traffickers). Of course, given the uniqueness of emergency crisis situations, it is important to be careful not to make generalizations, as each emergency crisis has very specific characteristics and outcomes.

In the case of armed conflicts, the duration and severity of the conflict itself plays an important role in how it impacts the community. Clearly, conflicts vary in terms of intensity as well as scope. Emergency crisis situations are similar to conflict situations in this regard. Just as each conflict has its own unique characteristics and varying levels of intensity, there are also different levels of intensity in the overall severity of problems that countries and survivors of natural disasters face. In the case of earthquakes, for example, a double effect sometimes occurs, i.e., in addition to the initial destructive powers, some earthquakes trigger tsunamis. This kind of double effect brings additional devastation, as has been observed in the case of the Tohoku earthquake and tsunami. In this situation, in addition to the two natural destructive powers (earthquake and tsunami), the people of Japan also had to deal with damage to a nuclear plant and a subsequent radiation scare. While what follows after natural disasters and how they impact local communities varies from case to case, depending on the severity of destruction and the country's level of development and emergency preparedness, the aftermath of natural disasters offers a climate in which people come together but also in which criminal entrepreneurs seek to exploit the already traumatized people. Examples of such criminal activity are discussed a bit later in this section.

In extraordinary situations of crisis, high levels of disturbance to all aspects of life combined with the state's compromised functioning and extreme elevation of danger creates a real possibility for the increase in levels of human trafficking. This is especially true in cases where people are displaced from their homes, where property and infrastructure are destroyed, and where law enforcement and emergency services are overwhelmed with the overall demands of the situation. In light of these circumstances,

it is my view that researchers should include an additional "emergency" approach in addressing trafficking in humans. In my view, by including the emergency approach in addressing and analyzing human trafficking, researchers can better understand not only what may or may not have worked in containing the threat of human trafficking in cases of extreme emergency crises of the past, but also examine the environmental context within which human trafficking may flourish, i.e., chaos, desperation, lawlessness, etc. By analyzing these situations via an emergency prism, researchers and anti-trafficking efforts may be able to prevent or at least limit opportunistic criminal activities such as human trafficking that arise in extreme crisis situations. While there are unfortunately always individuals or groups who are ready to exploit the vulnerability of people in extreme situations, the emergency approach may help limit this and create a more nuanced understanding of human trafficking and its link to situations of emergency crisis.

In creating and developing an emergency approach to human trafficking, the hope is to prevent or limit human trafficking from happening in future cases of emergency crisis. Some good examples of what worked well in the past when it comes to techniques for preventing of human trafficking in emergency situations can be found in the case of the 2004 earthquake and tsunami in the Indian Ocean. Immediately following this event, in the midst of tragedy and devastation, the international community responded quickly and successfully to growing fears of possible human trafficking and reports of suspicious cases of child adoptions. A good starting guide for being proactive in the case of preventing human trafficking in emergency situations (at least among children) can be found in UNCIEF's measure to protect children during natural disasters and in its guidelines to protect children during emergencies. The following is taken directly from

UNICEF and provides measures to prevent human trafficking among children and protect children during natural disasters.

Measure to protect children during natural disasters

1. Reliable register of all displaced children. Identify those who are unaccompanied, separated from their parents or caregivers or possibly orphaned, and know their exact location.

2. Provide immediate safe care. Children identified as unaccompanied or separated must be placed in the temporary care of adults who are accountable for the children's' welfare. Their care and protection should be carefully monitored so they are not susceptible to further risk.

3. Locate relatives. Trace and reunite family members who have been separated during the chaos.

4. Alert police and other authorities. It is essential to educate police, border patrols, teachers, health workers and others to the threat of child exploitation and to enlist their support in protecting children.

5. Take special national measures. Temporary restrictions on children's movement may be necessary to thwart trafficking that could occur under the radar.

Guidelines to protect children during emergencies

1. Conduct a rapid assessment of the situation of children. Within the appropriate mechanisms, monitor, advocate against, report and communicate on severe and systematic abuse, violence and exploitation.

2. Assist to prevent the separation of children from caregivers and facilitate the identification, registration and medical screening of separated children, particularly those under five years of age and adolescent girls. Governments should identify officers in charge of child protection in all major hospitals admitting child patients and in temporary camps.

3. Ensure that family-tracing systems are implemented, with appropriate care and protection facilities.

4. Interim care must be provided to separated children until they are reunited with their families, placed in foster care, or other long-term care arrangements have been made. Interim care should be consistent with the aim of family reunification, balanced with a best interests assessment, and should ensure children's' protection and wellbeing.

5. Promote the child's recovery by providing psychosocial support to strengthen resilience, as well as meeting basic needs.

6. Establish procedures to ensure that children who are travelling during emergencies are with their parents or other primary caregivers. The Government can put a temporary moratorium on the adoption of children until all children can be properly identified and the process of family tracing is completed. (UNICEF, 2005)

UNICEF has taken a leading role in protecting children during times of crisis. Children, of course, are not the only segments of society at risk for human trafficking during times of crisis. It is imperative, therefore, to expand upon UNICEF's leadership and develop a more comprehensive approach to protecting people who are particularly vulnerable in times of crisis from becoming victims of human trafficking. It is also important to look into the conditions that make crisis situations particularly ripe for human trafficking.

The following section discusses some of the ways in which the conditions of natural disasters can trigger an increased risk for human trafficking. To begin, the destructive power of nature cannot be underestimated, as was witnessed in recent natural disasters that struck different parts of the world, including Japan's Tohoku earthquake and tsunami in 2011, Haiti's earthquake in 2010 and the Indian Ocean earthquake and tsunami in 2004. With media coverage and broadcasts of these disasters, almost instant images of the disruptive and destructive forces of nature and its impact on human lives are brought before the world. In the aftermath of such natural disasters, which deliver damage in epic proportions, fertile ground for the abuse of desperate people tends to form. Through the case of the earthquake in Haiti in 2010 and to a lesser extent the tsunami devastation in Asia in 2004, the ways in which some groups and individuals were ready to exploit the situation of chaos and misery, especially by exploiting

vulnerable women and children, can be observed. In both cases, it was recorded that individuals and groups abused the post-disaster situation for their benefit. Soon after the earthquake, Haitian Prime Minister Jean-Max Bellerive said in an exclusive interview with CNN that illegal child trafficking is "one of the biggest problems that we have." Furthermore, he said: "there is organ trafficking for children and other persons also, because they need all types of organs." In the 2011 Trafficking in Persons Report, Special Case, the following is reported.

> The Haitian National Police and local NGOs reported an increase in alleged cases of forced labor and sex trafficking of children and adults since the earthquake. Young children without family support or secure housing appear to be increasingly at risk. The majority of trafficking cases are found among the estimated 173,000 to 225,000 restaveks —the term for the practice of child domestic servitude—in Haiti. (U.S. Department of State, 2011)

It is sad to know that a country which celebrates its history as the first nation to gain independence from European rulers in Latin America, the first to successfully eliminate slavery, and the only country in history to abolish slavery via a slave revolution, now suffers from high levels of human trafficking and endures the restaveks practice of domestic servitude (Kelley and Lewis, 2005). Whether an emergency approach could have helped prevent or limit human trafficking in Haiti after the earthquake is an empirical question. It seems reasonable to expect, however, that if Haiti were prepared and had a policy of prevention in place regarding human trafficking in the aftermath of crisis, at least some cases would have been prevented. This expectation, of course, is based on decent levels of awareness and preparedness and response measures.

While Haiti was late in addressing human trafficking as a consequence of the earthquake, the situation in the Indian Ocean was quite different. Throughout areas impacted by the Indian Ocean earthquake and consequent tsunami, there were many

alerts regarding possible abductions, fake adoptions of children and cases of human trafficking immediately following the disaster. As is seen in The Guardian reporting:

> The Medan-based Aceh Sepakat Foundation has found evidence that 20 Acehnese children have been smuggled out of the province since the disaster. Carol Bellamy, executive director of UNICEF said 'They have been using sophisticated technology such as SMS messages to people throughout this region offering children for adoption,' citing reports from UNICEF's partner agencies in Indonesia. (The Guardian, 2005)

While fears in the aftermath of the Indian Ocean disaster were well grounded, it appears the level of human trafficking, especially among children, was not as high as originally feared. A year after the disaster, UNICEF and its partners followed up and concluded that large-scale organized trafficking of children was averted.

> UNICEF and its partners – which in some countries include police – diligently check and follow up on all reports of child trafficking, and no substantiated case of child trafficking has emerged. Clearly, governments and international humanitarian agencies would find out about child trafficking attempts only where these attempts had failed. Nonetheless, it can be said with some certainty that there is no large-scale organized trafficking of children who were separated or orphaned by the tsunami. (New, 2005)

Further research is needed to discern the differences between the preparation and response in the Haiti cases versus the Indian Ocean case. It is clear, however, that both cases reveal the vulnerability and risk of human trafficking in situations of crisis. Finally, it is possible to speculate that the future may bring an increase in cases of human trafficking in the context of natural disasters, perhaps especially vis-à-vis crises stemming from global warming. Of course, such cases can be averted as is pointed out in the example of the Indian Ocean earthquake and tsunami, as well as the case of Tohoku earthquake and tsunami, which is discussed next.

The most recent large-scale disaster that struck the global community took place in Japan. In this case, a completely different outcome occurred after the initial destruction. The Tohoku disaster did not produce an increase in reports on crime, looting or human trafficking. The difference in the case of Japan may be attributed to a combination of factors: the homogeneous background of Japan, Japan's organizational skills, perhaps most importantly, the culture of emergency preparedness across all generations, and the commitment of the Japanese government to emergency assistance. Regarding the last factor, it should be mentioned that in this case, in addition to the devastation of the earthquake and tsunami, Japan's Nuclear Plant, Fukushima Daiichi, was severely damaged which added greatly to the demands for rapid governmental response. Despite the challenges Japan faced in responding to its recent disaster, it seems it managed to effectively avert opportunistic criminals from taking advantage of the misery and desperation of people.

Interestingly, the response of Japanese criminal syndicates was the complete opposite of the criminal response following Haiti's disaster. According to a report by Jake Adelstein in Newsweek's The Daily Beast we can see that in Japan:

> Hours after the first shock waves hit, two of the largest crime groups went into action, opening their offices to those stranded in Tokyo, and shipping food, water, and blankets to the devastated areas in two-ton trucks and whatever vehicles they could get moving. (Jake Adelstein, 2011)

As stated earlier, no crisis situations are the same. Nonetheless, the lessons from the Haiti, Indian Ocean and Japan disasters reveal different levels of preparedness, response and subsequent victimization and exploitation. The Haiti and Indian Ocean cases reveal much higher levels of risk for human trafficking, though this risk was minimized greatly in the Indian Ocean case but not in the Haiti case. The Japan case

showed almost no risk for human trafficking. The learning from these cases suggests that emergency crisis situations in environments that are already experiencing socioeconomic tensions, class conflict, political turmoil, etc., may be more at risk than those with highly stable conditions, as in the case of Japan. More research, of course, needs to be done to understand the forces at work in raising risk levels among all societies, during "normal" times as well as times of crisis. It seems that crisis situations may exacerbate tensions that already exist in a society, though data is needed to confirm this.

Including the *emergency* approach in future analysis of human trafficking may help expand researchers' knowledge on the underlying factors that give rise to human trafficking as well as the conditions that allow it to flourish. Of course, there are potential challenges for research based on this approach. These involve: a) individual uniqueness of crisis situations and large-scale variations, b) unpredictable trafficking models/forms, and c) special levels and types of needs among disaster victims. Despite these challenges, it would be very useful to try to establish standardized models and policies for anti-trafficking efforts or preventive action in crisis situations. With such policies in place, it would be possible to develop training programs and preparedness systems that could: a) make a difference in how crisis situations and their side effects are dealt with, and b) potentially prevent or limit human trafficking. With standardized models and policies for action, emergency response agencies and people in need could be better positioned to prevent criminal minds from taking advantage of chaos and exploiting even further those in need. Future research on the experiences of post-crisis contexts would provide the data needed to further understand the relevance of this approach and perhaps make important adjustments.

Thus far, this section has discussed natural disasters and their aftermath in connection with human trafficking. At this point, the discussion will turn to cases of armed conflict to discuss how the emergency approach may shed light on the connection between human trafficking in crisis situations stemming from armed conflict. The armed conflicts that occur these days, especially in the last two decades, are less often conflicts between two or more states and more often intrastate or civil disputes (Ramsbotham, Woodhouse & Miall, 2005). This trend has been recognized as peaking in the nineteen nineties, with the intrastate conflicts in Rwanda and Yugoslavia. In the context of globalization, these kinds of conflicts are becoming more frequent and more violent vis-à-vis the civilian population. The nature of today's armed conflicts is an important factor. The internal nature of recent conflicts forces researchers to examine more closely the link between armed conflict and the increase in cases of human trafficking within conflict zones, as well as within surrounding areas.

During recent armed conflicts that were internal in nature, e.g., in Sudan, Rwanda, Columbia, Sri Lanka, Yugoslavia, large numbers of vulnerable people (especially women and children) were uprooted as well as economically and emotionally destroyed. Due to lack of rule of law and complete chaos, they were exposed to exploitation from military units, clandestine organizations, paramilitary groups and individual criminals. In such contexts, it is not surprising to discover that these victims also became easy prey for victimization at the hands of human traffickers. In recent conflict and post-conflict situations, an increase in rape, enslavement, forced prostitution, forcible recruiting of people, especially children (i.e., the child soldiers phenomenon described in Chapter 1 under forms of trafficking) and other instances of human

trafficking are being and have been reported, especially in Rwanda, Bosnia and Herzegovina, Kosovo, Congo, Sudan and Uganda. The connection between human trafficking and crisis situations stemming from armed conflict raises important questions about the conditions under which trafficking flourishes and provides indications of the (opportunistic) contexts in which human trafficking is likely to appear.

One form of human trafficking that has received a good deal of attention in connection with armed conflict is that involving forced prostitution and other sex acts. Though not strictly thought of as human trafficking, rape, forced prostitution and other forms of sexual exploitation or sex work during conflict have been the focus of international organizations and women's rights groups. In response to the methodical "mass rapes" used during the Yugoslav conflict(s) of the nineteen nineties, the international community adopted the decision of the International Criminal Tribunal for the Former Yugoslavia (ICTY) that systematic rape and sexual enslavement in war times are considered crimes against humanity. As a result, systematic rape and sexual enslavement in times of conflict/war stand as crimes against humanity, nearly on par with genocide and war crimes. The landmark case that influenced this decision was "The Kunarac Case."[53] Kunarac was found guilty in 2002 on twenty counts in Indictment IT-96-23 and sentenced to twenty-eight years in prison. He was found guilty on indictment counts of crimes against humanity and violation of the laws and customs of war (rape, torture and enslavement).[54] During the trial process, the ICTY used the 1926 Slavery

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[53] United Nations, International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, Case No.: IT-96-23/1-A, June 12, 2002.
http://www.icty.org/x/cases/kunarac/acjug/en/kun-aj020612e.pdf

[54] Ibid., p. 3.

Convention for defining elements of ownership as a requisite for enslavement. As stated in the historic part of Chapter 1, historically, slavery is closely related to prisoners of war, which represents one of the most commonly used ways of enslaving people.

The Yugoslav conflict(s) raised the consciousness of the international community and women's rights activists regarding the particularly vulnerable situations in which women find themselves in the context of conflict. Since this crisis, there have been studies further documenting the treatment of women in times of war, including the sale of women to brothels to meet the demands of peacekeepers (described below).

Similarly, in 1998, Rwanda was dealing with its own war scars related to rapes committed against Tutsi women. In a landmark case known as "The Akayesu Case" (ICTR-96-4-T),[55] the International Criminal Tribunal for Rwanda ruled:

> Rape, which it defined as 'a physical invasion of a sexual nature committed on a person under circumstances which are coercive,' and sexual assault constitute acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, a targeted group, as such. It found that sexual assault formed an integral part of the process of destroying the Tutsi ethnic group and that the rape was systematic and had been perpetrated against Tutsi women only, manifesting the specific intent required for those acts to constitute genocide.

Mr. Jean Paul Akaysu was found guilty on all 9 counts of the indictment and given consecutive life sentences in 1998. Perhaps what makes the Rwanda rape case different from other armed conflicts was that the sexual violence was planned and organized and the media was used as a tool for promoting killings and rapes. Also, the Rwanda case shows how rape was directed toward an ethnic minority, the Tutsi, and that knowledge of this policy was open to the general public (Brouwer, 2005). Other authors have made

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[55] United Nations Security Council: Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda, 1998, p. 6
http://www.un.org/ga/54/doc/tcir.pdf

similar observations about rape in former Yugoslavia, especially regarding rape as part of ethnic cleansing (Stiglmayer, 1994).

The role of "bad guys" is not reserved for criminal minds during armed conflicts, but also applies to segments of people sent by the international community to protect peace. In recent post-conflict societies (as well as those of the past), reports of international representatives and their involvement in less than honorable activities, including UN peacekeepers being blamed for supporting human trafficking, have come to the surface. While the majority of international representatives do not fall in this category and indeed are trying to complete their mandate and help local people in war-ravaged societies, the "bad apples" have placed a negative light on the international community regarding its own personnel. Such cases of misconduct tend to discredit or even devalue the reputation of peace workers and spread mistrust among people. This issue was recognized as a problem even among the highest level of UN representatives. Consequently, on December 4th in 2006 at a high level conference on eliminating sexual exploitation and abuse by UN personnel (held at the Millennium Hotel in New York City), Secretary General Kofi Annan[56] stated the following:

> Despite these concerted efforts, we have really only begun to address this egregious problem. Acts of sexual exploitation and abuse by both civilian and uniformed United Nations personnel continue to occur. There have been breaches of UN standards, such as sex with adult prostitutes. And there have been crimes such as rape, pedophilia and human trafficking. My message of zero-tolerance has still not got through to all those who need to hear it – from managers and commanders on the ground, to all our other personnel. (United Nations, 2006)

Human trafficking, especially in the form of sex trafficking, has made its way to the moral conscience of the international community, both within and outside its own walls.

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[56]See http://www.unmultimedia.org/tv/unifeed/d/10944.html

The following section provides a few examples that demonstrate the involvement of the international community in human trafficking. In the case of Kosovo, it is well documented that international representatives used local prostitutes. It was later discovered, however, that in many cases, the girls that were thought to be prostitutes were actually victims of human trafficking. In the UNIFEM assessment report on women in Kosovo, the author of the report states:

> [B]rothels are not being frequented only by military, but also by contractors who work for the military or for aid organizations, and aid workers and business people. However there are significant levels of organized prostitution in at least four places, which are close to major concentrations of KFOR troops, and reports indicate the military are major users and in some cases import the women. (Rachel Wareham, UNIFEM, 2000, p. 93)

The concept of the military "importing women" as a commodity screams of human trafficking. In effect, UNIFEM documented cases of human trafficking where the "johns" or users of such services were members of the international community's military or peacekeeping forces. The demand for sex during times of conflict or even post-conflict is nothing new, but the clandestine nature in which women are "imported" to serve as prostitutes ought to raise questions about the depth and scope of human trafficking, especially in times of emergency crisis situations, including armed conflict and its aftermath.

The following quote from an article in The Prague Post shows how little concern local police and international peacekeepers in Croatia had regarding this issue. Mr. Martinović, chief of Zagreb's police department for criminal control, said: "every army brings prostitution, that's normal, and when the UN leaves, the whole business will break down." Mr. Stancerić, co-manager of the Stari Zagreb (strip-bar), echoed something similar in the same article: "the law prohibits prostitution, but as long as it's only

foreigners involved, the police don't care." The kind of mentality expressed in these quotes occurs among the end users as well. An unidentified lieutenant (peacekeeper) said: "we know soldiers go to prostitutes, but so far nothing horrible has happened, so nobody minds." This kind of mentality is exactly the reason why human trafficking flourishes in some contexts; it further reinforces the idea that "anything goes" in times of armed conflict or post-conflict. (Vince Beiser, 1993, July 28)

Along this line, in the fifth chapter of the edited book, *Human Trafficking, Human Security and the Balkans*, Martina Vandenberg brings to the public the case of a brothel raid conducted by the International Police Task Force (IPTF) in November of 2000, in the city of Prijedor in Bosnia and Herzegovina. During that time:

> Thirty-three of thirty-seven women freed in the November raid claimed that they had been trafficked for forced prostitution. Several provided testimony to UNMIBH internal affairs officers that UN police officers who conducted the raids and drove them to Sarajevo had been their clients. (Vandenberg, 2007, p. 59)

The case of the raid in Prijedor puts in focus the complexity, depth and scope of human trafficking in times of crisis. It also points to an alarming finding, that the would-be saviors in this case are the victimizers, at least at the level of "clients" or "johns."

Sarah Mendelson makes similar claims against International Police Task Force (IPTF) in her report. In a direct interview with a U.S. Special Forces officer in the report on Peacekeepers and Human Trafficking in the Balkans, she records the following:

> When one U.S. Special Forces officer was asked if he would have considered sharing information about human trafficking with the IPTF, he replied, 'Oh, they know. I would say…they were the best customers. It was just common... knowledge…You knew which houses were the brothels and it was pretty common to see an IPTF or someone else in the U.N. community' at these places. (Mendelson, 2005)

Mendelson's report forces researchers to consider just how widespread human trafficking

is in cases of armed conflict and post-conflict. It also forces researchers to question how effective anti-trafficking measures would or could be in contexts where the enforcers of law, peace and security are themselves the ones who are creating demand for the services of people who are in fact victims of human trafficking.

Perhaps the most clear and damaging case of the UN peacekeepers' misconduct came from the Congo. In 2004, the public was informed about events of sexual exploitation by UN staff. The Washington Post reported the following about sexual exploitation:

> [It] appears to be significant, widespread and ongoing, according to a confidential U.N. report that documents cases of pedophilia, prostitution and rape. The report by a U.N. peacekeeping official who recently visited Congo says that some U.N. personnel paid $1 to $3, or bartered food or the promise of a job, for sex. In some cases, U.N. officials allegedly raped women and girls and then offered them food or money to make it look as if they had engaged in prostitution. (Colum Lynch, 2004, November 27)

In light of these and similar cases, it is important to address these kinds of shortcomings, misbehaviors and crimes from a larger perspective. The international community and its military forces, e.g. UN peacekeepers and NATO, as well as national militaries, should be there to offer help and try to maintain peace in post-conflict areas and not exacerbate crisis. The times when militaries of the world were encouraging their soldiers to form lines in front of establishments where "comfort women" were "happily" waiting should be over. In referencing "comfort women," the intention is not to this term only in relation to the Japanese experience from the time of World War Two involving the forcible use of Korean, Chinese and Burmese women for sexual purposes (Yoshimi and O'Brien, 2000), but also other cases such as those involving UN peacekeepers, which in essence are responsible for the demand and growth of prostitution in areas populated by the military.

Despite the appearance of being a separate world unto itself with its own culture and rules, e.g., via the military legal system, the military is still part of larger society (though it may seem distanced) (Katherine Moon, 1999). As pointed out by Katherine Moon, "they do reflect the general norms of society at a given time. And the individuals who make up the armed services of course embody the norms and practices they were exposed to before donning the uniform" (Moon, 1999, p. 211). Today norms reflecting the old style mentality "boys will be boys" are being challenged by the introduction of new norms that are trying to promote values based on equality and respect. It is important for the UN and national militaries to take a leadership position and promote the "zero tolerance" policy of Kofi Annan regarding the military involvement in forced prostitution and other forms of human trafficking.

Integrative Approach

Thus far, the discussion in this chapter has focused on common themes that emerge in the literature on human trafficking and how to approach human trafficking from a theoretical, analytical and practical perspective. As discussed above, there are many different ways of analyzing and understanding this phenomenon, e.g., as primarily a problem of human rights, women's rights, children's rights, security, socioeconomic status, or as emerging in times of crisis, as well as others not referenced due to limitations of space. In many ways, the approaches discussed above intersect at different points; they are not mutually exclusive. Human trafficking is not an either/or venture. It is a human rights issue, a women's rights issue, a children's rights issue, a security issue, a socioeconomic issue and an issue that threatens to further victimize people during times of crisis. With this is mind, the following section provides an alternative way of

explaining human trafficking via the *integrative approach*. The integrative approach is not a completely separate approach but rather a kind of hybrid that encompasses elements of the approaches discussed above. From this perspective, human trafficking is seen as intersecting with issues of migration (illegal and legal), smuggling and other forms of organized crime.

Despite having unique aspects, the approaches discussed above encompass aspects of: a) the experiences of the victim, b) motivations of the perpetrator/trafficking network, and c) the environment within which human trafficking flourishes. While some focus more or less on one of these three aspects, it is important to identify the spaces in which they come together in a more integrated way. From this perspective, it helps to look at human trafficking in terms of the four stages outlined earlier: 1) *preliminary stage*: risk factors and root causes for human trafficking; 2) *entering stage*: recruiting, transportation and initiation of victim; 3) *main stage*: actual abuse of victim, discovery and rescue process or self-liberation; and 4) *post stage*: recuperation and healing (physical and mental), legal process (if applicable) and reintegration.

While the individual approaches discussed above may focus on one or more of these stages, it is important to see trafficking as part of a continuum. Though it is sometimes common to think of human trafficking as connected to human smuggling within the larger realm of migration, this is only one piece of the puzzle. A more process-oriented view of the continuum of human trafficking sees it unfold in stages and relies on the integration of approaches outlined above to understand, analyze and prevent its occurrence, disrupt its methods, and manage its consequences. This kind of

perspective requires a more holistic look at human trafficking than is often provided by individual approaches.

While thinking of human trafficking as a migration issue has its limitations, it also has benefits in that it calls attention to the "movement" aspect of human trafficking that is often misunderstood. Human trafficking is often about moving people from one place to another against their will, or from a mode of freedom to a mode of confinement (which need not involve a change in physical location). Though it is common to think of trafficking as involving movement outside a country's borders, trafficking also occurs within borders and even within small towns and villages. Human trafficking also occurs with no physical movement at all, e.g., in one's home or hotel room. Smuggling shares the "movement" aspect of trafficking, though it is a bit different in that movement of physical location is required. In simple terms, both are illicit, though one is typically thought of as voluntary (smuggling) and the other forcible (trafficking). In her book, "Female Sex Trafficking in Asia," Vidyamali Samarasinghe expands on the migration approach:

> Migration, smuggling and trafficking usually form a continuum. Smuggled person, just like a legal migrant may consent to migrate. But unlike legal migrants, smuggled migrants place themselves at the mercy of the smugglers due to the illegality of the activity and often run the risk of being trafficked. (Samarasinghe, 2007, p. 29)

As we can see, the line between patterns of regular, irregular and forced migration is very thin. Following a similar thought process, Shahidual Hague, in the opening chapter of an edited book by Beeks and Amir, states:

> The interface between migration as the 'bright side' and Human Trafficking as the 'dark side' of population movement is far more complex and overlapping than our existing understanding suggests. In addition to the social movements, economic and cultural factors, which encourage migration, and restrictive immigration

policies, which discourage such movements, have further compounded the nexus between the two phenomena. (Hague, 2006, p. 4)

In order to build on the migration-trafficking-continuum idea and make it more integrative, it seems important to draw attention to the motivations or forces that are behind the migration process. Such motivations or forces likely include labour issues and socioeconomic conditions.

The integrative approach goes beyond the migration-trafficking-continuum idea by bringing in larger issues that encompass but also surpass migration and move into the sphere of the globalization process. The features of globalization, including loosening of borders on one hand and tightening of border policies on the other, rise in influence of non-state actors (including businesses and NGOs but also criminal syndicates), shift in demand for cheap labor, competing desire to be part of the global society versus the desire to maintain a traditional way of life, further underscore the need for an integrative approach to human trafficking that is sensitive to the nuances of globalization. There are common horizontal threads crisscrossing the individual silo-type approaches discussed earlier, suggesting the need to view trafficking on a continuum rather than through a fragmented, single focused approach. In his book about the business of modern slavery and sex trafficking, Kara points out the following in this regard:

> The structure of Western capitalism, as spread through the process of economic globalization, contributes greatly to the destruction of lives this profitability entails. Sex trafficking is one of the ugliest contemporary actualizations of global capitalism because it was directly produced by the harmful inequalities spread by the process of economic globalization: depending of rural poverty, increased economic disfranchisement of the poor, the best extraction of wealth and resources from poor economies into rich ones. (Kara, 2009, p. 4)

While it may not be fair to blame globalization for human trafficking, it is nonetheless important to analyze how human trafficking unfolds in the context of globalization. Within this context, rapid global changes are creating deep changes in peoples' lives, including how people produce and consume, as well as how people use resources to accommodate needs/desires. Furthermore, the growing need for cheap goods and services is penetrating its way into traditional societies, uprooting communities and their traditional ways of life. New power centers are being created while others are fading away. The growth of the urban population and consumer-oriented society is threatening the sustainability of old productions, e.g., agriculture and farming, as well as the safety of the planet, e.g., via global warming, climate change and water source depletion. The gap between the rich and poor is growing, not shrinking. The rapid speed of change is too much for some to bear, yet represents an opportune time for others to generate riches. Perceptions of corruption and private interest trumping the welfare of the majority are rampant in developed and developing societies. One of the leading figures in the anti-trafficking field, Kevin Bales, states:

> Because of the political elites in the developing world focus on economic growth, which is not just their collective self-interest but required by global financial institutions, little attention is paid to sustainable livelihoods for the majority. So while the rich of the developing world have grown richer, the poor have fewer and fewer options. Amid the disruption of rapid social change, one of those options is slavery. (Bales, 1999, p. 13)

In reflecting on the discussion above, it seems important to consider whether the consequences of globalization, including the disruption and rapid social change Bales talks about, can be implicated in human trafficking as a form of slavery. Perhaps the focus on economic growth among (some) political elites in the developing world is a factor that is spurring human trafficking along. Perhaps global financial institutions are

complicit in human trafficking as a result of the pressure they place on political elites in the developing world, as well as their overall lack of concern for sustainable livelihoods for the majority. Bales raises very interesting points that suggest the need for additional data and research to fully understand the relationship between globalization and human trafficking.

The features and consequences of globalization, including the supply and demand factors discussed by Sassen earlier, certainly have a place in the analysis and understanding of human trafficking. The natural place for such analysis is in the integrative approach. The integrative approach incorporates factors of push and pull within a larger framework, paying attention to the intersection of different issues and the overall context within which human trafficking unfolds. In failing to pay attention to the context of globalization and its impact of societies and people at risk for human trafficking, it seems the individual approaches discussed above are missing vital aspects of the phenomenon they seek to understand.

In conclusion, this chapter has provided an overview of some of the main approaches to analyzing and understanding human trafficking. Critical questions for each of the individual approaches discussed have also been raised. Throughout this discussion, attention has been given to issues of culture and tradition that are often overlooked when explaining how and why human trafficking occurs. It has also been suggested that researchers should pay attention to emergency crisis situations as potential breeding grounds for human trafficking, particularly within societies with high risk for human trafficking to begin with. In the end, the idea of better understanding the "movement" aspect of human trafficking and understanding it as connected with patterns

of migration was also discussed. Finally, the importance taking on a process-oriented, holistic, integrative approach and analyzing human trafficking within the context of globalization was included.

The integrative approach discussed in this chapter seems to offer the most promise for understanding the nature of human trafficking and why and how it occurs in the context of globalization, as well as why it is so tricky to combat, especially among societies with high levels of poverty and marginalization, low levels of opportunity for upward mobility or travel and extensive reliance on traditional ways of life. The next chapter takes a closer look at the role of human trafficking in particular societies and raises questions about why and how it manifests itself in these societies.

Chapter 3. Human trafficking in the Republic of Serbia and Comparative Studies (Nepal and India)

We can pick up all the Roma kids from the streets in a day or two, but what do we do with them afterward? That is open question.

-Police Detective-Special Task Force for Foreigners
Novi Sad, Serbia

Introduction

In this chapter the goal is to provide an overview of the current levels of human trafficking in the Republic of Serbia (or "Serbia" for short), as well as an assessment of the main actors and responses to human trafficking in Serbia, especially related to the Roma ethnic minority. This chapter builds on existing literature and findings from my own field research conducted in 2004, 2005 and 2009 in Serbia, including data from interviews. In this chapter, the main questions related to trafficking in humans in Serbia are addressed. These questions include: 1) are some aspects of Roma culture, customs and traditions, as well as stereotypes and anti-Roma racism, possible root causes of human trafficking in Serbia; 2) is the Roma population in Serbia and in the region at large more prone than others to be victims of human trafficking (or go unnoticed); and lastly, 3) what is the role of the public and how much is general public perception and awareness of this phenomenon an overall determining factor of success in the fight against human trafficking in Serbia.

After addressing these questions, this chapter expands on the case of Serbia by including, though on a much smaller scale, two comparative cases. These comparative case studies include: 1) the Badi community, an ethnic minority group in Nepal, and 2) India's Dēvadāsis or "temple women," who are members of the Dalit Caste (also known

as untouchables). Through the inclusion of these cases, my hope is to show links and commonalities between these groups and the Roma people in Serbia. Overall, my aim is to connect this discussion with the larger idea that some ethnic minorities may be more prone to becoming victims of trafficking in humans.

Part I: Republic of Serbia

A brief background of the Republic of Serbia

This section provides a brief overview of the recent history of Serbia. Due to the scope of this dissertation and its primary interest in human trafficking, my focus here is limited to the last two decades rather than the entire period of Serbia's history. To say that Serbia is a turbulent country undergoing rapid change and faced with a variety of challenges, including the search for identity and the struggle for stability, would not be an overstatement. In the last twenty years, the country of my birth, Socialist Federal Republic of Yugoslavia (SFRY), a loose federation of six republics[57] and two autonomous provinces[58], i.e., "Yugoslavia" for short, has fallen apart via a series of violent conflicts that ensued from 1991-1995[59] and later from 1998-1999.[60] As a result of these conflicts and their aftermath: Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia emerged as separate states and Kosovo declared its

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[57] The six republics included: Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia.

[58] The two autonomous provinces were Vojvodina and Kosovo; both were part of Serbia.

[59] The conflict in Croatia began in 1991 and ended in 1995; the conflict in Bosnia and Herzegovina began in 1992 and ended in 1995.

[60] The conflict in Kosovo began in 1998 and ended in 1999. The conflict in Macedonia in 2001 is not discussed here as it did not involve Serbia.

independence from Serbia.[61] Without question, the whole region was devastated[62] by the conflicts of the nineteen nineties, as nationalism, hardship, economic stagnation, poverty and crime reached high levels (Lyon, 1996; Andreas, 2005).

Criminal activity in particular became rampant during the nineteen nineties and affected nearly all levels of society. Criminal activity ranged from small/petty crime to sophisticated, highly organized robberies. Targets were banks, money exchange places, post offices, postal carriers, autos, personal property and individuals. The black market trade in oil/gasoline, tobacco, and foreign currency became prominent during the nineteen nineties. Corruption and illegal deals in the privatization process were commonplace. Organized criminal activities involving the trade of weapons and ammunition, drugs, and human trafficking and smuggling, soared during this time period. The instability and insecurity that existed during the conflict years created an ideal environment for criminal entrepreneurs. Interestingly, despite the conflicts and disputes that existed across ethnic and national lines, criminal syndicates on different sides of the conflict(s) managed to work well with each other during and after the conflict years, regardless of ethnic or national background (Andreas, 2005). Or as one subject in Jelena Bjelica' study said: "In Macedonia the concept of brotherhood and unity[63] coexists with the mafia" (Bjelica, 2005. p. 26).

Discussion of the recent history of Serbia would be remiss without reference to the role and influence of wartime leader Slobodan Milošević. Despite strong support

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[61] Slovenia, Croatia and Macedonia declared independence in 1991; Bosnia- and Herzegovina declared independence in 1992; Serbia and Montenegro remained united until 2006; Kosovo declared independence in 2008.

[62] Slovenia and Macedonia experienced conflict on a much smaller scale than the rest of SFRY.

[63] Brotherhood and unity is the slogan often used in communist SFRY as a reference for good intra-group relation.

during the conflict years,[64] in the aftermath of the conflicts in Croatia and Bosnia and Herzegovina that ended in 1995, the people of Serbia began to express their dissatisfaction with the decisions of Milošević and his political supporters. In the wake of the conflicts ending in 1995, Serbian democratic opposition began to challenge Milošević's authority and regime, though it was clear that removing Milošević's grip would take time. Overall, the people of Serbia felt conflicted. Supporters of Milošević felt they had little to show for their support, whereas those who were against Milošević felt marginalized. The people in between, who were neither supporters nor opponents, were left trying to decipher how to interpret the meaning of the conflicts that ensued. The discourse of extremes, e.g., extreme nationalism versus extreme anti-nationalism, that perpetuated Serbian society led Vesna Nikolić-Ristanović to suggest the need to open up dialogue so those in between the extremes would have a voice (Nikolić-Ristanović, 2004).

The conflicts that lasted from 1991 to 1995 brought tough times for the people of Serbia, including human losses, loss of respect among the international community and harsh international sanctions under Milošević's rule. During this period, there was a sense that Serbian society itself experienced an overall degradation of its social and moral fabric. Apathy toward humanity and indifference toward injustice went hand in hand with widespread corruption and strong national antagonism. In the midst of this devastation and economic distress, the problem of human trafficking emerged. During the conflict years, human trafficking went generally unnoticed among Serbian society. Even when it was noticed, it was considered to be of lesser importance considering all the

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[64] While there was certainly resistance to Milošević's policies, his supporters far outnumbered the resistance.

problems Serbia faced (ASTRA, 2010). This will be discussed further in the next section.

The magnitude of forces weighing on people in Serbia in the nineteen nineties made everyday life difficult for ordinary citizens. The peace deals that emerged from the conflicts in Croatia and Bosnia and Herzegovina in 1995 did not signify peace and stability for Serbia. Rather, Serbia became a place of refuge for the nearly half million refugees fleeing Bosnia and Herzegovina and Croatia. The influx of refugees created instability and economic hardship for the country and added to the overall sense of doom and gloom that people felt (United States Institute of Peace (USIP), 1999).[65]

During the latter half of the nineteen nineties, the situation became especially dire in the Serbian province of Kosovo. The oppressive and failing politics of Milošević toward Kosovar Albanians in 1998 and 1999 resulted in a NATO-led aerial attack on Serbia and Montenegro in 1999, which lasted over 3 months. As a result of Milošević's policies and the international community's reactions to them in the late nineteen nineties, Serbia lost sovereignty over Kosovo to an international protectorate and suffered devastating economic sanctions that crippled the economy even further.

Shortly after the de facto loss of Kosovo in 1999, in October of 2000 Milošević was overthrown in a popular citizens uprising and replaced with a new democratic coalition. He was also sent to the International Criminal Tribunal for Former Yugoslavia (ICTY) in 2001. For a few years after the overthrowing of Milošević, the country and its citizens enjoyed economic improvement and renewed enthusiasm at the hands of new,

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[65] In 1999, the number of refugees and internally displaced persons in Serbia and Montenegro reached 480,000 from Bosnia and Herzegovina and Croatia and 240,000 from Kosovo. United States Institute of Peace (USIP), 1999.

democratic leadership (Collin, 2001). Sadly, this enthusiasm was short-lived. In 2003, one of the beacons of democracy and arguably one of the most charismatic leaders in Serbia's recent history, Prime Minister Zoran Djindjić, was assassinated by a group of criminals, political opponents and members of Serbia's special forces (Glenny, 2003, March 13). Within days of his assassination, the government initiated a state of emergency and carried out one of the most sweeping police actions in Serbian history ("the Saber") (ASTRA, 2008, p. 31).

While the de facto coup d'état that resulted in Djindjić's assassination was not successful in changing the new political regime, it was successful in crushing the spirit and enthusiasm of people and democratic political leaders. The idea that the state's special forces were behind the overthrowing of the prime minister left many feeling unsafe, distrustful and disheartened. Following Djindjić's assassination, national stability was shaken further by changes that took place within the state union of Serbia and Montenegro in May of 2006. At that time Montenegro, the smaller republic of the two, voted to separate from the state union of Serbia and Montenegro. The people of Serbia were again required to adjust to political changes and conditions related to the break-up of SFRY in the nineteen nineties. As expected, not long after that, in February of 2008, Kosovo's assembly unilaterally declared independence from Serbia (BBC, 2008 Feb 17). The declaration of independence from mainly Kosovo Albanians and refusal to accept this declaration among mainly Serbs in Kosovo and Serbia proper opened a new period of unrest for Serbia.   While 85 countries to date have recognized the independence of Kosovo, Serbia has not accepted Kosovo's independence and has pursued a legal case to keep Kosovo in Serbia. Though Kosovo has not been admitted to many international

institutions, including the United Nations, a recent ruling by the International Court of Justice in 2010 indicated that the declaration of independence by Kosovo did not violate international law[66] (BBC, 2010). Regardless of the ruling and acceptance among the international community, the Serbian government continues to dispute the legitimacy of this action and refuses to recognize the unilateral secession of Kosovo.

Amidst its legal struggles over Kosovo, Serbia has been engaged in intensive diplomatic efforts to obtain candidate status for membership in the European Union (EU)[67] (New York Times, 2012, March 1). While Serbia has just been admitted as a candidate for the EU, it is still facing uncertain times, particularly as it deals with issues arising from the conflict between the Serbian minority and Albanian majority in Kosovo.

The violence and destruction Serbia experienced during the nineteen nineties coupled with rapid changes in its territorial integrity created a terribly unstable situation for the country. During the same period that lives and territory were lost, as a former communist country, Serbia was also undergoing a period of transition to privatization. While the transition from national to private ownership was a huge undertaking for all former communist countries, it was particularly challenging for Serbia given its involvement in conflicts and battles over territory. The transition itself had profound changes and significant consequences on ordinary people in Serbia as it affected benefits (or loss of such), levels of employment, distribution of wealth, degradation of living standards (for some), crime, immigration and depopulation trends. Without question, in

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[66] Serbian diplomatic efforts were jolted on July 22, 2010 when the International Court of Justice in The Hague, ruled that the Declaration of Independence of Kosovo does not violate international law.
See http://www.bbc.co.uk/news/world-europe-10730573

[67] Shortly after writing this, in the first week of March of 2012, Serbia was granted official candidacy for EU membership. See http://www.nytimes.com/2012/03/02/world/europe/serbia-is-candidate-for-european-union.html

the case of Serbia, the transition process was more exuberant and life shattering than in other countries due to armed conflicts, political turmoil, changes in territorial integrity, population shifting vis-à-vis large amount of refugees and internally displaced person, and economical sanctions. With this background in mind, the next section deals with the emergence and prevalence of human trafficking within Serbia in recent years and how the country has dealt with it.

Assessments of the Current Levels and Responses to Human Trafficking in Serbia

The first cases of human trafficking in former Yugoslavia were discovered during the mid nineteen eighties[68] and involved forced prostitution, slavery and street begging among mostly Roma children (Pedrick, 1986, June 18, p. 19). While human trafficking was first discovered in former Yugoslavia in 1985 and 1986,[69] there was a gradual increase in human trafficking throughout former Yugoslavia leading up to and during the conflict years of the nineteen nineties. The presence and scope of human trafficking in the region was especially rampant was during the conflict years and times of sanctions in Serbia.

In reality, the Balkans overall became known as a hot spot for human trafficking during the nineteen nineties. The loosening of borders in the countries neighboring

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[68] In December of 1985, Austrian and Yugoslav authorities discovered a case of prostitution, slavery and forced street begging of mostly Roma children. Similarly, in the summer of 1986, a large group of Roma children were rescued in Milan, Italy; the children were used for similar purposes as in the previous case. Both cases were reported by the Ottawa Citizen's newspaper. The first was reported on January 2, 1986 and the second on June 18, 1986.

[69] This time period also overlaps with numerous cases of missing babies, which date back to 1970 and extend up until the 1990s. In these cases, parents claim that children were taken away from them under suspicious circumstances, e.g., they were told their babies died but were not provided birth and death certificates, etc. As of right now, there are no criminal cases filed or confirmed cases from these claims, despite a large number of reports to police (764 reports were filed). On a positive note, the Serbian National Assembly investigated the missing babies cases via a special inquiry commission in 2005-06. The investigation found numerous technical and bureaucratic irregularities among hospitals and staff and called for further investigation by the Interior Ministry and other authorities. The investigation also recommended the statute of limitations should be extended. (ASTRA, 2010, p. 167; BLIC, 2010, August 3)

former Yugoslavia made the region itself an ideal place for the trafficking of women from Eastern Europe to Western Europe. The high levels of chaos and criminality that confounded Serbia, Croatia and Bosnia and Herzegovina during the early nineteen nineties made for an interesting alliance among criminal networks in the region (Andreas, 2004).

Despite its prevalence in Serbia and in the region at large throughout the nineteen nineties, human trafficking was first recognized as a separate criminal offense in the Criminal Code of the Republic of Serbia (heretofore, the Criminal Code)[70] in April of 2003. Human trafficking was later separated out from human smuggling in 2006 in the Criminal Code; Article 388 pertains to human trafficking and Article 350 pertains to human smuggling. In 2009 Article 388 was amended and fine-tuned even further by adding more details, such as aggravated circumstances. Before Article 388 provided clarification, human trafficking in Serbia was prosecuted under different auspices, including: sex work/prostitution, pimping, illegal border entry, unlawful deprivation of freedom, visa over-staying, lack of proper documentation and forgery. In many cases, victims of human trafficking were treated as criminals, e.g., illegal aliens, prostitutes, etc. This was the case in Serbia and other countries.

As pointed out by a report developed by ASTRA, a leading NGO in the anti-trafficking field, initial (and in some cases continued) lack of clarification and clear understanding of human trafficking contributed to a "general ignorance of human trafficking as a social problem" and "confusion with prostitution and people smuggling" (ASTRA, 2010, p. 110). Media reports have often depicted human trafficking as a

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[70] Article 388 defines the offense of human trafficking in the Criminal Code of the Republic Serbia. The proposed punishment for this offense is between 3 to 12 years.

victimless crime, where alleged victims of human trafficking have been described as prostitutes. In addition, smuggling cases often have been characterized as cases of trafficking or vice versa. It has not been uncommon to find perpetrators and criminals described as successful entrepreneurs and businessmen (ASTRA, 2008). ASTRA and other NGOs working in the anti-trafficking space in Serbia have expressed concern over the depiction of human trafficking in the media. They have argued that this kind of characterization of human trafficking not only sends the wrong message and desensitizes the public, but also has a demoralizing effect on young people by showing them that crime is rewarding (ASTRA, 2008). Confusion or ignorance about human trafficking is not limited to the media in Serbia; it is also recognized among the police and judiciary bodies. In part, this confusion or ignorance was among the reasons for making changes to the original human trafficking law from 2003 (Article 111b) (ASTRA, 2010, p. 130).

While legal recognition of human trafficking as a crime does not solve the problem and certainly does not make it disappear, it serves as an important step in creating a responsible anti-trafficking strategy. Two of the main problems arising from the lack of codification of human trafficking as a crime (before 2003) include a general delay in social awareness of this issue and a lack of acknowledgement of the suffering of victims in the human trafficking process. According to ASTRA's report, "trafficking victims in our country, like in other countries in the region, were not recognized as such, but were mostly treated as criminals or at least as petty offenders" (ASTRA, 2010, p 110). It is not an exaggeration to say that before the human trafficking law was passed, the overall levels of knowledge and awareness of this problem among police, politicians and society reflected ignorance and misunderstanding. Overall, human trafficking was

considered to be of less importance, especially in the face of the multitude of problems and worries people faced, including lack of jobs, limitation on travel, inability to obtain basic necessities (food and gas), hyper-inflation and paralyzing sanctions. In cases where awareness of human trafficking in Serbia reached the public's eye, it was often treated with apathy, e.g., as something happening to "foreign girls" who were in part responsible for their position. The characterization of trafficking victims as foreign girls brought over from other countries in Eastern Europe contributed to the overall impression that human trafficking was somehow marginal or predominantly an issue of illegal migration but not an issue involving human rights abuse or grave victimization (ASTRA, 2010).

Awareness among the general public about human trafficking improved in recent years, as confirmed in my field research as well as the research of other practitioners in Serbia (ASTRA 2008 and 2010). Despite these improvements, however, society's ability to empathize with victims is still lacking. This can be seen in an interview with Ivana Radović' from ASTRA:

> If you ask a person on the street 'do you support slavery' they would say 'no,' of course. But when you ask them in the context of Serbia, they would say that it [human trafficking] is prostitution or brothel [work]. [They would say]: 'It is about women, mostly foreign, who made their own choice, hence they are to blame for their situation.' (B92, 2009, September 3).

In this interview, Ivana Radović' described stigma and prejudice as part of the problem:

> We did a survey in October among the general public and one question was: 'are victims to blame for what had happened to them and should they be criminally punished?' Over 40% of people, our Serbian citizens, said that they should be blamed. Which means that they should be criminally punished for work they were doing while being forced. So we can see that we still have a large level of prejudice and perhaps people do not react on this because of such a view (B92, 2009, September 3).

Similar sentiments were reported in the questionnaires collected in 2004, as part of preliminary research conducted for this dissertation. In these questionnaires, subjects were asked about general awareness of human trafficking and whether they could explain the difference between human trafficking and smuggling. While subjects indicated they were aware of human trafficking, for the most part, they were not able to distinguish between trafficking and smuggling. Most thought it was the same practice or that concepts had the same meaning but just used different terminology. The results of this preliminary research are consistent with ASTRA's research from 2008. In a public opinion poll conducted by ASTRA the results show similar confusion about trafficking. As the report indicates: "although the majority of citizens of Serbia know human trafficking is punishable by law in Serbia, still, a lot of them are not aware that this is a crime, and some even think that it is not a crime" (ASTRA, 2008, p 73). While an increase in media reporting on human trafficking may have helped bring human trafficking into the public realm, it is not clear how deep the understanding of human trafficking is in Serbia.

The location of Serbia (and most of former Yugoslavia) as strategically positioned between east and west, coupled with the overall climate of chaos and rise in criminality during the nineteen nineties, made Serbia a unique place for human trafficking to flourish. Interestingly, the background of human trafficking victims in Serbia has been more fluid and less static. From the period of the first discovered cases of human trafficking in the mid nineteen eighties to the nineteen nineties and beyond, several changes have been observed regarding the background of the victims. In the first cases of human trafficking in the mid nineteen eighties, the victims were mostly domestic women

and children of Roma background intended for *transit* to foreign destinations such as Italy or Austria. By the late nineteen eighties there was a shift marked by an increase in foreign victims (mostly young women) who were coming from other Eastern and Central European countries (Romania, Bulgaria, Moldova, Ukraine) to former Yugoslavia (including Serbia) as a *destination*. The attraction of former Yugoslavia at the time was largely due to the perception that standards of living were better and freer as compared to other communist countries. During the nineteen nineties this pattern changed again as the region became a place of *transit*, *destination* and *origin* in the chain of human trafficking. This means, victims were sometimes in Serbia temporarily on their way to another country (transit), sometimes destined for Serbia (destination) and other times coming from Serbia itself (origin). During the nineteen nineties, the majority of discovered victims were still of foreign background. This pattern changed in the first half of 2000, however, when domestic victims became the most prevalent among trafficking victims, including for the first time, recorded cases of trafficking of men as well. These changes can be seen in a study conducted by the Victimology Society of Serbia (VDS) in 2004:

> In the course of the last ten years or so, there were some 30-night bars in the territory of Belgrade in which girls, mostly foreign, worked as strippers and prostitutes. Today, based on the information of some of our respondents, there are only three bars of this kind and the girls who work in them are citizens of our country. (VDS, 2004, p. 94)

During the conflict years (in the nineteen nineties), the level of human trafficking activity with foreign victims working in bars was much greater than after the conflicts. After the conflicts, the incidence of foreign victims and overall number of bars decreased. Human trafficking did not disappear, however, but shifted to trafficking among domestic victims.

ASTRA's study among users of prostitutes supports this shift as well: "until 2003

there were much more girls between 18 and 22 years of age and that they were mainly from foreign countries, but they are 'not here' any longer" (ASTRA, 2010, p.122). Based on the research conducted by VDS and ASTRA, 2003 to 2004 marks a change in victimization patterns whereby there was a decrease in external/foreign victims and an increase in internal/domestic victims of human trafficking. The evolution in victimization patterns over time reveals how human trafficking is well adept at change as is able to create new forms and models to fit current trends and conditions.

Obtaining accurate data on the number of victims of human trafficking has been a problem for Serbia, just as it has for most countries. In the case of Serbia, Safe House[71] provided data to the Interior Ministry of Republic of Serbia on the national background of victims who contacted/received help from Safe House. In their report[72] for the period between 2002 and 2008, the change in patterns of victimization, i.e., from foreign to domestic, is observed. This is demonstrated in Table 4 below.

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[71] Safe House is a nongovernmental organization that provides shelter for victims of domestic violence. One of the three facilities under Safe House is dedicated for victims of human trafficking. The Safe House shelter is a closed type, meaning victims are not free to come and go, but have to stay in the shelter. The restrictive element of the Safe House shelter provided protection for the victims from being re-trafficked but at the same time led some to feel re-traumatized because they were again held in confinement. ATINA is a nongovernmental organization that has an open style shelter. It provides temporary housing for victims of human trafficking. They can stay for up to one year. ATINA allows victims to come and go as they please. While both shelters (Safe House and ATINA) function as shelters for victims of human trafficking, they are not classified as such.

[72]https://docs.google.com/viewer?a=v&q=cache:9s7DQtrKNzIJ:www.mup.gov.rs/cms/resursi.nsf/Statistika %2520%2520trgovina%2520ljudima.doc+сексуалном+експлоатацијом+жена+и+деце+и+трговином+љ удима.&hl=en&gl=us&pid=bl&srcid=ADGEESh6lO9KVTEUSWpc7UXzgFOlDI8EQNpyYgqywYOqL MmEH6pvF_EP6esPfXkEfSYjhvPvqo8RdigzGumt5NdvQ_vQ8X2WEQxUP9BwYXi50vfNnJ5KRXtys32 VlbMOPAENMeP3CwK1&sig=AHIEtbQAjiB8ngjGrHNub7mK7pBall2uzw

Table 4.
*The number of victims of human trafficking assisted by Safe House in the period between 2002-2008 in the Republic of Serbia, according to their nationality. **

State/Year	2002	2003	2004	2005	2006	2007	2008	Total
Romania	32	15	7	3	1			58
Moldova	13	18	4	8	2	1	1	47
Ukraine	10	8	10	6	1	1		36
Serbia			16	23	24	10	15	88
Russia	4	1		1				6
Georgia			2					2
Bulgaria	1		1	1	1	3		7
Bosnia		1			2		1	4
Albania			1		1			2
Croatia			1	1				2
Iraq			1					1
Congo								0
Macedonia					1	2	2	5
China				1		1		2
Dominican Republic						2		2
Uzbekistan							2	2
Total	**60**	**43**	**43**	**44**	**33**	**20**	**21**	**264**

*These numbers reflect only those victims assisted by Safe House. The numbers are provided by the Interior Ministry of Republic of Serbia.

While the data provided in Table 4 only include victims assisted by Safe House from 2002 to 2008, a clear shift can be observed in 2004. According to this data, whereas in 2002 and 2003 there were no domestic victims seeking assistance from Safe House, but rather a significant number of foreign victims, in 2004 foreign victims decreased and domestic victims began to replace them. On one hand, this shift could mean that domestic victims started feeling comfortable enough to come forward. On the other, it could mean that traffickers started recruiting domestic victims rather than foreign victims.

There are a few observations that might help explain why this change from foreign to domestic took place. One has to do with the criminalization of human trafficking in Serbia in 2003, which created pre-conditions for anti-trafficking efforts. The anti-trafficking law finally clarified for the first time who is a victim and who is a perpetrator. With the establishment of law and subsequent anti-trafficking efforts, including awareness campaigns, domestic victims might have felt more confident seeking help from places like Safe Haven. This could explain why the number of domestic victims went up in 2004, but not why the number of foreign victims went down. To explain this shift, it is important to look to what was happening in Serbia in 2004.

The drop in foreign victims coming to Safe Haven in 2004 and onward was likely related to the state of emergency that took place after the assassination of Prime minister Djindjić in 2003. The state of emergency led to a sweeping police action called "Saber" in which: a) many known places of adult entertainment were closed, and b) a number of criminal groups and individuals linked to trafficking were arrested (VDS, 2004, p. 94). Up until Saber, these establishments (clubs and escort services) were left untouched for years, which allowed human trafficking to flourish largely unchallenged. When these establishments were closed, the foreign victims who were used in the adult entertainment industry became more visible and received more attention from the public and police. As a result, foreign victims began to be replaced by domestic victims who were able to blend in more easily. In reality, as ASTRA points out, the closing of such establishments and replacement of foreign with domestic victims made it more difficult for police to do their work (ASTRA, 2008). According to ASTRA, after Saber, human trafficking victims were: "put away and hidden in private apartments and membership only clubs" (2008, p.

31). As a result: 1) the establishment of trafficking law, 2) the bolstering of anti-trafficking efforts, and 3) the state of emergency and Saber likely contributed to the shift from foreign to domestic victims observed by Safe House in 2004 and onward.

In addition to the changes discussed above, there is also evidence of change in how traffickers controlled their victims. ASTRA notes that while brute force was the main form of control among traffickers at the outset, in recent times, they adjusted their approach: "instead of physical violence, traffickers nowadays control their victims by using threats, blackmail and psychological abuse which leaves no physical trace, therefore much more difficult to use as evidence or prove in the court of law" (2008, p. 31). An alternative method of control is also getting victims hooked on drugs. According to one respondent in a VDS research study: "girls are drugged" and once a girl becomes addicted "they threaten her that, if she tells anyone, they will say that she smuggled the drugs and she would be punished" (VDS, 2004, p. 88).

Perhaps another factor contributing to the decrease in foreign victims observed by Safe House is the enlargement of the European Union. At the time that countries in the region, including: Slovenia, Hungary, Slovakia, Czech Republic and Poland became members and Romania and Bulgaria were on their way to becoming members, these countries introduced visas for Serbian citizens. As a result, it became more difficult for Serbian criminals/traffickers to travel to these countries to recruit victims. Moreover, with the expansion of the EU in Eastern Europe, more lucrative markets opened for criminal networks from the new EU countries. This may have encouraged criminal networks from Eastern European countries to shift their priorities from Serbia and former Yugoslav countries to other countries in the EU. Despite the apparent changes in human

trafficking over the years, e.g., from transit, to destination, to origin (or all three), human trafficking in Serbia remains a problem.

Another issue that should be mentioned when discussing human trafficking in Serbia is the problem of data. Like other countries, data on the number of trafficking victims in Serbia varies considerably. This is a general problem in the field and stems from misunderstanding about what counts as human trafficking, inconsistent reporting of human trafficking, victims' reluctance to come forward, misclassification of human trafficking as other crimes, etc. To provide a snapshot of numbers in Serbia, in 2008 Safe House recorded 21 victims of human trafficking whereas ASTRA recorded 15 victims based on calls to their SOS telephone services (ASTRA, 2008, p. 45). In both cases, these numbers are of victims who were assisted by Safe House and ASTRA, so they represent only a piece of the puzzle on how many victims there are in the country. The Interior Ministry of Republic of Serbia, on the other hand, recorded 55 victims in the same year (The Interior Ministry of Republic of Serbia, 2008). While these numbers provide a general idea about victims, it is not clear whether there is overlap among the victims (are the same people recorded multiple times). Underreporting is also a concern.

Today, according to the most recent U.S. State Department's TIP Report (June 2011), Serbia is categorized as a transit, origination and destination country and is listed as a Tier II country,[73] which means it is not fully compliant with the protection of victims, i.e., the Trafficking Victims Protection Act (TVPA), but is making efforts. According to this report: "Although the Serbian government was a leader in the region in the number of victims it identified in 2010, this overall number declined from 2009" (US State

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[73] Tier II is described as follows: "Countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards." See http://www.state.gov/j/tip/rls/tiprpt/2011/164228.htm

Department, 2011). It is unclear what are the reasons behind the decrease in 2010. Despite reported numbers, nongovernmental organizations and reporting agencies recognize human trafficking as an ongoing problem in Serbia (ASTRA, 2010).

As discussed in previous sections, human trafficking has many forms. In the case of Serbia, the most common forms of trafficking are: sexual exploitation, forced prostitution, forced labour, forced begging, petty crime and forced marriage. Table 5 shows the distribution of forms of trafficking in Serbia in 2008 as reported by the Interior Ministry of Republic of Serbia (The Interior Ministry of Republic of Serbia, 2008).

Table 5*
Distribution of Human Trafficking forms for year 2008 in Serbia

Trafficking forms	Age and gender			Total
	M	F		
	Under aged	Under aged	Adults	Total
Sex		6	30	36
Forced begging	8	3		11
Forced labour		1	2	3
Force theft	1	1	1	3
Forced marriage		2		2
Organ				n/a
Total	9	13	33	55

*Data is provided by the Interior Ministry of Republic of Serbia

The leading form of human trafficking in Serbia is sexual exploitation. The table shows that forced begging is the second highest form (next to sexual exploitation). What is particularly alarming is that all the victims of forced begging are under aged children. Interestingly, the U.S. State Department's TIP report from 2009 indicated that in Serbia: "[c]hildren, mostly Roma, continued to be trafficked for the purpose of sexual exploitation, forced marriage, or forced street begging" (U.S. State Department, 2009). Though data on Roma children being trafficked for forced begging is difficult to come by, nongovernmental organizations, police and even Roma advocates agree strongly with

this finding. In reality, while any casual observer in Serbia is likely to see Roma children begging, the linkage between this commonly observed practice and human trafficking is only recently being made.

The potential linkages among the practice of forced begging among Roma children and human trafficking opens the door to questions about the extent to which Roma children engaging in begging are victims of human trafficking and how this functions in the larger picture of human trafficking in Serbia. A further question is whether Roma children are disproportionately vulnerable to becoming victims of human trafficking, and moreover, whether some combination of anti-Roma bias and Roma cultural practices and traditions make Roma children more susceptible than others to be victims of human trafficking in Serbia, especially involving the form of forced begging.

While research on Roma has been spotty, since the launch of the Decade of Roma in 2005, whereby Europe has committed itself to work on Roma problems, more research on Roma has been done.   As early as 2004, VDS reported on a connection between Roma children, familial practices and human trafficking in Serbia: "Roma children are most often sold by their parents who see this as a solution for their problems" (2004, p. 119). The VDS study points to a case of a Roma girl who was trafficked by her family for the purposes of begging and forced marriage. In general, forced begging and forced marriage are two forms of human trafficking that are less explored in comparison to sexual exploitation. Nonetheless, VDS and other nongovernmental organizations have identified both forms as having a particular relevance for Roma. Begging is largely regarded as compulsory or forced in Serbia and therefore a concern for practitioners working on anti trafficking efforts.   Reporting on a study conducted among anti-

trafficking practitioners, including police, judges, nongovernmental activists, social workers, etc., VDS points out:

> The majority of respondents believe that begging is well organized and that there is only a small number of true beggers who beg for themselves. The beggers are mainly divided according to the territory and they fight for it…Women and children mostly go to 'strategic' places - the busiest ones, where the fluctuation of people is largest. (VDS, 2004, p. 103)

Forced begging is a form of human trafficking that is often linked to Roma children in particular. This will be discussed further in the next section on Roma.

While there are anti-trafficking efforts underway in Serbia, as in other cases, such efforts are hampered by a variety of problems that are common in the field. In interviews with professionals working in the anti-trafficking space, the most commonly mentioned problems included: inconsistent data, lack of uniform data, lack of funding, lack of allocation from the state budget (a sore point in interviews with anti-trafficking professionals), lack of adequate shelters and reintegration programs, lack of compensation to victims for damages, limited vision/no long term vision and corruption. While police tended to focus more on budget constraints, nongovernmental organizations were more concerned about improving victim care with proper safe houses and reintegration programs. Some were particularly concerned that victims cannot be offered appropriate care, as there is no special shelter for under aged children and no shelter at all for men. The only shelters that exist are generally for women and not all are exclusively dedicated to trafficking. Due to the inadequate conditions for victims, victims often leave shelters soon after arriving, without being properly treated. Others decide to leave the country altogether or not to participate in court trials. The conditions make it difficult for nongovernmental organizations to make a significant difference in the lives of victims

and to assist with accurate data gathering efforts. This is revealed in my interviews with

ASTRA representatives:

> The wellbeing of the trafficked girls is not a priority to the state. There is generally lack of appropriate assistance or other types of help for trafficking victims. In general, the crime of trafficking is treated as a crime against humanity in the world, but in Serbia it appears to be the opposite. It is treated as a crime against the state. It is rather seen as breach of legal norms and not a breach of individual rights and freedoms. The last case we had is a clear example of failed protection of the victim. In this case, the victim was physically forced by traffickers to sign a paper to retract her accusing statement. After that, a new process was initiated this time against the victim for giving a false statement. (Interview with ASTRA representative, 2009)

The quote above provides a snapshot of the many challenges facing anti-trafficking

organizations in Serbia, especially in the area of victim protection. This is further

illustrated by another case in June of 2009 where an accused trafficker and member of a

larger criminal network operation in Italy and Serbia, Bojan Gmijović, proposed to his

former victim in front of the court to persuade her not to testify against him. In this case,

the trafficker and victim were married (Dudvarski, 2009, June 27).[74]

In addition to dealing with inadequate and irregular conditions, nongovernment

organizations (NGOs) often see themselves as competitors who have to compete for

scarce resources rather than as potential partners. While this kind of competition is not

uncommon in the NGO sector, its prevalence among those working in the anti-trafficking

space creates an additional strain on the capacity of NGOs to assist victims and combat

trafficking. The NGOs I interviewed indicated that this creates a counterproductive

tension in their circles. They also indicated that their work is often hampered by having

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[74] For more information, see: "Čudo u specijalnom sudu: Mafijaš u sudnici isprosio svoju žrtvu!" http://www.pressonline.rs/sr/vesti/hronika/story/70387/Čudo+u+specijalnom+sudu%3A+Mafijaš+u+sudnici+isprosio+svoju+žrtvu%21.html

to succumb to the priorities of donors, rather than work on what is actually needed. They usually are required to tailor their research and assistance efforts to what donors (mostly foreign donors) prioritize rather than to what they perceive as a top priority. As a result, projects are often short lived with no long-term continuity. Meanwhile, the overall survival of the NGO hangs in the balance as decisions on funding come through.

In reality, there are a few leading anti-trafficking organizations in Serbia that have managed to stay alive. ASTRA is perhaps the best known of such organizations. ASTRA was established in 2000 and has maintained its position as a leader in this field. ASTRA has as its mission: "prevention, education, public awareness raising, direct victim assistance and reintegration, research and networking."[75] Among other things, ASTRA established an SOS hotline for reporting and providing assistance and support to victims of trafficking. ATINA[76] is another organization that has worked to support victims of human trafficking in Serbia. Since 2004, ATINA provides temporary housing, food, assistance with social inclusion and reintegration. ATINA works mainly in Belgrade but has a field team that provides assistance to victims outside Belgrade. The Victimology Society of Serbia (VDS) engages in anti-trafficking efforts by conducting research and providing victim support. VDS is focused on human trafficking and other forms of victimization, including "protection of victims of crime, human rights violations and war."[77] VDS assists trafficking victims by explaining their rights, providing emotional support and acting as a referral source to other services and organizations. Beo

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[75] See http://www.astra.org.rs/eng/.

[76] See http://www.atina.org.rs/.

[77] See http://www.vds.org.rs/indexe.html.

Support (Belgrade Support to Exploited Children and Youth) is focused on providing education, seminars and trainings on human trafficking prevention, advocacy and awareness campaigns among youth.[78] Counseling Office against Family Violence or "Safe House" is another organization that works specifically to provide shelter for victims of human trafficking in Serbia; until recently it was the only place for trafficking victims in Belgrade. Safe House has additional locations in Novi Sad and Niš. All five represent local initiatives to combat trafficking and assist victims in Serbia.

In addition to local NGOs, a few major international organizations are working in this field in Serbia as well. The International Organization for Migration (IOM), Organization for Security and Co-operation in Europe (OSCE), Save the Children and the United Nations High Commissioner for Refugees (UNHCR) work with local NGOs to support victims and combat human trafficking in Serbia. Their engagement includes donations, program monitoring, advisory services, the creation of education and awareness programs, as well as overall assistance with the activities of local NGOs, safe houses, law enforcement, judiciary and Serbian government. Collaboration among local NGOs and larger international organizations has paved the way for awareness raising and other efforts designed to correct misunderstandings surrounding victims of human trafficking in Serbia.

Serbian government plays a role in anti-trafficking efforts in Serbia as well. The major governmental bodies are: 1) the Interior Ministry, and 2) the Labour and Social Policy Ministry with its servicing body, i.e., the Agency for Coordination of Protection of Trafficking Victims. Within the Interior ministry, there are multiple units engaged in the

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[78] See http://www.ecpat.net/ei/Ecpat_directory.asp?id=63&groupID=4.

fight against trafficking: a) the Border Police Directorate, b) the Department for Foreigners, and c) the special unit for the suppression of trafficking and smuggling in persons within the Crime Investigation Police Department. All three are directly involved in combating human trafficking and smuggling, suppression of organized crime, cooperation with other state and international authorities, and education and training among their employees. The latter department also deals with issues of human rights and protection of victims. This department is supposed to cooperate on a daily basis with specialized NGOs, police, judicial authorities and other professionals and organizations that are active in the anti-trafficking field.

In 2002, the National Team for Combating Human Trafficking (heretofore National Team) was established to bring together anti-trafficking efforts among local, national and international organizations. While the idea of collaborating across theses sectors seemed promising, in reality the outcome of their work and the level of cooperation they achieved is hardly meaningful. A representative of ASTRA suggested the members of the National Team "are not much involved in the team's work and…appear more as the extras in movie production" (Interview with Representative of ASTRA, 2009). According to this same ASTRA representative, working with the National Team is hardly productive:

> Another obstacle is frequent changes of people in the institutions due to the political process and elections. We have to build new relationships every time after elections take place. It is a clear waste of our time. (Interview with Representative of ASTRA, 2009)

The establishment of the National Team is an example of a good idea that suffered from poor implementation. The National Referral Mechanism, embodied in the Agency for

Coordination of Protection of Trafficking Victims, represents another attempt to coordinate efforts among anti-trafficking organizations. Unfortunately, since this initiative is composed of only two active staff members to cover the whole of Serbia and has a limited scope of work, it also has been unable to make an impact in protection of victims. Under pressure from the EU, in 2009 Serbia created The National Plan of Action to Combat Trafficking in Human Beings (heretofore National Plan of Action) for the period 2009-2011. This plan, however, was not allocated with a budget. The EU stipulated that Serbia had to have a plan in place before it went ahead and liberalized the visa regime between Serbia and the EU. Some NGOs were skeptical of the plan and worried Serbia would abandon all anti-trafficking efforts after the EU granted visa liberalization. While this did not happen, The National Plan of Action never made it into action and remains a plan on paper only.

Though the preceding three examples of coordination at the national level reveal somewhat empty initiatives, there are some bright spots. Established in 2001, the National Coordinator for Combating Human Trafficking (heretofore National Coordinator) has made strides in raising awareness of trafficking and bringing anti-trafficking to the forefront of police activities. The National Coordinator falls within the Ministry of the Interior and serves as one of the leading hands-on individuals in anti-trafficking efforts in Serbia. In an interview with the National Coordinator, he discussed the challenges in coordinating activities but also described promising initiatives he is involved in regarding the sharing of information about trafficking networks in the region.

While some progress in anti-trafficking in Serbia has been made, especially since the nineteen eighties and nineties, several challenges remain. The main obstacles

hampering anti-trafficking efforts include lack of funds, limited resources and corruption.

Corruption is of course the more dangerous and more insidious problem. High levels of

corruption and involvement of/interference from governmental actors in anti-trafficking

efforts, including police officers, border and customs officers, members of the judiciary

and politicians, present further complications. According to a respondent in a VDS study

among professionals working in anti-trafficking:

> There are really many barriers and obstructions. Neither conditions nor funds for
> the work exist. We use one car only. We don't have enough funds for
> communication. The five of us use the same shabby car. As soon as we enter in
> the neighboring village, those because of whom we go there have already been
> informed that we are on the way…There are still the untouchables in the new
> Government…The greatest problem is that every trafficker has its own man,
> customs officer and/or policeman who during their shift let the girls pass freely.
> The girls fear to speak about it." (VDS, 2004, p. 184)

This statement shows multiple levels of corruption that impede the work of anti-

trafficking organizations in Serbia. Given that government officials are sometimes

complicit in trafficking (or simply do not take seriously the work of anti-trafficking

organizations), it is not surprising that anti-trafficking efforts in Serbia suffer.

ASTRA reported on the problem of corruption in a case involving a high-ranking

member of the police force, i.e., Mr. Petar Peslać, Chief of the Belgrade Police

Department, Public Peace and Order Section. Peslać was arrested in the fall of 2002:

> [o]n charges of the abuse of office. Being in charge of the suppression of
> prostitution, this Section was also responsible for escort agencies in which
> prostitution was taking place. Former Chief of this Section was suspected of
> receiving bribes from agencies' owners; in return, he did not make raids in these
> agencies. (ASTRA, 2010, p. 124)

This case is especially disturbing since it involves a very high-ranking police officer

working directly for those he is supposed to arrest.   Sadly, the Peslać case is not an

isolated case. There was also a 2009 case known as "Jet Set" that involved the Deputy

District Prosecutor in Novi Pazar and two police officers as accomplices in trafficking. In this case, they were given three years of suspended sentences for "abuse of office and human trafficking" (ASTRA, 2010, p. 136). Perhaps the most notorious case was the well-publicized case in 2002 of a Moldovan girl, known as "S.C.," who was a victim of trafficking in Montenegro. In this case, the state prosecutor, Zoran Piperović, was among three other individuals arrested for involvement in the abuse and mediation of prostitution. The U.S. State Department references this case:

> Government officials were alleged to be directly involved in the purchase, sale, rape, and torture of S.C. Piperović and two other suspects were charged with mediation of prostitution, and a fourth person was charged with trafficking in persons and mediation of prostitution. After Ana Vuković, the Podgorica Municipal Court Investigative Judge assigned to the case, conducted a 4-month investigation, including interviews with about 50 witnesses, she recommended that indictments be issued against all four suspects. On June 2, after reviewing Vuković's report, Podgorica Prosecutor Zoran Radonjić dismissed charges against all the suspects, citing insufficient evidence. (U.S. State Department, 2004)

Despite substantial evidence, the charges against Prosecutor Piperović and others were dismissed.[79]

Ironically, this is not the worst example of lack of interest to prosecute or find those responsible for human rights abuses in Montenegro. By far the most tragic and mysterious case took place in the summer of 1999 off the coast of the city of Bar in Montenegro. In this case of human smuggling, a boat known as "Mis Pat" capsized while transporting one hundred and five people, mostly Roma illegal migrants. Sadly, only one person survived.[80] A week after this tragedy, a fisherman discovered thirty-seven of the bodies on the open sea. Later, the remains of thirteen of them were

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[79] For more on this case look: Jelena Bjelica (2005). *Na Tragu Slobode*. Beograd: Samizdat

[80] The lone survivor was a Roma person by the name of Avduš Morina from city of Smederevo, Serbia. It is unknown what happened to Morina as his whereabouts are unknown.

identified. Today, almost thirteen years after this tragedy, nobody was charged for this crime. Seven people were initially indicted, though only two were arrested (but later released) for this crime. (Radević, 2002, December 12) It is certainly possible that victims of human trafficking were among the victims. Whether it involved trafficking or not, however, is beside the point. The case illustrates the inefficiency of the government and its lack of interest in investigating and prosecuting cases of this gravity. It is, of course, possible that the case was of less importance because the victims were mainly illegal migrants who were Roma. It is also possible the case was overlooked due to the complicity of powerful individuals with political connections.

The discussion above provided a brief overview of the recent history of Serbia, the emergence of human trafficking in Serbia and its evolution as a country of transit, destination and origin in the trafficking of humans. The discussion suggested that human trafficking in Serbia flourished and went largely unquestioned during the nineteen nineties. Later, with the establishment of international guidelines under the Palermo Protocol and codification of human trafficking as a crime in Serbia in 2003, anti-trafficking efforts began to gain traction. In reality, however, despite these efforts, human trafficking has remained one of many problems facing people in Serbia for the last twenty or so years.

In many ways, corruption, poor governance and lack of prioritization has meant that anti-trafficking has taken a back-seat to other, more pressing problems in Serbia, e.g., loss of Kosovo, struggle for EU candidacy, economic stagnation, etc. As is the case in other countries, the data on numbers of trafficked victims are inconsistent, incomplete, misleading and irrelevant. Efforts to obtain data on real numbers of trafficked victims are

in their infancy in Serbia and in other countries. Unfortunately, the lack of reliable numbers of trafficked victims may make anti-trafficking efforts seem less urgent. According to the U.S. Department of State, Serbia is ranked as a Tier II country that needs to improve its anti-trafficking efforts and support for victims. Thought not all countries agree that the Tiers designated by the U.S. can be used as global measuring norms in anti-trafficking efforts, it seems anti-trafficking organizations within Serbia would agree with this designation.

In reality, lack of resources and commitment from government make efforts to combat trafficking an uphill battle. Not only does Serbia not have a clear idea about the numbers of victims, it also does not have a clear idea about the nature of victims, i.e., of which segments of Serbian society are likely to fall victim to human trafficking. Coordination among local NGOs, international organizations and governmental bodies could offer hope for improvement in this regard, though current levels of coordination are far from ideal. With this background in mind, the aim of the next section is to discuss the Roma population in Serbia as a group that is particularly at risk for falling victim to human trafficking and perhaps going unnoticed as such in Serbian society.

Defining at risk groups in Serbia: Focus on Roma minority

There are two main reasons that make the Roma[81] population in Serbia an important group to study as potential victims of human trafficking. One reason stems from reports that specifically mention Roma as being at risk for becoming victims of human trafficking. Another reason has to do with the overall unfavorable position of

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[81] I have chosen to refer to this group as Roma rather then Romani; in my view Romani is a better fit when referring to the language of Roma people. Angus Fraser has a similar view.

Roma in mainstream Serbian society and the tendency for crimes committed against Roma to go unnoticed or be treated as a lesser priority.

After providing a brief background of Roma in Serbia (upcoming), the majority of this section explores whether some aspects of Roma culture, customs and traditions, as well as stereotypes and anti-Roma racism, can be traced as possible root causes of human trafficking in Serbia among the Roma population. The question of whether Roma in Serbia (and perhaps in the region at large) are more prone than others to be victims of human trafficking is also addressed.

Establishing a historical record of the entrance of Roma in the region of former Yugoslavia in general and Serbia in particular is not an easy task due to the lack of reliable records produced by Roma. Roma are not known for written, literary or architectural achievements, but rather more for oral narrative.[82] As a result, most historic references come from accounts made by other, e.g., Ottoman Turks, Austrians, Hungarians, Greeks (in the Byzantine period), etc. In such cases Roma are typically referred to directly or indirectly in official documents, such as tax and census collections, government, military or police reports, policies, court records, etc. Beyond such references, however, Roma occupy a largely isolated or marginalized role in the historic accounts of Serbia and other countries in the region.

Among historians who have written on the role of Roma in the Balkans, most agree that Roma lived in the region since the mid fourteenth century. This is consistent with a record found in Dubrovnik (Ragusa), Croatia, from November 5, 1362, which

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[82] In a book by Isabel Fonseca, *Bury Me Standing: The Gypsy and Their Journey*, Fonseca states that Roma: "have no sense of a great historical past. Very often their memories do not extend beyond three or four generations-that is, to those experiences and ancestors who are remembered by the oldest living person among them. The rest, as it were, is not history." (1996, p. 243)

refers to the petition of two Egyptians (Roma) by the names Vlach and Vitanus. (Tomašević and Djurić, 1988, p. 16) According to another record, the existence of Roma in Serbia can be traced to Church orders from the Patriarch of Constantinople dating back from 1289 and 1309. This document places Roma in the Balkans well before the Dubrovnik record (Jašić and Bašić, 2002, p. 14). Overall, it is believed that Roma came to Europe from northern India during a long migration process, which began sometime during the tenth century. It is not, however, entirely clear when and why this migration occurred and nor what were the migration routes.[83]

Though there is a tendency among non-Roma to think of Roma as one homogeneous group, in reality Roma are very heterogeneous. There are significant differences in their languages and dialects, which tend to vary depending on the sub-group to which they belong and where they live. Generally, Roma tend to adopt the local language and local (dominant) religion, though there is a common language, Romani, which they all share. Romani derives from Sanskrit and Hindi. Throughout history, Roma have been known as "Gypsies." They are also known as: Cigani, Tsigane, Zigeuner, Giatano, Cale, Travellers and Sinti.

The diversity and heterogeneity among the Roma population not only stems from the fact that they are spread throughout Europe, but also from the fact that they differentiate themselves by professional occupation, inter-group markers, tribal background[84] and religious affiliations. Some of the Roma groups or sub-groups that are present in the Balkan region are known as: Kalderaš, Lovar, Ursar, Arlije, Gavutne,

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[83] Due to the limitation of this research paper I will not elaborate more in detail on this. For those interested in Roma history, see the work of David Crowe, Will Guy and Ian Hancock.

[84] For example, according to Fonseca there are "sixty distinct tribal groups" of Roma people in Bulgaria alone (Fonseca, 1996, p. 299).

Gurbet (the word gurbet means "beggar" in Turkish), Horaxane, Vlachs, Bajaši or Karavlasi, Čergari, Aškalije, and Egyptians.[85]

Despite the long history of Roma in Serbia and their existence over several centuries in the region, as well as within the larger context of Europe, it would not be an exaggeration to say that in many cases Roma are still treated as second-class citizens. The reasons for this are multiple but mainly stem from discrimination, intolerance and historic mistreatment of Roma throughout Europe's history. The list of mistreatment of Roma in Europe includes: a) centuries long practice of slavery,[86] as the worst form, practiced in Wallachia and Moldavia (modern day Romania and Moldova), b) policies restricting free movement (denial of entrance to cities, requirements of travelling documents and special permits), and c) deportations (sometimes to places as far as other continents where countries such as Portugal, Spain and England had colonies[87]), d) forcible assimilation (notorious practice of forcible removal of Roma children from their parents and placement in custody of non-Roma[88]), e) involuntary sterilization policies (which in some cases were taking place even in the second half of the twentieth century), f) legal and

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[85] One of the early works on the background of Roma and their categorization among those living in the region of the Balkans was done by Tihomir Đorđević. Đorđević categorized Balkan's Roma in four distinguished groups based on where they originally came from and their religion and professional occupation. See Tihomir Đorđević. *Ko su to Cigani, Naš narodni život*, book IV, Publisher: Knjževna Zadruga, Beograd 1932, pp. 90 – 119.

[86] Officially, the practice of enslavement of Roma people was ended in Romania in 1855-6, with full emancipation of Roma in 1864. (Barany, 2002, p. 86)

[87] See Angus M. Fraiser, 1995, pp. 168-170.

[88] One such example is the 1773 decree issued by Maria Theresa, ruler of Habsburg Monarchy. In the decree, Theresa "forbade marriages between Gypsies and ordered Roma children over age five to be taken away to state schools and foster homes, resulting in the virtual kidnapping of approximately 18,000 Gypsy children from their parents." (Barany, 2002, p. 93)

physical prosecution[89], g) denial of cultural expression, including the right to wear their traditional clothing, follow their lifestyle, speak their language, h) forced name changing campaigns, e.g., required to call themselves "New Hungarians," and last but not least, i) the Roma holocaust (Porrajmos[90]) experience during the WWII.[91]

That being said, historically, Roma were treated less favourably in Western Europe as compared with those living within the Ottoman Empire. According to Zoltan Barany, despite their better treatment in the Ottoman Empire as compared to their treatment and overall social status in Western Europe, in many instances in the Ottoman Empire "dominant groups considered unsettled Roma to be useless parasites because they did not have stable occupations." (Barany, 2002, 84-85) Barany further points out that: "Gypsies also acquired a reputation for thievery and for habitually committing other (usually petty) crimes that contributed to the deepening of negative social biases" (2002, pp. 84-5).

In addition to petty crime, Roma were connected to prostitution as well. In the 1530 decree (firman) issued by Suleyman the Magnificent, there is evidence the Sultan tried to regulate Gypsy prostitution in the various cities in the Ottoman Empire, including Constantinople, Sofia, Plovdiv and Adrianople (Fraser, 1995, p. 174). In addition, in 1696, Sultan Mustafa II started a police campaign against Gypsies' "disorderly and

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[89] For example, in 1782 in northern Hungary a whole Roma community was charged for cannibalism. Forty-one Roma individuals were tortured and executed due on these charges. In later investigation, it was discovered that presumed dead people were still alive (Fonseca, 1996, p. 88).

[90] This term was introduced in the literature by Ian Hancock in the nineteen nineties. The Roma community is not in agreement about using this term as it has multiple meanings.

[91] According to Dennis Reinhartz, in Croatia alone, as many as 26,000 Roma were killed by Croatian Fascists Ustaše. The overall number of Roma killed during WWII is unknown, in part due to incomplete, non-existing or inconclusive records.

immoral lives," which specifically targeted Roma who were considered to be prostitutes and pimps (Fraser, 1995, p. 175). It is unclear from these records the extent to which Roma were involved in prostitution and just how prevalent it was. On Fraser's view, Roma prostitution was common throughout the Ottoman Empire (1995).

Despite the existence of some anti-Roma policies, the Ottoman rulers did not see Roma as a potential public threat, unlike their European counterparts. In the Ottoman Empire, Roma were allowed to speak their language, have their own culture and travel freely within the Balkan region and Ottoman lands. Moreover, they were often employed and sought after as skilful smiths, weapons and ammunition makers, entertainers and musicians (Fraser, 1995, p. 176). On at least one occasion, Ottoman Turks showed a direct protective side regarding Roma as well. In the sixteen century, the Ottoman Empire issued an imperial decree to stop the kidnapping and sale of Wallachian Roma along the banks of the Danube River (Fraser, 1995, pp. 172-174).

According to David Crowe, Roma slaves (also know as *Rob* or *Robi*) were kept in "an abusive system that treated Roma as no more than cattle" (Crowe, 1996, p. xii). This is confirmed in Fonseca's work as well. According to her research: "Gypsies were human chattels who could be separated and sold off at whim, like animals" (Fonseca, 1996, p. 179). Furthermore, on Fonseca's account: "Gypsy slaves were made into clowns, but they were also status symbols, and an essential part of any halfway decent dowry" (Fonseca, 1996, p. 182). In her research, Fonseca found documents that resembled a medieval shopping list:

> [O]ne Gypsy for one pig; a team of Gypsies for a team of oxen or horses; a newlywed couple for barrels of wine; one man for a garden or for the use of garage space; one Gypsy girl fetched 'a pair of copper pots,' and another, a defective one perhaps, went for a jar of honey. (Fonseca, 1996, p. 179)

After the horrors of World War II, including the holocaust (Porrajmos) over Jews and Roma (Gypsies), the period of socialism and communism that followed in Eastern Europe signified somewhat better times for Roma, as they had slightly better positions in Eastern Europe after the war. Generally, communist leaders tried to provide universal employment, education and health to all citizens. This policy had some positive effect on the Roma community. In an interview with a Roma man in Novi Sad, he expressed this sentiment: "Everything was good under Tito, we all had jobs and we didn't have to worry." (Interview with Rajko, Roma man from Veliki Rit) While things may have been better on some level during communist times, Roma generally held the lowest jobs that did not require much skill and were still not accepted by mainstream society. In Hungary, for example, according to Crowe: "Gypsies were found above all in the harder and dirtier jobs." (1994, p. 97) They were also "disproportionately concerted in cleaning jobs, in the construction industry and in the worst paid jobs on state farms" (Crowe, 1994, p. 97).

While finding jobs for Roma may have presented less of a challenge, the question of how to integrate and assimilate Roma was much trickier. Communist leaders struggled with questions about how to better integrate the Roma population, how to deal with high birth rates, low social status, inadequate education, poor health issues and low labour status. As David Crowe observes:

> Initially, some of the region's new communist rulers offered some hope that they would be sensitive to Gypsy mistreatment. Something of a mild, short-lived Roma cultural-political renaissance took hold in Yugoslavia, Romania, and Bulgaria, but was quickly replaced by Stalinistic attitudes that discouraged strong ethnic identity and sentiments…Unfortunately, efforts to provide a quick fix for centuries-old dilemmas proved futile, particularly in the face of ongoing resentment and prejudice toward the Roma. (Crowe, 1994, p. xv)

While communism may represent something of a mixed bag for Roma, they did not fare much better after the fall of communism. After communism collapsed, Roma were the first ones to lose their jobs and benefits. In Romania, for example, as discussed by Will Guy: "The forced industrialization of towns had led some Roma to take up unskilled work in factories but after 1989, such workers were the first to become unemployed, sharing the fate with farm workers" (Guy, 2001, p. 357). Roma were also among the first to be targeted by rising national and right wing sentiments that spread throughout the region, especially in former Yugoslavia. Intolerance combined with high levels of mistreatment, marginalization and discrimination made Roma an easy target in the transition from communism.

In many ways, harsh economic conditions during the transition period meant Roma had to be flexible and lucid in order to survive. In some cases, this meant engaging in illicit and criminal activities. In the case of Serbia and former Yugoslavia overall, the fall of communism occurred simultaneously with the rise of conflict. Grey market practices, which were nothing more than survival techniques for many, including the trade of tobacco, gasoline and foreign currency, were not only practiced by Roma but rather by all segments of Serbian society and the region as a whole. In part, survival necessities played a large role in the criminalization of society and devaluing of social, ethical and moral norms in former Yugoslavia during the nineteen nineties.

Given this background, it is relatively easy to understand why even still today, misconceptions toward Roma are prevalent. Even the Oxford Dictionaries (the online version)[92] reinforces common misunderstandings in its definition of Gypsy or Gypsies:

> 1) a member of a travelling people with dark skin and hair, traditionally living by itinerant trade and fortune telling. Gypsies speak a language (Romany) that is related to Hindi and are believed to have originated in South Asia.

> 2) *informal* a nomadic or free-spirited person.

Emphasizing skin or hair colour and over-generalizing twelve million people, which is the estimated size of the Roma population living in the European Union alone, as fortune tellers and travelling traders in a reputable source such as the Oxford Dictionaries is quite telling. In reality, myths about Roma are so pronounced that it becomes difficult to discern reality from myth. The idea, for example, that Roma lead a nomadic lifestyle continues to be a pervasive myth, despite that many Roma have lived for generations in the same areas, towns and villages. In reality, given the current global context, Roma are no more nomads than any other ordinary person faced with the challenges of seeking work in an evolving global economy.

Perhaps further disconcerting is the fact that government officials share and often purport popular, often demeaning, myths about Roma. This kind of behaviour helps to reinforce mistreatment of Roma as unequal in the eyes of government and society. For example, on one public occasion in September of 1993, as reported by Crowe (1994), former Slovak Premier, Vladimir Meciar, held a speech in the town of Spis, which had a thirteen percent Roma population. On this occasion, Meciar stated in regard to Roma, that it "was necessary to curtail the 'extended reproduction of the socially unadaptable

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[92] See http://oxforddictionaries.com/definition/gypsy

and mentally backward population' by decreasing family allowances" (Crowe, 1994, p. 66). Furthermore, Crowe points out another case from Slovakia where the elected mayor of Medzev stated that the only solution for Roma in Slovakia is to "shoot them all" (1994 p. 66).

Another interesting case, i.e., that of the city of Usti nad Lebem in Czech Republic, shows how an unwise city policy based on ethnic or racial prejudice led to the creation of a bad reputation and social unrest. In October of 1999, the city's municipal politicians organized construction of a six foot-tall separation wall, which was put up to divide the Roma minority and ethnic Czech community[93] (ERRC, 1999, Oct. 14). Jelena Subotić also commented on this case, stating: "the town mayor argued that the plan was not racially motivated but simply meant to separate the decent people from those who are not" (2005). Eventually, after heavy criticism from the EU, US government, local human rights activists and Roma people, the Czech government (at that time Czech Republic was still just a candidate for EU membership) ordered for the wall to be torn down. Eventually, this was completed by the end of November 1999. The examples discussed above provide a brief snapshot of the pervasiveness of anti-Roma sentiment among government officials and society at large in different countries in Europe. The next section focuses on the treatment of Roma in Serbia.

In the context of Serbia and former Yugoslavia, Roma are known as Cigani (Gypsies). In recent times, Cigani (Gypsies) is seen as a derogative expression. Among non-Roma in Serbia, Roma are still thought of as vagabonds and nomads. Interestingly, this perception has lasted for many years, despite the fact that most Roma have been

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[93] ERRC, "City Authorities Build Ghetto Wall in Usti nad Labem, Czech Republic." 1999, October 14. See http://www.errc.org/cikk.php?cikk=204&archiv=1

sedentary for many generations. The idea of Roma as nomadic people can be traced as far back as the time of the Ottoman Empire.[94] Noel Malcolm confirms that Roma "seem to have been mainly nomadic until the end of Ottoman period" (Malcolm, 1996, p. 116).

Perceptions of Roma among non-Roma in Serbia typically are built upon myths and story telling, rather than objectivity or personal experience. Roma are considered to be something to fear, unpleasant, unhygienic or plain lazy. Non-Roma are often guarded and alert when around Roma, typically out of fear they will be pick-pocketed or approached for money. Roma stereotypes, of course, are not all negative. The average non-Roma person would likely say that Roma are excellent musicians and entertainers, e.g., "no one can play brass music like them" is a common expression. Roma are sometimes described as entrepreneurial, rich, romantic and having beautiful women. Despite the impression that Roma have some good qualities, the majority of non-Roma in Serbia would not socialize with, date or marry Roma, nor would they do business with them (unless they must).

Not surprisingly, Roma are often mistrustful of non-Roma in Serbia as well. A non-Roma person is regarded as Gadje, i.e., Gadje is a Romani term used to describe a non-Roma person. It appears the reluctance to inter-mingle is somewhat mutual and that Roma are careful in their dealings with non-Roma as well. In her study among Roma, Jelena Čvorović's research reveals that Roma would be willing to trade with non-Roma and take a Serbian girl for marriage, but would "never give away a Gypsy girl to a Serb" (2004, p. 150). An informant in Čvorović's study echoes this sentiment: "it's better that

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[94] In Serbia and former Yugoslavia, the word Čergari (another word for Gypsy) derives from the Turkish word "çergi," which means tent.

she [Roma] marries someone poor in this village than a man I don't know" (Čvorović, 2004, p. 150).

In his work on Roma in Novi Sad, Mattijs van de Port talks about images of Roma put forth by mainstream Serbian population. He too finds duality of images of Roma. According to his findings:

> Every Gypsy image has its anti-image, every statement about Gypsies has its counterstatement. The Gypsies who figure in the Serb imagination are strange and familiar, poor and rich, greedy and generous, self-centered and altruistic, selfish and outgoing, ugly and beautiful, attractive and repulsive, eternal victors over fate and eternal victims of fate."(Van de Port, 1998, p. 164)

A similar duality appears to arise among self-perceptions of identity among Roma people themselves.   In an interview with an educated Roma woman, I was told: "we Orthodox Roma from Vojvodina (starosedeoci-natives) would never mix and or marry with Muslim Aškali Roma (dodjoši-new comers) from Kosovo. We are way too different, our religion is not compatible and they are too poor." (Interview with Marija, a Roma woman from Vojvodina)

Christian Giordano and Andrea Boscoboinik share similar findings in their work on Roma and Roma identity. According to their research, different levels of "otherness" exist when you talk to the Roma community. This "otherness" is not only between Roma and non-Roma, but within the Roma community itself.   One distinction involves the views of "ordinary" Roma (poor) versus those who are educated (wealthy).   According to Giordano and Boscoboinik, ordinary or poor Roma: "absolutely do not want to be called Rom, a name with which they do not identify, but rather Gypsy" (2011, p. 16). Giordano and Boscoboinik observed, however, that when educator or wealthy Roma: "speak of the poor, they use Gypsy, even in a pejorative and despising way. Therefore,

sometimes we are Roma, but they are Gypsies, and vice versa." (Giordano and Boscoboinik, 2011, p. 16). Uneducated or poor Roma, therefore, are somehow "others" in the minds of the educated or wealthy Roma, just as the educated or wealthy Roma are "others" in the minds of the ordinary, uneducated, poor Roma. Inter-group and intra-group othering makes the situation of Roma identity quite complex. It is also the case that Roma internalize images and stereotypes as part of their identity. Maria Todorova's interpretation of Edward Said's orientalism for the Balkans has a place in analysis of Roma identity (Todorova, 1997).

Without question, in Serbia, as elsewhere in Europe, cases of discrimination and intolerance toward Roma are commonplace. Ironically, while writing the proposal for this dissertation, three incidents of racially/ethnically motivated attacks against Roma in Serbia were recorded in just a two-week period. One incident occurred on February 3, 2007, when a sixteen-year old Roma boy was killed by four non-Roma minors[95] (Politika, 2007, February 2) Five days later, Jordan Vasić, the Roma Democratic Union President at the time, was attacked after a car accident caused by a drunk driver and seriously hurt. He and his passengers were was kicked, beaten with fists, club and knife. (B92, 2007, February 7) At the scene of the accident, two members of the police patrol stood aside without helping Vasić or making any attempt to arrest the drunk driver. Furthermore, in the same week, the Saitović family[96] (Roma) was denied their request to adopt a child. According to an employee from the Center for Social Work in city of Leskovac, they were denied because of their ethnic background. (B92, 2007, February 7) All three incidents were reported in the media, though it is questionable whether this had

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[95] http://www.politika.rs/rubrike/Hronika/t18666.sr.html.

[96] http://www.b92.net/biz/komentari.php?nav_id=231213

any real impact on challenging anti-Roma bias in Serbia. Remarks like: "let them get what they deserve" could be heard among members of society. The sentiment that the Roma somehow deserve mistreatment or punishment allows Serbian society to justify their inaction or complacency regarding biased attacks against Roma. Comments minimizing the victimization of Roma are commonly heard, such as: "it is Gypsy business (Ciganska posla)" or "these Gypsies have raised their head a bit too much." Even those who may not blame Roma for their own victimization hold true to the image of Roma as petty thieves: "watch your bags, here comes a Gypsy." Žarko Puhovski, a leading human rights professional in Croatia and the region, has commented on the lack of awareness of human rights in the region, and especially among Roma. In a lecture provided for Rutgers students in Croatia, Puhovski shared a story where he met with a Roma man in the region who was very upset. The Roma man explained that police beat him and then his car was stolen. When Puhovski began to ask why police beat him, the man said that that was not the reason he was upset, as that happens all the time, but he was upset because this time they stole his car. In analyzing this, it became clear to Puhovski that the Roma man thought beatings are somehow acceptable. (Puhovski lecture, July 2005). In many cases, in the eyes of non-Roma and Roma alike, basic human rights do not seem to apply to Roma.

Discrimination of Roma within Serbian society stems in part from general stereotypes about Roma. Professor Svenka Savić provides descriptions of some common negative stereotypes about Roma women as perpetuated by non-Roma participants in her research among Serbian society. According to her work, Roma women are characterized as: "dirty, uneducated, illiterate" and furthermore described as "a liar, a beggar" and

someone who "has many children and likes to sing and dance." (Savić, 2002) Trying to make sense of the multiple stereotypes is itself a task, as one might wonder why a dirty, begging woman with many children would love to sing and dance. Stereotypes, of course, do not need to make sense in order for people to believe them.

In many cases in Serbia, stereotypes of Roma lead to mistreatment in public. It is not unusual for Roma to be refused admission or entrance to public places, restaurants or shopping stores. Such behavior results in unquestionable alienation of the Roma community and creates among Roma justifiable fear of attacks. In cases when Roma are denied entrance or admission, such incidents are sometimes "justified" on the presumption that Roma do not have basic hygiene or are not being appropriately dressed. This kind of treatment, however, is experienced among well dressed, Roma professionals. A Roma professional woman shared with me a rather humiliating experience when she was refused service in a restaurant in Novi Sad and was forced to leave the place, despite being in the company of professionally dressed, non-Roma colleagues from her office. (Interview with Nela, Roma professional woman in Novi Sad) This incident does not leave much room for speculation about why this happened; it was a pure case of discrimination based on the ethnicity of the person as a Roma. In describing her feelings about this incident, Nela shared: "I felt very ashamed back then, but at the same time, I was happy that my colleagues stood by me and left the place together with me. I do not know what Roma have to do for our perception to be changed." (Interview with Nela, Roma professional woman in Novi Sad)

Similarly, while talking to a young Roma girl in the fourth grade of elementary school, she shared: "I am a good student and love school but kids in my class don't like

to play with me. They tease me since I often come to school with mud on my shoes. But, what can I do, there are no sidewalks or paved roads where I live. I just want to be friends with them and play as other kids." (Conversation with Vera, young Roma girl in Novi Sad) The story of this young girl is hard to forget. She expects that she will not be able to attend school for much longer, as her family cannot afford the books, it is difficult for her to get to school (despite being a few minute walk) because of the mud where she lives, and because her family needs her at home. When speaking with a teacher in the school that Vera attends, it became clear that Vera's plight is not unusual and that most Roma children leave school for those same reasons.

Roma people experience discrimination in Serbia and throughout the region at a very young age. Even babies often are not looked upon as endearing but pathetic. Of course, it is common to find mothers or young siblings holding babies and asking for money. This may have to do with a general dismissal of Roma children and babies. "Why should I care about them when they don't even care about their own children. They parade infants in the street. The worst are the kids who try to clean your car windshield at the street light." (Interview with Dejan, Serb from Belgrade)

Roma are seen a spectacle by some, often the target of stares and gazes, yet for others they are largely ignored, almost the way many people walk past (or over) homeless people in New York. There are also occasions where Roma are harassed in public. While conducting field research, I witnessed this as I was walking on one of the most picturesque streets in Novi Sad (Dunavska Ulica). On this day, I witnessed a police officer stopping a Roma couple (a man pushing a woman in a wheel chair) and requesting to see their ID cards. This in itself is not so unusual in Serbia as police sometimes do

stop people to ask for ID. The tone used by the police officer, however, was rather loud and rude. The couple was fully complying with the police officer's request and he was not provoked or challenged by them at all. The police officer then ordered the man to take off his jacket and sweater without any apparent reason, despite it being a very cold day. While this was taking place, not one of the people passing by stopped or looked to see what was happening, except me. After the police officer left, I asked the Roma couple what was the reason for that and they said they did not know the answer, except that it was the second time in the last hour that such ID control had happened to them. After this incident, the police officer did not stop anyone else walking by.

The kinds of problem that Roma have to endure in their daily lives are not reserved for Serbia. In neighboring Hungary, in November of 2008, a Roma couple was shot and killed after their house was set on fire in the town of Nagycsecs. A few months later, in the town of Tatarszentgyorgy, a father and his 4-year old son (both Roma) were killed after their house was set on fire. In less then one year, seven Roma people were killed in Hungary and thirty Molotov cocktail attacks were registered against Roma (Kulish, 2009, April 27).

It was very interesting to hear the perspectives of a middle aged Roma man, Djoka, from a small village in Vojvodina. Djoka lives in a tiny, rundown house with his family of six. His house is adjacent to the village's graveyard. He and his family survive based on unofficial caretaking of graves and the graveyard. They are usually hired by family members of the deceased on a case-by-case basis and sometimes receive small amounts of food, drink or money from family members visiting their deceased relatives. He said something interesting related to the discrimination issue:

> We are good enough to take care of deceased gadjes' graves, but it was a time when we [Roma] were not good enough to be buried with them. In the past, we had to be buried in separate areas of the graveyard set aside for Roma. Today, Roma with money can get regular spots as others. We suffer while living and we still have to suffer when we die. (Interview with Djoka, Roma man from Vojvodina)

In his work on Roma, Jean-Pierre Liégeoi provides a similar observation:

> [O]ver the centuries, the Gypsy dead have often been buried in a separate section of the graveyard. Discrimination and apartheid are such deeply entrenched facts of life that they become facts of death in their turn, and the dead do not mix any more than the living do. (Liégeoi, 1994, p. 177)

Tomasević and Djurić illustrate this point as well.

> Here in the village…we are still Gypsies and nothing more. In the graveyard our tombs are in the lowest and furthest corner, in a ditch, just as our houses are in a ghetto, outside the village. (1988, p. 8)

In addition to these examples of discrimination, John Davies provides an interesting example of less common type of discrimination of Roma in his interview with a Roma prostitute:

> If you are a Roma you better be very smart, because you are always the first to get deported and sent back. You must be polite, clever and well dressed … if you look like a Roma and can't speak properly you will be sent back quickly. The poor Roma women are sent back first because they can't pay the police and the Cuna give them up to be deported because they don't make much money. (Davies, 2009, pp. 123-4)

In this case, Roma women had to be especially alert even among other illegal immigrants and prostitutes. While the others are also in a position to be arrested or deported, Roma are targeted first due to their ethnicity. The discussion above provided examples of direct and indirect forms of mistreatment and discrimination Roma face in their daily lives.

Some facts about Roma population in Serbia, their cultural practices and discrimination

Finding data on the size of the Roma population in Serbia is not a simple task but rather difficult to achieve. The 2002 Census states that in Republic of Serbia there are

108,193 Roma people. According to the results of comprehensive survey on the Roma population (targeted Roma survey) conducted by a team of researchers in 2002, there were 210,353 Roma native to Serbia proper and about 46,238 Roma displaced from Kosovo (Jakšić and Bašić, 2002, p. 14). These numbers do not include Roma who lived in settlements with fewer than one hundred inhabitants (or less then fifteen families). Interestingly, the figure from the targeted Roma survey in 2002 is much higher compared to both official Census Reports from 1999[97] and 2002, but still much less than some unconfirmed, and most likely inflated estimates of some Roma leaders and NGO activists who claim that these numbers can go from 450,000 to as high as one million Roma (Zoon and Kiers, 2005, p. 39). According to the 2002 Census[98], the total population for Serbia (including Vojvodina but not Kosovo) was around seven and a half million. Most researchers agree that the Roma population is around 5% of the population. When discussing numbers, it should be noted that not all Roma people declare themselves as such for a variety of reasons, including fear of persecution or harassment, desire to distinguish themselves from Roma or not be associated as Roma, ethnic mimicry, etc.

Roma represent a national minority group living in Serbia; they were recognized as such for the very first time in 2002 in the Law on Protection of Rights and Freedoms of National Minorities. Today, Roma are *de facto* the one of the largest minority groups[99] in Serbia, since Serbia effectively does not have authority over the Kosovo province and

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[97] According to the Census from 1991, there were 140,237 Roma in Serbia.

[98] For the 2002 Census, see the Statistical Office of the Republic of Serbia.
http://webrzs.stat.gov.rs/WebSite/Public/PublicationView.aspx?pKey=41&pubType=9

[99] According to official statistics, Bosnians make up the largest national minority, thereby making Roma the second largest national minority. Given the challenges of obtaining accurate data on Roma and the unofficial estimates place Roma up to one million in Serbia, in reality they may represent the largest national minority.

hence the Albanian minority is no longer the largest national minority within Republic of Serbia. Even though the exact number of Roma is unclear, as a national minority, Roma make up a significant portion of the population. In Serbia and in other European countries where Roma live, Roma are generally marginalized and represent the poorest segment of society. In the Strategy for Improvement of the Status of Roma in the Republic of Serbia (hereinafter The Strategy)[100] created in April 2009, it is reported that only 27.2% of the total number of Roma are economically active and that the unemployment rate for Roma is four times the rate of the general population. The Roma population is ten times as poor as the general population. The poverty level among Serbian people is 6% versus a staggering 60.5% among the Roma population (The Strategy, 2009).

The Strategy reveals that the average age of Roma is significantly lower than the general population. The average age of Roma women and men is approximately the same (27.6 years for women and 26.7 years for men). This is fourteen and twelve years lower, respectively, than the average age of non-Roma women and men in Serbia (The Strategy, 2009). The majority of Roma are children under six years of age; this accounts for 11% of the Roma population. It is estimated that the life expectancy of Roma is around ten to twelve years shorter than that of the non-Roma population. The mortality rate of Roma children under five years of age is three times the national average, and as many as 20% of Roma children are of poor health (compared to 7% of children from the general population). Around 68% of Roma families face hunger (The Strategy, 2009).

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[100] The Strategy for Improvement of the Status of Roma in the Republic of Serbia, Belgrade, April 2009, English version can be downloaded at:
www.ljudskaprava.gov.rs/dokumenti/roma/strategija_april_09_eng.doc.

When it comes to Roma settlements, they can be found in all parts of Serbia (rural and urban areas). There are about five hundred ninety three Roma settlements in Serbia. Each settlement houses one hundred inhabitants, or fifteen or more families. The largest number can be found in or around large cities, such as Belgrade, Nis and Novi Sad. In Belgrade alone, there are one hundred thirty seven Roma settlements (Jakšić and Bašić, 2002, p. 14). Despite housing regulations, the conditions of Roma settlements are much different compared those of the mainstream population. The Law on Housing from 1992 requires the government to: "take measures for the creation of favourable conditions for housing construction and ensure conditions for solving housing problems of socially vulnerable persons in accordance with the law."[101] (The Serbian Housing Law, 1992)

Despite the stated law, the majority of settlements where Roma people reside are well bellow the minimum standard of modern day living. They have the following basic characteristics:[102]

- Unregulated legal status[103] (no relevant documentation of ownership of their homes or land)

- Inadequate level of infrastructure/equipment (no paved roads, electricity, sewerage, etc.)

- Overpopulated and overcrowded

- Generally poor sanitary environment (no garbage collection, lack of clean water, street lights, postal services)

- Long distance from basic social facilities, institutions and services.

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[101] See Law on Housing published in Official Gazette RS, No 50-92.

[102] The conditions in Roma settlements differ from place to place. Therefore, it is difficult to address the problems of Roma settlements with a uniform solution because they differ by origin, size, quality, location, legal status, etc.

[103] In the case of evicting a tenant from a flat or property with unregulated legal status, current legislation provides no protection or guarantees for persons illegally settled on the land or in the building, so in the majority of cases these persons are left to themselves.

For the average person it is difficult to comprehend the problems of such a living environment until one visits it for oneself. During my visit to the largest Roma settlement in Novi Sad, which is known as Veliki Rit, I witnessed the conditions first hand. The settlement was formed on the site of a former garbage dump. It has around two thousand five hundred people living there. According to a 2005 report by the Minority Rights Center in Belgrade, each household in Veliki Rit has an average of six members and their homes are on average two hundred fifty square feet. This report estimates that 50% of people living there have tuberculosis. Roma refugees from Kosovo mostly populate the settlement (Jovanović, 2005).

The first thing that becomes apparent when approaching Veliki Rit is the increased visibility of garbage of all kinds. Second, is the lack of paved roads or sidewalks, and if you are "lucky" to be there after rain or snow, large amounts of mud. The homes in Veliki Rit are made of mixed materials, such as: bricks, wood, mud, metal sheets and plastic, which people were able to collect free of charge (mostly from the garbage). After talking to residents, I was informed that they all share one single postal address, which is a big problem for them as two thousand five hundred people lie there. In many cases the common address prevents them from applying or receiving important documentation. To make things worse for normal life, there is no garbage collection from the city at all. This itself represents a great health risk for the settlement's residents, especially children as I observed them playing in the proximity of the garbage. Most residents have illegally hooked up to electricity from an industrial site nearby; on many occasions it cut off and then the residents illegal connect again. Veliki Rit has no access to city sewerage system or running water; they have a septic system and well water.

During wintertime, they burn paper, garbage, plastic bottles and wood for heating the stove, which is used in the same time for warmth and cooking. One resident described:

> We live here like we are in medieval times. Some dogs live better than us. We live from day to day, we can't plan for future. Just come to see my house, it is one room, for five of us. My house is not even a hundred meters from the road, but to get there in the fall you are up to your neck covered with mud. (Interview with Rajko, Roma resident of Veliki Rit).

Education (or lack thereof) is another concern. From an early age, insufficient education sets apart Roma children from mainstream children. This often opens the door for their abuse and potential exposure to human trafficking, e.g., especially in the form of forced begging. According to the 2005 UNICEF Multiple Indicator Cluster Survey (MICS Round 3), attendance of pre-school education (between the ages of three and five years) is 40% among the majority population and as few as 3.9% among the Roma children in Serbia. Very few Roma children, therefore, attend pre-school education. Elementary education is completed by 95% of children from the majority population whereas only 21% to 37% of Roma are estimated to complete elementary school. Secondary education statistics are even worse; in the case of the majority population 76.42% of the majority population attend secondary school, whereas less than 8% of Roma children attend secondary school (the age range is fifteen to eighteen years)(Multiple Indicator Cluster Survey, 2005).

Roma children face multiple barriers when it comes to education. One set of barriers stems from within their own community the other and other from outside the Roma community. Internal barriers (from within their own community) include: 1) traditional lack of interest for schooling the children, especially females, 2) need for

children to contribute to family income, 3) high rate of drop outs (especially girls)[104], 4) language difference (especially those who arrived from Kosovo or elsewhere from abroad and speak only Albanian or a foreign language, depending the country from which they were deported or repatriated), and 5) lack of financial means (money for books, tuition, uniforms, etc). External barriers (from outside the Roma community) include: 1) overt and covert discrimination (e.g., from school authorities, teachers, school staff, other children), 2) government's lack of interest to fully integrate Roma children into the school system, 3) segregated classrooms (in the 2007/08 school year there were five schools with segregated classrooms),[105] and 4) placements in special schools or adult education schools (often financial benefits for sending the child to a special school are pointed out to the parents, such as free books).[106]

The 2009 Commission of the European Communities Report directly addresses poor school attendance among Roma children:[107]

> The rate of school attendance by Roma children, especially girls, is still very low. Due to their insufficient knowledge of the Serbian language, many children, particularly Roma refugees from abroad, are placed in special schools for children with disabilities. (Commission of the European Communities, 2009, p. 16)

Despite an official commitment to addressing Roma issues at the level of government, in a 2008 survey completed by the Roma Center for Democracy in Valjevo, it is apparent

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[104] Roma children often drop out of regular education in an early phase and shift to special schools. In regular schools they do not have the necessary care and support from teachers, protection from being ignored, marginalised or even discriminated against.

[105] Center for Minority Rights, The Yearly Report of League of Decade, 2008 p. 17. The Serbian version only of the report can be downloaded at: http://www.mrc.org.rs/publikacije/pub_s_15.pdf.

[106] The survey conducted by the Roma Children's Center-Serbia states that Roma people (including school-age children) account for over 90% of pupils in adults schools, while a survey of Save the Children organisation (2005 and 2006) showed that as many as 98% of the children attending these schools were Roma.

[107] Commission of the European Communities: Serbia 2009 Progress Report, October 2009, Brussels, p. 16.

this commitment had little impact on Roma as most were unaware of it or its meaning. The 2008 survey specially asked about The Decade of Roma Inclusion 2005-2015 activities[108] (hereinafter the Decade). According to the results of the survey: "almost one half of Roma in Serbia (49.4%) have not heard about the Decade or they do not know anything about it"[109] (Milojević, 2008, p. 10). The survey showed: "the only recognized activity is pre-school education and enrollment of children in the first grade of primary school, as stated by 6.6% of interviewed Roma." In fact, one third of Roma interviewed indicated: "improvement was achieved in the area of education (39.3%)."[110] Similarly, the EU Commission Against Racism and Intolerance confirms in its report of 2008 that education is the main area where improvement has been made, stating that: "some positive results, namely the inclusion of 600 children in pre-school education and rise in the number of Roma pupils attending primary school."[111] (EU Commission, 2008, p. 24)

The efforts of the government of Serbia to make education better for Roma children are in part reflected in the adoption of certain legal norms as a pre-setting for a change in education. One of these is the 2005 Common Action Plan for Improvement of Roma Education in Serbia and the Poverty Reduction Strategy, in which there is a special section, entitled "*Poverty reduction in Roma.*"

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[108] The Decade of Roma Inclusion 2005-2015 is an international initiative of twelve member states and a variety of international partner organizations, non-governmental organizations, Roma activists and donors. It was established in Sofia, Bulgaria on February 2, 2005. The Decade's goal is to eliminate discrimination and close the unacceptable gaps between Roma and the rest of society. See more on the Decade of Roma Inclusion 2005-2015, "Terms of Reference" Sofia, Bulgaria, 2005 at http://www.romadecade.org/files/downloads/Decade%20Documents/Roma%20Decade%20TOR.pdf.

[109] Milojević, Z., The Decade and Position of Roma in Serbia Survey, Draft Report, Roma Center for Democracy, Valjevo, 2008. p. 10, Unpublished.

[110] Ibid p. 11.

[111] EU Commission Against Racism and Intolerance: Report on Serbia, April 2008, Strasbourg, p. 24.

Another significant legal development is the adoption of the 2002 Law on Protection of Rights and Freedoms of National Minorities, which recognized Roma as a national minority. This law and the Serbian Constitution guarantee to members of national minorities the right to pre-school, elementary and secondary education in their native language. Education in the Romani language is still not realized. Roma children mostly attend classes in the Serbian language, but the Serbian Government is making efforts to change this. They have organized bilingual instruction in the Romani language with elements of national history, tradition and culture. A positive trend of Roma students attending these classes in Vojvodina can be seen in the following tables, though it should be noted that the numbers significantly dropped in the 2008/09 school year, due to lack of available funds for the program. Table 6 shows enrolment of Roma students in the special Romani language classes in Vojvodina; Table 7 shows positive trends regarding overall enrolment of Roma students in schools in Vojvodina.[112]

Table 6.
The Romani language with Elements of National History, Tradition and Culture in Vojvodina

	04/05	05/06	06/07	07/08	08/09
Number of Students: First Grade	99	135	137	171	81
Total Number of Students in Schools	510	661	723	802	584
Number of Schools	20	27	27	28	21
Number of Counties	16	18	14	13	10

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[112] The data in Table 6 and 7 were provided by an interviewee, Mrs. Kris-Piger, Advisor for the Secretariat for Education of the Autonomous Province of Vojvodina.

Table 7.
Total Number of Roma Children Attending School in Vojvodina

	04/05	05/06	06/07	07/08	08/09
Pre-K	n/a	n/a	544	820	881
Elementary	5216	5565	5888	6284	6542
High School	238	258	300	395	606
Community Collage	12	12	19*	10*	54*
University	16	27	12*	17*	33*
Total	5479	5862	6775	7526	8116

* First Year Students Only

To conclude the discussion about education and Roma children, it is apparent that the Serbian government has a lot of fine-tuning to do when it comes to the Roma population, though some progress is being made. Since education is linked is such a fundamental aspect of human life, it is essential for the Serbian government to encourage and enforce education among Roma. As it stands, without education, Roma are limited in the occupations they can pursue and the contribution they can make to Serbian society. With improvements in education, it is likely the pattern of Roma exclusion from jobs and overall society may start to dissipate.

Next to education, lack of regular employment is another obstacle in the lives of Roma. Roma have a very low level of economic activity, very high unemployment and almost 100% exclusion from employment in public institutions. These observations based on data provided in the 2002 Census, which indicates that only 27.2% of Roma are economically active overall and among those who are working-age, only 58.2% are economically active (Census of Republic of Serbia, 2002).

According to a 2006 report on Millennium Development Goals in the Republic of Serbia, the unemployment rate within the Roma community is 39%,[113] compared to 20.9% among non-Roma[114] (Government of Republic of Serbia, 2006, p. 21). The areas of employment that Roma most frequently engage in include: sanitation and garbage collection, manual labour, grave digging and maintenance, seasonal work in agriculture and construction, recycling of materials, the grey economy. The low rate of economic activity among the Roma population is a consequence of multiple factors: socioeconomic underdevelopment, lack of education, lifestyle, cultural patterns of exclusion, political barriers and a variety of demographic factors.

Among the Roma community, it is commonly accepted that children should engage in labour and help out with a family income. This is often given as a reason to explain why in many cases children are not attending school, are leaving early, or are dropping out of school (Interview with Roma teacher in Novi Sad). The tendency for Roma children to work is often overlooked as a violation of child labour laws and protection of human rights. In addition to the mere fact of children working, another more pressing concern is he fact that in many instances their work requires them to be on the streets and exposed to danger, thus creating a potential threat to their safety. This issue was underscored in the 2009 US Country Reports on Human Rights and Practices in Serbia:

> In urban areas, children worked in the informal sector as street vendors and car washers. In villages and farming communities, underage children commonly

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[113] See the Government of Republic of Serbia, "Millennium Development Goals in the Republic of Serbia Monitoring Framework" 2006, p. 21.
www.undp.org.rs/download/MDG_Monitoring_Framework_Serbia_06.pdf.

[114] Statistical Office of the Republic of Serbia.
http://webrzs.statserb.sr.gov.yu/axd/drugastrana.php?Sifra=0018&izbor=odel&tab=152

> worked in family businesses. Children, particularly Roma, also worked in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. Families often forced Romani children into manual labor and begging or trafficked them abroad to work in begging or theft rings. (US Country Reports on Human Rights and Practices-Serbia, 2009) [115]

The link between child labour and human trafficking among Roma cannot be ignored, especially considering the tendency for Roma children to be involved in forced begging.

Despite evidence that Roma children are forced to engage in labour, the severity of this issue is often disputed due to the lack of research and data on the number of Roma children engaged in forced labour, effectively making them victims of human trafficking. It is indisputable, however, that some Roma families allow (if not force) their children to be out on the street begging or doing other tasks to bring money to the family. The larger question is the extent to which such activities are part of organized activities in organized crime syndicates involving human trafficking or are just ad hoc survival modes for Roma families. In other words, to what extent are organized criminal networks involved in/benefiting from the forced labour of Roma children? An interview with a young Roma boy reported in 2010 in a Serbian daily newspaper, BLIC,[116] reveals that the practice of Roma children begging is not only well organized, but is also often connected with beatings and physical abuse. The young Roma boy stated:

> 'I used to live with a friend whose father abused me and made me beg. He has a total of seven children of his own and he takes them all to beg. He tortures the oldest, who's seven, the most. Until recently he didn't want to buy him sneakers so he was begging barefoot. The four-year-old is also forced to stand in the streets for hours at a temperature of over 30 degrees Celsius. Each kid has to bring at

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[115] US Bureau of Democracy, Human Rights and Labor, 2009 Country Reports on Human Rights Practices-Serbia. See http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136056.htm.

[116] Nikola Šević, Ne smeju kući ako ne donesu 1.000 dinara od prosjačenja, August, 23, 2010. Serbian Version only: http://www.blic.rs/Vesti/Hronika/203814/Ne-smeju-kuci-ako-ne-donesu-1000-dinara-od-prosnje
For English version, see
http://www.b92.net/eng/news/societyarticle.php?yyyy=2010&mm=08&dd=23&nav_id=69247

least EUR 10, at the end of the day. If they bring less money, they get beaten. That's how it is with everybody. Older brothers sometimes control us, but usually everybody brings as much they should, because after so much beating nobody thinks about cheating.' (Blic, 2010)

This interview reveals the complexity of the situations in which Roma children find themselves. The case described above includes elements of organized crime, forced labour and familial abuse. The young boy also describes how the territory/city of Belgrade is divided among criminal networks, which prevents him from begging in certain areas belonging to other bosses.

'They tell us where we're allowed to be. Each boss has his own territory where children work for him. Police used to chase us away from this intersection, but they usually just pass by. Still, as soon as we see them we run away,' (Blic, 2010)

This interview provides a clear example of the abuse of Roma children, including forced labour, for generating financial gains. As such, it can be treated as human trafficking.

In an interview in 2009 with representatives of ASTRA, the representatives shared similar stories of forced begging among young Roma boys.

We encountered two young boys (Roma) aged 10 and 7 who were on the street without adult supervision in Belgrade. They said they recently came back from Italy where they were begging for a man, but that they had managed to run away from him. Now did they tell us the truth, we do not know, since they did not know details about where they were or who the man was. (Interview with representatives of ASTRA, 2009)

NGOs encounter cases such as the one ASTRA described, but often have no way of verifying the information. A more concerted effort among NGOs, law enforcement and Roma advocates is needed to fully understand the situation in which Roma children in particular find themselves with respect to forced begging in particular.

Even without hard data, it is clear that the issue of Roma children being forced to beg is not a new phenomenon. Evidence of this practice is found in the case of the

"Yugoslav Gypsies" in Italy in 1986. As reported by Clare Pedrick in Ottawa Citizen on June 18, 1986, Italian police in Milan discovered a large case of the "child slave racket" which involved Roma children being used for begging, stealing and pick pocketing. According to this report, the Italian police discovered three hundred such cases, where Roma children from Macedonia and Kosovo were being forced to criminalize themselves on behalf of organized criminal groups. At the time of reporting, twenty-two suspects were caught and faced prosecution. Interestingly, the article includes the case of "a Gypsy who sold his own son in order to buy another child, one more adept at stealing." (Pedrick, June 18, 1986, p. 19)

A similar cases was uncovered in December of 1985, when Austrian and Yugoslav police arrested thirteen Yugoslavs for smuggling Gypsy children between the ages of eight and fifteen for "prostitution, slavery or to be street beggars." This case was reported by Neso Djurić in Ottawa Citizen on January 2, 1986. The same article quotes an estimate provided in Belgrade's "Politika" that since 1975: "10,000 children had been sold to groups of Italian professional thieves." In the same report, Mr. Raffaelle Costa, Undersecretary of the Interior in Italy, reported that only in 1985: "652 Yugoslav children, living without families, often victims of exploitation, begging and even committing crimes, were escorted to the border." Even further disturbing, the article states that some children were being purposely mutilated so that they could fetch more in begging. Ms. Inica Bozinovska from social services in Skopje confirmed: "those who smuggle and own these children, mutilate them to draw pity when they place these deformed children into the streets to beg" (Djurić, January 2, 1986, p. 23). While hard data on the number of Roma children being abused and targeted for forced begging and

other forms are human trafficking are elusive, the cases discussed thus far reveal a history of this practice involving former Yugoslav countries.

Through these early cases, one can observe continuity in practices from the past and today. Together, these cases reveal that the phenomenon of using of Roma children for profit generating reflects more of a pattern or practice in the region rather than an isolated incident. In Albania, for example, researchers have reported on the tendency of some poor Roma families to sell or rent their children (boys and girls) for begging or prostitution (De Soto, Beddies and Gedeshi, 2005, p. 96). In the case below, a father describes the fate of his son:

> There are six people in our family, myself, my wife, and four children. My oldest son is 20, but we haven't heard from him in five years. A man took him to Italy to beg, but when they got there, the guy drugged him and forced him into distributing drugs. My son was scared and refused. The guy beat him. . . He was 14 when I sent him to Italy to beg with a man of the white hand from Berat. The man promised that he would send us L500,000 per month, but he didn't send us anything. I made a six-month agreement with him, and afterwards my son was supposed to return to Albania with this man. (De Soto, Beddies and Gedeshi, 2005, p. 96)

The case described above reveals layers of complexity. It can be read as the sad plight of a poor struggling family with little prospect for upward mobility. It also can be read as the tale of a greedy, heartless father who sacrificed his own son or a cross-border deal gone sour. In reality, despite the different ways of reading this story, it is a case of human trafficking. Stories such as these, however, often are not thought of as stories of human trafficking, in part because they involve poor Roma and in part because of the involvement of family members. As a result, human trafficking seems to go largely unnoticed among the Roma population, especially when the decision to sell or rent the child is made by a family member.

While the case above resulted in unforeseen/unintended consequences, i.e., the son was forced into a life of drugs, the father received no compensation and the son never returned, there are cases where the trafficking transaction results in the way the family planned. Without "success stories" (if they can be thought of in that way) the practice would not be considered among Roma people as alternative form of income generation. While some might consider the practice of forced begging or arranged/forced marriage of Roma children to be part of Roma culture or tradition and not think of them as involving harm, especially if the children are in agreement, these children are placed in dangerous situations from a very early age. Moreover, the involvement of the family in the procurement/selling/renting of the children does not mitigate the fact that these cases involve human trafficking.

In interviews with law enforcement and members of the Interior Ministry in Serbia, two themes became apparent: 1) they are aware of the risks that Roma children are exposed to vis-à-vis human trafficking, and 2) they do not have a plan for how to minimize theses risks and combat human trafficking among Roma children. On a visit to Belgrade, for example, right after meeting with the Deputy Chief of the human trafficking unit near headquarters of the Interior Ministry, I observed a young Roma girl begging between cars in a very busy intersection. She appeared to be no more that eight years old and she was holding in her arms a little baby, which appeared to be six to eight months old. The temperature that day was over 100 degrees Fahrenheit. The young girl had her small hand out and asking for a few dinars. Seeing little girl and baby was heart breaking, yet the girl was one of many in the army of Roma children working and living on the streets. This scene made an impression on many levels. It was ironic it unfolded

in the vicinity of the Interior Ministry and the office designed to combat human trafficking. It was also alarming that drivers zoomed by without even seeing the girl due to her small height. Could it be that this represented a case of human trafficking and that no one cared to do anything about it? Could it be that the authorities did not care because the victims were Roma or did they really not know how to handle the case? Unfortunately, such examples are commonplace in Serbia, even near the end of the so-called Decade of Roma Inclusion.

Similar cases are described in paper written on Roma and Egyptians in Albania. In this work, a young Roma girl tells her story of being a former child street beggar in Greece. The young girl was only eleven years old at the time.

> We didn't have any food and so I went with a friend of my father's. I worked all day. I got up in the morning, ate breakfast, and from 3:30 [p.m.] went out begging, and I would go back home at night. I begged and sold flowers . . . I would come back home up to 12 at night. I didn't count the money [I received], but I got a lot, and I gave all of it to my father's friend. (De Soto, Beddies and Gedeshi, 2005, p. 94)

In addition to begging, prostitution is another form of exploitation that arises from the practice of selling/renting Roma children. In the same work the authors describe situations where Roma from Albania give/sell/rent Roma girls for prostitution as well. Based on the research conducted by the authors, it appears for some Roma families: "cultural norms and values make prostitution an acceptable poverty-coping method" (De Soto et al, 2005, p. 90). In their research, a woman from Pojan, Albania describes the circumstances under which (forced) prostitution seems acceptable: "Village residents talk, but they don't want to know, since the girls bring food which allows the others here to eat" (De Soto et al, 2005, p. 90). What is unclear in this analysis is the extent to which (forced) prostitution is acceptable or is just overlooked. Nonetheless, it appears that there

is some evidence that Roma in Albania are willing to accept prostitution as a socially acceptable means of generating family income, though there are some conditions. (De Soto et al, 2005). Based on these findings, it appears the acceptance of prostitution may be more covert among the Roma of Albania. Prostitution is not something that Roma in Albania are outwardly promoting, but rather tolerating. This is seen in the following:

> An Albanian showed up and he told her: I will give you L200,000 and you give me your daughter as a wife. He took the girl to Italy, and he now sends my sister-in-law L300,000–400,000 every three to four months." (De Soto et al 2005, p. 88)

In this case, unlike the father who sold/rented his son, the family makes good on the deal in a way, which may allow them to justify in their minds the sale of the daughter into forced marriage or forced prostitution, whichever the case may be.

Despite the sort of acquiescence in or covert acceptance of Roma women being given/rented/sold for sexual purposes, including prostitution, there is some level of internal social stigmatization against those who are known to be or used to be prostitutes in the Roma community. A bit of a dichotomy exists. From a cultural perspective, it is very important for Roma families that young girls maintain virginity until they get married. On the other hand, the practice of giving/renting/selling young Roma girls for sexual purposes obviously violates this cultural norm. As a result, young Roma girls who are engaged in or have engaged in prostitution are blamed and appreciated, i.e., blamed for losing their virginity but appreciated for brining money to the family.

There are, of courses, cases where young Roma women/girls make a choice to engage in prostitution or sex work. John Davies discusses such cases in his writing on Albanian and Roma prostitutes in Lyons, France. On Davies' analysis, the women he studied: "use the trafficking networks as a mobility strategy in pursuit of migration goals

beyond prostitution" (Davies, 2009, p. 13). According to Davies, their mobility strategy and migration goals are motivated by an urge to "achieve social rehabilitation" rather than for exclusively economic reasons. The findings of Davies' study among Albanian and Roma prostitutes are similar to the findings discussed earlier by Brennan regarding women in the Dominican Republic choosing prostitution as a way to leave the country. As in the case of Brennan, Davies' study suggests that prostitution may represent a viable way out or up for Roma. In my interviews in Serbia, a Roma prostitute in Novi Sad shared an interesting perspective on her work as a prostitute:

> My family is not asking me where do I get my money, as long as I bring food on the table. In my case, it is personal choice. What are my alternatives, to clean toilets in some cafe? Or perhaps to work in the sanitation department as many others? No, I choose to do this instead. At least this way people like me, I feel accepted by men. I am desired as a woman and not despised as a 'baba sera.'[117] (Interview with Vera, Roma from Novi Sad)

Vera's statement gives credence to the work of Davies, Weitzer, Brennan and Doezema discussed earlier, i.e., that some women choose this profession as a free choice and as an alternative to other opportunities (however limited those opportunities may be). In this case, Vera is not only generating income for herself and her family, but also somehow boosting her self-esteem. She feels desired, beautiful and loved. Of course, radical feminists might argue that Vera thinks she is making a free choice, but her choice is really constrained or coerced and certainly is limited, i.e., her choice is between being a prostitute and a toilet attendant. The case of Vera underscores the complexities and difficulties involved in the plight of Roma women, especially given the options available to them. The case of Vera reflects the issues of agency and choice discussed earlier with regard to feminist theory and the position of women, especially women with low-

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[117] Baba Sera is an expression used to describe a female bathroom attendant.

socioeconomic status. As discussed earlier, whether choice and agency are consistent with human trafficking is not so easy to discern.

All the key indicators of risk for human trafficking are present in the Roma population: poverty, lack of education, social exclusion/marginalization, low levels of upward mobility, etc. What makes matters worse for Roma in Serbia is perhaps the appearance that giving/selling/renting of Roma is acceptable and somehow a normal part of Roma culture. From the gaze of the outsider, it might be thought: if this is how Roma treat their own, why should mainstream society or the government intervene? Of course, culture is complex and deeply nuanced; it might be that these patterns are somehow normalized or accepted among some Roma under certain conditions, yet that does not mean mainstream society or the government should offer protection or alternatives to these practices.

While it is clear that many of the cases described count of human trafficking, especially those involving the selling and renting of children for forced begging (at home or abroad), it is important not to link all cases of Roma children begging as involving human trafficking. Such evaluations would need to be made on a case-by-case basis, which itself can prove to be a daunting task. It is especially daunting for government and police to investigate whether the cases involve elements of organized crime or are ad hoc family run enterprises. This is daunting because police and government tend to have a hands-off approach to Roma and often do not intervene in what are considered to be "Gypsy affairs/Gypsy business." Nonetheless, considering that practices that have elements of human trafficking are very much alive and often used as a means of generating income among Roma, especially those who are very poor, it is important for

Serbian government to recognize Roma as a high risk for being victims of human trafficking and thus take appropriate action.

Attention to so-called Roma issues has made it to the agenda of the EU and most European countries in recent years, largely as a result of attention to issues of national minority protection and human rights. With the Decade of Roma Inclusion, the problem and involvement of Roma in human trafficking has become apparent and has been recognized as serious problem among some European institutions. The Europol report from 2011 states that: "trafficking of children by Roma criminals groups for exploitation in petty crime, and adults for the commission of benefit fraud" is becoming a growing problem in Europe. This is also confirmed in the 2011 European Roma Rights Center (ERRC) report, which provides alarming estimates[118] of levels of Roma victims of human trafficking. As indicated in this report, "trafficking in persons affects Roma disproportionately" when compared to other groups in five European countries. The ERRC study was focused on Bulgaria, Czech Republic, Hungary, Romania and Slovakia. The ERRC report indicated that the disproportional risk is "several times higher than the proportion of Roma in the general population." The research conducted for this study indicated that Roma represent "50-80% of trafficked persons in Bulgaria, up to 70% in parts of the Czech Republic, at least 40% in Hungary, around 50% in Romania and at least 60% in Slovakia" (ERRC, 2011, p. 11).

The findings from the ERRC are both staggering and alarming. A natural

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[118] Due to legal restrictions in the EU regarding the protection of individual data with regard to the processing of personal data and the free movement of such data *(European Parliament and the Council, European Council Directive 95/46/EC),* the states in this report are not gathering information regarding ethnicity, despite being allowed to do so if such data is taken in accordance to the law. That being said, I was not able to collect data on the ethnic background of trafficking victims in Serbia nor were the organizations with which I conducted corresponding interviews, due to the same reason. Lack of such data represents a major obstacle in research on this topic, the creation of adequate policies and efforts in the fight against human trafficking.

response is to ask is *why* are Roma at such a disproportionate risk for being trafficked. With this question in mind, the ERRC report claims that they did not find links between Roma cultural practices or other unique factors linking the Roma population to trafficking. Rather, the report identifies some elements that place the Roma population in a vulnerable position vis-à-vis trafficking, such as: "structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high levels of unemployment, usury, growing up in state care, domestic violence affecting predominantly women and children and substance abuse" (ERRC, 2011, p. 11). Lastly, the report recognizes the role of family members in trafficking among Roma population as well.

The elements identified in the ERRC report may help explain part of why Roma are more likely to become victims of human trafficking than other members of the European countries within which they live. It seems, however, a bit of an illusion to suggest that cultural practices, customs and traditions are not somehow part of this puzzle. There is, it seems, a fine line that researchers have to be careful not to cross, i.e., the line between blaming people and their cultural practices for their own victimization and taking steps to understand whether elements of cultural practices are somehow part of the picture (even if they are not causes but rather *perceived* by those outside the culture to be functional characteristics that allow the practice to continue somehow uncontested). In raising the question of whether cultural practices, customs and traditions are part of this picture, the point is not to suggest that Roma are responsible for the vulnerable situation they are in, but rather to question whether certain aspects of culture play a role in this. It might be, for example, that the *perception* among non-Roma that human

trafficking is part of their culture or somehow a Roma custom or tradition makes Roma victims less of a priority for law enforcement or government protection. In an interview with an educated Roma advocate, Tanja, the topic of culture was discussed:

> There is absolutely a link between culture and to human trafficking among Roma; it is just not spoken about. We have a very patriarchal culture. Women and children have to listen to men. If girls are told to marry someone, there is no choice. If girls are told not to go to school, there is no choice. Culture is a part of this. (Interview with Tanja, Roma advocate in Vojvodina)

While culture may play a part, factors outside of culture are clearly implicated in the vulnerable situation in which Roma find themselves. Patterns of liberalization, friendlier traveling requirements (no visas for EU citizens of members states) and cheaper means of travel, e.g. lower cost airlines within Europe, has contributed to the growing numbers of exploitation of Roma outside of their countries of origin. In April of 2010, one of the largest cases of human trafficking involving members of the Roma community was discovered in England and Romania. In this case, Roma were involved on both sides, i.e., as victims as well as perpetrators. A large Roma criminal group was arrested after Romanian police, Scotland Yard and Interpol carried joint action (Operation Golf) and discovered that as many as two hundred seventy two Roma children were used in London for begging, petty theft and pick-pocketing. Operation Golf led to the arrests of one hundred twenty six people responsible for trafficking and related charges.[119] Such cases used to be found within the Balkan region, both within and across countries. With the expansion of the European Union, however, it appears that local criminal organizations are reaching for higher paying markets and moving deeper into Western Europe.

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[119] Look under Europol's operational success stories at:
https://www.europol.europa.eu/content/page/operational-successes-127

In light of the reported cases of human trafficking involving Roma (as victims and/or perpetrators), it might be tempting to think every time a child is begging on the street, selling trinkets, or washing car windshields that they are necessarily victims of human trafficking or are working for organized criminal groups. Researchers have to be careful not to make such generalizations in the absence of evidence. It is certainly likely that some (perhaps the majority) of cases, Roma children are begging and engaging in other forms of labour are a result of them being hungry or in deep poverty. In some cases, their family may not have the resources to feed/care for them. As such, these practices may be examples of coping or survival mechanism that children use to be resourceful and to fill a human need. A young Roma boy in Novi Sad explained the situation in simple terms:

> When I come home, I ask my mom if there is anything to eat. If she says we have 'beans,' that means I don't have to go out and beg. If she says 'no,' then I know I have to go out and beg. (Conversation with Vlada, young Roma boy in Novi Sad)

In reality, such practices are not exclusively reserved for Roma children. The phenomenon of child labour is quite widespread throughout the world. It is common to find children selling newspapers, flowers and other items as a way to help the family survive but also a way to try to ensure that they do not go hungry.

There are, of course, many contributing factors that help explain why some Roma children end up on the streets; financial hardship is only one. Social exclusion of Roma, lack of government interest to help Roma, poor integration into Serbian society, lack of education, inadequate skills, weak labor force and struggling social systems all resonate as contributing factors. These factors are not only prevalent in Serbian society, but can be found throughout Europe. In order to develop a solution to the problem of Roma

children becoming at risk for human trafficking (or being forced by circumstance into a life on the street), it is necessary for political leaders as well as the local community members to change their approach and develop better understanding of the issues facing Roma. Unfortunately, progress toward this change is slow moving.

The following example illustrates lack of interest among police and government officials when it comes to finding a solution to the problem Roma face in Serbia. When asked why do we have so many Roma children on the streets and what can be done about that, a police detective from the Special Task Force for Foreigners (human trafficking division), replied: "we can pick up all Roma kids from the streets in a day or two, but what do we do with them after that is an open question" (Interview with a Police Detective of the Special Task Force for Foreigners in Novi Sad). In further discussion, it became clear that the police are aware that Roma children are exposed to risk when begging on the street, etc., and potentially are victims of trafficking, but they do not have a plan for how to address this. Such a plan would likely involve coordination among a variety of institutions, including referral services (if they are victims of human trafficking), shelters, investigative units, etc. As discussed earlier, this coordination exists on paper but not in reality.

Lack of attention to the vulnerability of Roma children is very alarming because it shows the inadequacy or failure of the Serbian government, now a candidate to the EU, to protect its citizens. The lack of institutional policy/comprehensive plan to assist Roma children who are vulnerable to human trafficking was confirmed in an interview with ASTRA.

> With children victims of trafficking, the situation is even worse. There is an unwritten rule that children victims have to be assisted by centers for social work.

However, they do not have the capacities or knowledge to deal with such young victims. Moreover, in many instances they call us for help and directions regarding such cases. The last few cases we had confirm this exactly, since police and social centers just did not know what to with them or where to go…Furthermore, when we talk about their help, we cannot speak about some meaningful psychological or therapeutic work with such children but rather only the provision of basic human needs, such as: shower, shelter and food. There is nothing more than that, even on our side. The NGO sector does not have the capacity or programs for more meaningful help for children. (Interview with ASTRA representative, 2009)

The lack of an organized effort to assist and protect Roma children continues to be a problem as confirmed in a 2011 report titled "Child Begging in Vojvodina," which states that only six Roma children involved in begging on a regular basis are known to the police. In this report, however, the police ranked Roma children as most exposed to risk of begging, followed by forced labour enforced by organized criminal groups as compared to other street children/children of poor families (Hajnrih, Dragin and Duškov, 2011, p. 18). Interestingly, in this report a representative of an unnamed NGO said that "some parents come to their shelter and request from them to forbid their child to come to the shelter since then they are not working for the family on the streets." Furthermore, the same source claims that there are "at least 90% of children under risk and exploited, mostly by their families" (Hajnrih, Dragin and Duškov, 2011, p. 21). Related to this, in my interviews, a young Roma girl shared: "if I come home from school and don't see any food on the table that is the sign for me and my sister to go on the streets. I don't like it since I would rather like to play but if I don't go out I'll be hungry" (Conversation with Radislava, young Roma girl in Nov Sad).

An additional problem that the Serbian government is facing regarding the Roma population is also the high number of Roma refugees and internally displaced persons. According to data from the Registration of Refugees in the Republic of Serbia, in early

2008 there were 209,722 internally displaced persons from Kosovo, among them 22,806 were registered Roma. Also, it is estimated that another 20,000 Roma e are internally displaced from Kosovo (The Strategy, 2009). A large number of internally displaced Roma are not registered because they do not have personal documents. Without personal documents, they are legally invisible, which prevents them from exercising their fundamental human rights, e.g., the right to health care, social care, education, employment, etc.

Furthermore, since the early nineteen nineties when the conflicts in former Yugoslavia started, thousands of people left the country, including many Roma. Whereas some have regulated their status in foreign countries, others received only temporary protection from the countries in which they sought refuge. Today some of these people are returning back to the Serbia, either by force (deportation) or as part of the so-called mandated return (which is considered to be a voluntary return).

The return process itself is creating a significant problem, especially for Roma children. Many of the children do not speak the Serbian language and have a difficult time assimilating and adjusting to the school system and lifestyle. According to The Ministry of Human and Minority Rights and its Readmission Office at Nikola Tesla Airport in Belgrade, at least 65% to 70% of the total number of people, returning under the readmission agreements were members of the Roma national minority (The Strategy, 2009).

The issues discussed thus far involve marginalization and isolation of the Roma community overall as well as particular vulnerabilities facing Roma children, refugees and internally displaced persons. The status of Roma women in Serbia and within the

Roma community is another issue that requires mention. In many cases, the fundamental human rights of Roma women are ignored. Roma women are often victims of triple discrimination: first due to the fact that they are Roma, second because they are women (who are still not perceived as fully equal to men in Serbian society), and because they have to submit to the patriarchal norms of Roma society and culture. Poor Roma women suffer a fourth level of discrimination (from outside and inside the Roma community). Within Roma families, women's autonomy is restricted and they often have no say in education, employment, family relations, marriage choices and family planning. Roma women suffer subordination inside and outside the home as a result of the patriarchal environment in which they live.

Roma women face greater obstacles when compared to Roma men. They typically exit the education system very early, and as a result, have limited opportunities for getting better paying jobs that require certain skills. As a result, Roma women become economically dependent on their husbands. Roma girls face difficulties on two fronts when it comes to education: 1) the hostile environment in the schools (with discriminatory attitudes from other students, parents and teachers), and 2) the dominant patriarchal attitude that women don't need education. Parents of Roma often withdraw girls from elementary school after the fourth or fifth grade. Some reasons given for withdrawing Roma girls from school early include: to protect them from attacks of other children, to protect their purity (virginity[120]), so that they can be prepared for marriage or

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[120] Among Roma, the virginity of a girl plays a very important role and it is often tested during or right after a wedding process, when the first intercourse is said to take place. If it is "proven" that girl is not a virgin, the marriage is off and shame falls the girl and her family. According to ERRC findings from a study conducted in Albania, Roma girls "that fail to prove their virginity are more likely to become victims of trafficking" (ERRC, 2006).

take over duties at home, to help their mother with running the household, to take care of younger or elderly household members, etc. In an interview with a Roma teacher in Novi Sad, all these reasons were commonly provided as grounds for pulling girls out of school.

According to The Strategy, women account for at least 70% of illiterate persons in the Roma population. Furthermore, they account for almost 65% of unemployed Roma. Of those who look for a job for more than two years, over 70% are Roma women, internally displaced persons, refugees from former Yugoslavia and returnees under the readmission agreement. Consequently, they are all women from vulnerable categories (The Strategy, 2009). The jobs Roma women perform are typically the lowest paid and hardest jobs. Lack of education and skills, discrimination in employment and the poor economic situation in the country are often stated as reasons for this.

Roma women enter the process of maternity very early and it is expected from them to be active during the entire period of pregnancy. They are required to take care of a large number of family members (elderly and children) and to be engaged in the family's economic activity. According to UNICEF research from 2005, "45.9% of Roma women in the Republic of Serbia get married before turning 18 years of age and 12.4% before turning 15 years of age"[121] (UNICEF, 2007, p. 36). In the majority of cases, Roma girls are not able to make their own choices of whom they will marry and when they will marry, as parents are the ones who arrange marriages for them and decide on the timing. This is supported in an interview with an educated Roma woman, who described calmly how her marriage was arranged:

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[121] UNICEF-Serbia, "Breaking the Cycle of Exclusion", 2007 p. 36.
Can be downloaded at: http://www.unicef.org/ceecis/media_6204.html.

> It was not up to me to decide whom should I marry, my father was the one who made the choice for me. Since I left the house, I don't see my family too often. Perhaps during some holidays, not more than a few times a year. We are discouraged to keep in contact or seek help from family once marry. That is just the way it is, that is how my mother did it and how I have to do it as well. This is our tradition. (Interview with Cica, Roma woman from Novi Sad).

From this quote we can see that tradition is important to Roma and that some customs are less likely to be challenged, which is even the case among the educated. The only other choice for young Roma couples that disobey their parent's wishes is to elope and risk to be shunned away by the family. On the other side, following the path chosen by parents in many cases involves going into marriage without any knowledge of the person you are about to marry. As the following quote shows:

> My husband died on the 12th of December 2004. He was 20 years older than me. My parents sold me to his family. He came from Germany to my parents in Prokuplje and told them that he wanted to buy a wife. My parents told me to go to Sombor and not to ask questions. I didn't know where I was going, nor where they were taking me, nor who my husband was going to be. Only when I arrived in Sombor they told me that he is going to be my husband and that they married me. I didn't have any choice and I stayed with him. (Mitro, 2004. p. 49)

Oscar Lewis' perspectives on culture of poverty discussed earlier may shed light on how the tradition of arranged or forced marriage remains largely uncontested or normalized in the Roma community. On Lewis' view, poor people develop their own unique subculture as a response to their social condition. According to his work, individuals and groups who have been oppressed over time, e.g., generations, have a tendency to adopt and internalize their status of oppression. In such a scenario, it becomes very difficult for them to see or create a change in their life or perceived destiny. Those who have been oppressed and abused over time may not be able to see their rights or create a change in their lives. They also may be disinclined to seek redress when their rights are being abused. While Lewis' view is not without controversy, e.g.,

especially the idea that there really is a culture of poverty, the idea oppression, especially cycles of oppression, can beat people down is hardly controversial. Lewis' point that this can happen to children at an early age may help explain the limitations Roma children perceive for their lives, even from a young age.

The idea that (some) Roma internalize their oppression and become submissive as a result of generations of mistreatment helps sheds light on why some Roma may have a hard time escaping their 'fate.' This can be seen in the statements of Roma women collected by Petra Kutalkova, Deputy Director of NGO La Starda in the Czech Republic. One statement is included below.

> On the second day of the feast in the evening, a 36 year-old Roma visitor from Holland asked Perla to show him the way to a vecerka (night shop). So she got into his car, after they left the spot the driver took out a knife and threatened her that if she didn't [do what he said] he would cut her throat...Perla submitted and so they went to Holland to a nice house where she became the mistress (wife) there. The kidnapper, now her husband, had paid her family over 400,000 krowns in order to keep her. And Perla told us that this was a normal wedding ceremony used by Olah Roma. Kidnapped a second time by a second man, Perla felt she was unlucky this time: 'do you understand? He didn't let me visit my mom, he didn't let me even call her, and he paid only 200,000 for me. I had to run away.' (Carolino, 2008)

The case of Perla shows the complexity involved in understanding how Perla perceived her situation. Being kidnapped with brute force was somehow normal for Perla as it was part of the Olah Roma custom and she had no choice but to be submissive. She did not object to the kidnapping or being forced to marry. When kidnapped a second time, Perla was angry, not because she was kidnapped and had to suffer the same misfortune, but because her price went down.

While some Roma women may be submissive as part of their cultural upbringing, it is important not to over generalize, especially in the absence of data on this. There are,

of course, cases where Roma reject their own customs, as can be seen from the following statement given by a Roma man in a small village of Vojvodina.

> Our customs are not good because girls already when they are 12, 13 take husbands. It is not nice. First it is not nice that they are married by their parents, and second, because the children do not know each other at all. I think they should be at least 16, 17 when they get married. (Mitro, Jovanović and Sain, 2004, p. 46)

The example above shows there is criticism or recognition of the need for change among some Roma. In the study from which this quote is taken, i.e., a study by Mitro, Jovanović and Sain, there appears to be a difference in perception regarding marriage and family among men and women. While there is sometimes talk of equality between spouses, family planning and other proactive measures, the study concludes that this amounts to "empty talk." In reality there still exists: "ignorance of marriage, frequent divorce, painful experiences, prejudice about abortion, poverty, and inferior position of a woman in marriage and a married couple in relation to their parents" (Mitro, Jovanović and Sain, 2004, p. 27).

In my fieldwork, Roma expressed different views rather than a monolithic acceptance of custom and tradition. Men were more likely to speak about the maintenance and continuation of tradition, customs and Roma identity, whereas women were more likely to speak about change of tradition, freedom to choose, independence and education, though this observation cannot be generalized given the small sample size. As a guest on a B92 sponsored program on trafficking, Ivana Radović of ASTRA challenged widely held beliefs regarding Roma customs and traditions. Radović argued that tradition is used as a poor excuse to allow the practice of forced marriage among children. Radović raised the following question:

> If you have a case of child forced marriage, a 12 year-old child for example, a Roma child, people would say that this is their custom and tradition despite being against all legal rules. If we follow the same logic, that means that we should also tolerate a tradition of 'blood feud' and therefore have an excuse not to use courts, social workers or state officials. (B92, 2009, September 3)

Radović's point is that custom and tradition should not be considered legitimate reasons for condoning what amounts to be a violation of children's rights. Similarly, a 2005 UNICEF report addressed the role of custom, tradition and parental pressure in the practice of arranged marriage among the Roma community. The 2005 UNICEF report relied on data collected among the Roma community in Montenegro.

> In Montenegro a study of Roma women found that the most common reasons cited for early marriage were Roma customs and tradition (46%) and parental pressure (24%). Almost half of the women polled (48.5% of them) said that their future spouse is most often chosen by the father or the whole family. Another study in the town of Nikšić in 2004 found that 67% had their first child between the ages of 15 and 18. (UNICEF, 2007, p. 36)

The apparent lack of agency involved in the practice of early marriage and arranged marriage lends credence to the view that early marriage and arranged marriage count as forms of human trafficking. This is especially the case in early marriages when the child is too young to comprehend the meaning of marriage or to provide legal consent (being under the legal age limit for marriage[122]). Again, it is difficult to generalize, as there may be cases where the early or arranged marriage involves some level of choice, though it is reasonable to question how much independent thinking and freedom is involved. This is especially the case for children raised in small, highly traditional societies that use shaming as a way to ensure compliance with norms and customs.

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[122] In Republic of Serbia the legal limit for marriage is 18 years. The Family Law of Republic of Serbia, Article 23.

Despite the lack of clarity on agency, early marriages and arranged marriages are often distinguished from forced marriages, which involve a clear lack of agency. According to a 2005 PACE report,[123] forced marriages by definition constitute a breach of human rights, repeated rape and wrongful seclusion.

> Women are truly the first victims of these situations: considered a means of barter, raped on the wedding night and thereafter, possibly raped on a daily basis, humiliated, locked up and beaten by the husbands who is forced upon them. (PACE, 2005, p.10)

Unlike early and arranged marriages, where the parents often know the groom and his family, forced marriages may involve perfect strangers. This was seen in the case of a young Roma girl in Bulgaria who was sold by her parents into forced marriage and sent to Holland in 2002. As reported by the ERRC, the young girl was only 13 years old and was forced to work as a prostitute; she later became pregnant (ERRC, 2011, p. 73).

While forced marriage seems a lot closer to human trafficking, on the views of many, early and arranged marriage come pretty close as well. The Roma practice of establishing a "bride price" brings all marriages with bride prices closer to human trafficking. In reality, the negotiation process for the bride price appears to be a commercial transaction. Prices vary depending on the bride's background, age, beauty, family influence, etc. The bride price can be anywhere from a few hundred dollars to more than tens of thousands.[124] In addition to the monetary or commercial transaction, other stipulations may also be applied in the negotiation. As reported by the ERRC:[125]

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[123] Parliamentary Assembly of Council of Europe, Forced Marriages and Child Marriages, Doc. 10590, 2005

[124] In the case of a fourteen-year old Roma girl from Romania, Ana Maria Cioabă, the price paid in 2003, was 500 gold coins. See http://news.bbc.co.uk/2/hi/europe/3152228.stm

[125] European Roma Rights Centre (ERRC), Forced Arranged Marriage of Minors Among Traditional Romani Communities in Europe, Submitted to the United Nations Special Rapporteur on Trafficking in

> the arranged marriages sometimes contractually specify certain conditions, such as a minimum number of children. In most if not all cases, elements of explicit or covert coercion are involved in persuading one or more of the parties to marry. (ERRC, 2006, p. 3)

The Palermo Protocol defines human trafficking as: "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." On this definition, it would seem traditional Roma marriages involving a bride price is a form of human trafficking. Making such a claim is not without problems. For one, it amounts to demonizing and criminalizing what appears to be a multi-generational tradition. Such a claim certainly makes it is difficult to be culturally sensitive and enforce the Palermo Protocol. A more nuanced interpretation of the bride price might suggest it is a symbolic ritual rather than commercial transaction, though it is unclear whether this will mitigate its appearance as a form of trafficking.

It is not surprising that some would find fault in criticism of Roma marriage, particularly those concerned about the dangers of (Western) cultural imperialism. It seems an argument can be made that the bride price has been practiced for many centuries as a way to preserve the survival of the culture and protect authenticity. Čvorović confirms this is her study of the Roma community in Mačva, Serbia. In the conclusion, Čvorović offers what appear to be more nuanced interpretations of Roma traditions related to marriage, sex and reproduction.

> Gypsies' sexual and reproductive behaviours might be a result of their ethnic traditional strategy that encourages endogamy and high fertility. Gypsy reproductive and sexual behaviour might be the answer to life conditions their ancestors have met and lived in…Gypsies' main concern was how to survive, and outwit obstacles in life, which included persecution, enslavement and harassment. (Čvorović, 2004, p. 152)

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persons, Especially Women and Children, as part of deliberations toward the next annual report of the Special Rapporteur to the UN Human Rights Council, according to Commission on Human Rights Decision 2004/110 and Human Rights Council's decision 2006/102, November 15, 2006

Jeff Timmerman also proposes a more nuanced explanation of child-arranged marriage:

> Strict spousal rules and roles, heinous from an outsider's perspective, may be nothing more than a taboo-driven façade designed to promote the Roma way of life. While such legal mechanisms undoubtedly strip a child of precious identity, the practice, when considered from an insider's perspective, must be viewed as possessing some redeeming cultural value. (Timmerman, 2004 p. 492)

In addition to culturally sensitive researchers, some beholders of the Roma tradition object to the imposition of foreign standards, which will dilute their lifestyle and customs. From the perspective of Roma, it is perfectly understandable that some might question why norms that served their community in terms of survival are being dismissed or demonized. Again, Čvorović suggests that such customs enabled the Roma to preserve their community, especially when it faced marginalization. A similar position was raised in a report prepared in 2006 by the OSCE's Office for Democratization Institutions and Human Rights.[126] This report seeks to raise awareness that Roma are personally stereotyped in many instances due to their cultural and traditional customs, which are often misrepresented. The ODHIR[127] report from 2003 makes a similar point, suggesting trafficking has:

> [M]any times been labeled a 'Roma/gypsy problem' by governmental representatives and NGOs/institutions. This view increases discrimination against Roma and generates stereotypes. Other frequently used stereotypes in connection to this are begging and the selling of babies. Roma representatives are worried that trafficking will be labeled an aspect of Roma culture. As Roma many times, in a racist way have been blamed for being guilty of trafficking, Roma representatives have become very defensive on the issue. (ODHIR, 2003, p. 4)

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[126] See OSCE-Office for Democratization Institutions and Human Rights: "Awareness Raising for Roma Activists on the Issue of Trafficking in Human Beings in South-Eastern Europe," 2006 p.12.

[127] See OSCE, ODIHR CPRSI "Assessment Trip to Albania on Trafficking in Children from Roma and Egyptian Communities," 2003.

In addition, authors such as John Davies challenge data that connects trafficking and Roma, especially from Albania. Davies also challenges common indicators and explanations for trafficking.

> [If] the presumption about Roma and rural women being the most common women to be trafficked is incorrect, then the role of poverty, unemployment, education and other supposed indicators for trafficking need to be re-examined. (Davies, 2009, p. 125)

While Davies and others make compelling arguments, from a human rights perspective, it seems clear that some Roma customs are unfair, degrading and de-humanizing toward young Roma women and children. Furthermore, the practices of early and arranged marriage (not to mention forced marriage) can be seen as a form of control over women, as they deprive women of making their own decisions. These practices can also be seen as abusive, since women are treated as commodities. It is not surprising, therefore, that those arguing from a human rights perspective insist that the Roma tradition of early and arranged marriage should be evaluated and perhaps changed in light of the Universal Declaration of Human Rights, the rights of women deriving from the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the rights of the child, deriving from the Convention of the Rights of the Child (CRC), and the Palermo Protocol.

While a proper analysis of the arguments defending or challenging the role of Roma customs (and the rights of Roma to practice them) is beyond the scope of this dissertation, these issues are raised as they related to the overall question of whether cultural practices customs and traditions may make some ethnic minorities more vulnerable to become victims of human trafficking. The point here is neither to celebrate nor to condemn the cultural practices, customs and traditions at hand, but rather to

question whether they are linked to risk factors or are themselves risk factors. On some level, the fact that these practices, e.g., early or arranged marriage, are perceived to be normal for Roma may cause a weakening in protection of Roma against human trafficking, on the grounds that Roma practices are to blame.

The perception that human trafficking is business as usual for Roma may allow manipulation and abuse, especially of women and children, to continue unchecked at the governmental level. Ultimately, such negligence could have the effect of making Roma more vulnerable to becoming victims of human trafficking and other criminal activities. This is particularly dangerous because data show that Roma are disproportionately victims of human trafficking. The Serbian Agency for the Coordination of the Protection of Victims (Ministry of Labor and Social Policies), for example, recorded 127 trafficking victims in 2009. Out of that number, according to 2009 US Country Reports on Human Rights and Practices[128]: "Less than half of identified trafficking victims were children, mostly Roma, who were trafficked for the purpose of sexual exploitation, forced marriage, or forced street begging" (U.S. Department of State, 2009).

This data is in line with the 2005 IOM Report on South-Eastern Europe Victims of Human Trafficking. This report shows that the domestic victims of human trafficking in Serbia were steadily increasing. Interestingly, the report also shows that a growing number of victims identified and assisted from 2001 to 2004 were ethnic minorities. According the data in this report, in 2002 20% of victims were members of ethnic minorities, 23,1% in 2003 and 38,1% in 2004. The report also show the majority of victims were Roma. Considering the percentage of Roma in the Serbian population

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[128] http://www.state.gov/j/drl/rls/hrrpt/2009/eur/136056.htm

(about 5%): "Roma comprise a disproportionate share of assisted victims and (along with ethnic minorities generally) appear particularly vulnerable to trafficking in persons in Serbia" (Surtees, 2005, p. 515).

In an interview with representatives of ASTRA, they confirmed the disproportionate level of Roma as victims of human trafficking. Despite not registering victims' ethnic backgrounds, but rather citizenship, ASTRA observed a higher incidence of Roma victims of human trafficking; "after reviewing our data on a request of one Roma organization, we had found that it was something like a 50-50 ratio [Roma to non-Roma] among victims we worked with." (Interview with ASTRA representatives)

Surprisingly, ASTRA did not sound terribly alarmed by this figure. The 50-50 ratios seem pretty disproportionate, especially considering that Roma account for only about 5% of the Serbian population. ASTRA representatives also mentioned that according to their experience, Roma children and Roma parents are not involved in trafficking any more or less than non-Roma. This observation, however, undercuts their finding that among the victims they worked with, half were Roma and half non-Roma. Again, if half were Roma and Roma represent only 5% of the population, they are over-represented as victims when compared to non-Roma. Interestingly, ASTRA agreed with the possibility that Roma may be more likely to become victims of human trafficking due to their marginalization, lifestyle and tradition, which can obstruct their recognition as trafficking victims. On this note, they added: "it is a question how many children are begging on the streets for themselves or for someone else and are trafficking victims." (Interview with ASTRA representatives).

The 2005 IOM report mentioned above raises issues of Roma cultural practices,

customs and traditions, specifically singling out practices of early and arranged marriages as potential reasons for vulnerability vis-à-vis human trafficking. This report points to the case of Roma woman who was assisted as a victim of human trafficking in 2004. According to the report, it was: "precisely her desire to escape an arranged marriage and her rebellion against cultural norms that led her to accept a job offer abroad" and ultimately ended in her falling victim to trafficking (Surtees, 2005, p. 515). Furthermore, the same 2005 IOM report brings even more disturbing data from neighboring Bulgaria. During the period between 2003 and 2004, the Roma population consisted of 76.9% (2003) and 81.8% (2004) victims of human trafficking used for begging and delinquency and 25.4% (2003) and 33.6% (2004) were used for sexual trafficking in Bulgaria (Surtees, 2005, p. 170 and p. 187). These numbers are even greater than those from Serbia. The numbers also point to what might be a regional pattern among victims of human trafficking among the Roma population.

In recent times, Roma have been identified as both perpetrators and victims in sophisticated involving newly emerging forms of human trafficking. One such case took place in 2011 and involved a criminal network of Roma from Romania. In this case, the criminal network used forged documents to fraudulently collect welfare (tax credits, income support, child benefits and housing handouts). As reported by The Sun, the welfare claims were made to gain support for children who did not exist or children who were "suspected victims of trafficking" (Caroline Grant, 2011, May 18). Another case in 2011 involved Roma people coming from Poland to England. In this case more than two hundred victims identities were stolen in the UK by a well-organized criminal group that consisted predominantly of Roma members from the western Wielkopolska region in

Poland. (Polskie Radio, 2011, November 3) As recent as 2012, there was a case in Canada (the Hamilton case) where a Roma criminal group manipulated the refugee status policy of Canada. In this case, they recruited and transported predominantly Roma people from Hungary to Canada, organized their applications for resident status and used them for forced labour. (Nicole O'Reilly, 2012, January 12)

This growing trend and mobility among Roma people and Roma criminal groups were addressed in Europol report 2011. In this report Roma criminal groups, especially those from Romania and Bulgaria are singled out as "probably the most threatening to society as a whole." The report goes further by saying that Roma organized crime groups are:

> [E]xtremely mobile, making the most of their historically itinerant nature. An attitude of detachment towards Roma communities by public authorities in some Member States has, in turn, left the most vulnerable members of these communities children and young women - unprotected from exploitation by criminal groups. Given the size of the Roma communities in Bulgaria and Romania, the proposed accession of these countries to the Schengen Zone may prompt a further increase in THB [Trafficking in Human Beings] by Roma organized crime groups. (Europol, 2011 p. 11)

In conclusion, according to the findings discussed above, it is evident that trafficking is a problem affecting the Roma population in Serbia and throughout the region. It appears that Roma are disproportionately represented as victims of trafficking, especially compared to the main population in Serbia and the region as a whole. On some level, it seems the cultural practices, customs and traditions associated with Roma, especially early marriage, arranged marriage, and child bagging, play a role in contributing to the vulnerability of Roma to becoming victims of human trafficking or going unnoticed. The findings discussed above do not provide sufficient support to show that the relationship is causal, i.e., that Roma cultural practices, customs and traditions

are the cause of this vulnerability or can be blamed for cases of trafficking, but rather that they are contributing factors, both because people within the Roma community accept these practices as normal and because people outside the Roma community perceive human trafficking to be normal extensions of these practices.

It is also clear that for some Roma, practices such as arranged marriage and (child) begging are perceived as coping mechanisms and survival techniques. For other Roma, however, such practices are carried out for personal gain and greed, often on the backs of women and children. It is clear from this study that the Republic of Serbia, as well as the other countries with a significant Roma population, should increase their efforts to incorporate Roma more fully into the mainstream community and remove policies that keep them isolated and marginalized. Given the extent of marginalization and its impact in nearly all aspects of life, including education, socialization, housing and labour, the Serbian government should develop and implement a comprehensive plan to help Roma overcome obstacles to inclusion, including education programs, social programs, housing programs and job programs. In addition, further research on Roma and their vulnerability to becoming victims of trafficking is necessary in order to fully analyze and comprehend how this phenomenon affects Roma and inform related studies among other minority groups.

Chapter 3, Part II: Nepal Case

Badi Community of Nepal

> *"For many years, I thought it was my fate to be a prostitute. Now I realize this system wasn't made by God. It was made by man."*
>
> *–Female member of the Badi community, Nepal*

The previous section provided perspectives on the Roma community in Serbia and suggested that Roma are at high risk for being victims of human trafficking, especially in light of their marginalization and isolation, discrimination and oppression, lack of education, economic hardship and generally impoverished status in Serbian society.   The discussion above also suggested that perceptions among Serbian society of Roma cultural practices, customs and traditions, especially regarding the role of women and children, may allow Roma victims or potential victims to go unnoticed.   The following section discusses on a much smaller scale two minority groups outside of Serbia (Badi community of Nepal and Dēvadāsis of India) that appear to share a similarities with the European Roma population.   They too are considered to be on the bottom of the social hierarchy (similar to Roma) and there is some indication that their exposure to trafficking can be credited in part to some cultural traditions.   Hence, this section will provide a brief overview of both groups, including their backgrounds, social status and some cultural practices, and discuss whether these groups share any common ground with Roma regarding risk for becoming victims of human trafficking.

The Badi community belongs to the lowest caste in Nepal (Dalit); in general, Dēvadāsis tend to be of the lowest caste in India (Dalit) as well. Padmalal Bishwakarma

defines the caste system as a "descent–based hereditary social system that assigns a certain social group to a position of power over others on the basis of superiority, dominance and purity" (Bishwakarma, 2004, p. 2). This system is largely regarded as: oppressive, exclusive, discriminatory, old fashioned and racist. While both Nepal and India abandoned the caste system and made it illegal in recent years, arguably due to pressure from the West, it is still generally part of social norms.

The Badi community of Nepal[129] represents a very small segment of the much larger Dalit population (0.02% or four thousand five hundred people belong to the Badi community) (Bishwakarma, 2004, p. 9; Nepal's Central Bureau of Statistics, 2003). The Badi live predominantly in the mid-western and far-western regions of Nepal (Pike, 1999 p. 29). They hold obscure position within Nepal's society, similar to Roma in Serbia and throughout Europe. According to Thomas Cox, there are eight exogamous patrilineal clans among Badi people (1992, p. 60). The Dalit of Nepal has twenty different ethnic groups (e.g., Dom, Kami, Damai, Sarki, Mushar, etc.). According to the 2001 national census, the Dalit represent a little more than 13% of Nepal's population of over twenty three million (Bishwakarma, 2004, p. 9; Central Bureau of Statistics 2003). There is significant discrepancy in numbers. In his study in 1992, Cox estimates the number of Badi to be seven thousand. If both estimates are accurate, between the early 1990s and 2001, approximately two thousand five hundred Badi left Nepal or stopped classifying as Badi in the 2001 census (assuming a flat birth/death rate). Data on the size of the Badi community is inconsistent, as was the case with the Roma population in Serbia discussed above. An addition parallel exists regarding the heterogeneity of the groups. As was the

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[129] It should be noted that the caste system was banned in 1963 and the 1990 Nepali Constitution proclaims all citizens to be equal. However, in reality the caste system among people is still firmly in place.

case with the Roma of Europe, including Serbia, the Dalit of Nepal, including the Badi clan, are quite heterogeneous.

It is believed that Badi came to Nepal from India in the fourteenth century as traveling entertainers (singer and dancers) and lived a nomadic lifestyle. They performed for royal families, who were their patrons until the nineteen fifties, landlords and other affluent people, during family celebrations, religious ceremonies and holidays. In addition to serving as entertainers, Badi women often engaged in sex with royal families in exchange for basic needs, food or land, while Badi men were making and selling musical instruments (Cox, 1992, p. 51). According to Cox, Badi lost their privileged status among royal families after 1950, when the Rana regime ended. This in turn forced Badi women to engage in prostitution on a larger scale, even among the population at large. As a result, Badi become known solely for prostitution (Cox, 1992, p. 52). Today due to technological advancement there is little or no interest in their entertaining skills or the products they produce. Consequently, girls enter "prostitution beginning at puberty and continuing until they become too old to attract any more customers or get married" (Cox, 1992, p. 51).

For a long time (over a century) during the Rana royal family reign over Nepal, women and ethnic minorities were mistreated and legally discriminated against, despite that in 1854 the National Code (the Maluki Ain) codified offenses of slavery, child sale and trafficking (IITDS and UNIFEM, 2004, p. 87). A number of contributing factors played and continue to play a role in the oppression of Nepali women. As Agricultural Projects Services Centre (APROSC) points out: "strong patriarchal norms and traditions, forfeited by selective adherence to ritualistic versions of Hinduism, provide a conducive

environment for women's subordination" (APROSC, 2003, p. 149). APROSC discussed

the Badi people overall and those involved in the Deuki[130] practice as especially exposed

to different types of violence, such as: "domestic rape, polygamy and customary

violence." Similarly, a report by the Institute for Integrated Development Studies (IITDS)

states:

> The family teaches its female members to be docile, submissive and obedient
> to male members, as prescribed by the scriptures. Hindu women have to
> abide by these teachings, or else be called uncultured and uncivilized. As a
> result, girls and women develop low self-esteem and lose self-confidence. (IITDS
> and UNIFEM, 2004, p. 36)

Themes of subordination and submission are clear among the traditional and male

dominated communities of Badi and influence the positions and roles women occupy or

can occupy. Religious practices also play a role in the subordination and submission of

women, as seen in the Deuki practice. This theme will be discussed later in the section

on India's Dēvadāsis as well. In many cases, parents are the ultimate decision makers for

their children. They decide whom and when they will marry, whether they will go to

school, work or be sent abroad. In some cases, young children are sent abroad despite

apparent knowledge of the potential dangers of human trafficking associated with this

decision. This is indicated in work of Chiai Uraguchi. According to one interviewee

from the village of Sindhupalchok, one father "forced his daughter to go abroad by

making her [a] passport. There are many little girls who have gone abroad by the making

of falsified passports for 13 or 14 year old girls; thus, those girls do not go happily"

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[130] The Deuki practice, similar to the practice of India's Dēvadāsi, involves the giving of young girls (typically from poor, Dalit communities) to religious temples as a dedication to the Gods. The traditional "religious" roles are diminished today and such individuals are de facto supporting themselves as prostitutes. Among local men, it is believed that by having sex with such women will help them to cleanse their sins. Interestingly, a similar practice exists in Ghana as well and it is known as trokosi.

(Uraguchi, 2010, p. 41).[131] While it may be compelling to judge parents for sending their children abroad, often the alternatives are quite dim, as in the case of an 18 year-old female, Sawana from Nepalgunj. Sawana recalls that "she was just seven when she married and thirteen when she gave birth to her first child. When the baby was only a month old, her husband divorced her. With the help of friends, she engaged in prostitution to earn enough to survive" (ILO, 2001 p. 44).

According to the work of Linet Pike, the mainstream population of Nepal view Badi as: "poor, oppressed and backward people - in need of education, support and upliftment." They are perceived to be plagued by "laziness and unwillingness to work like other people" (Pike, 1999 p. 16). Interestingly, Pike underscores duality of images regarding Badi: "the representations of the Badi in public discourses produce images of fear and distaste, albeit at times tinged with desire and titillation" (Pike, 1999 p. 16). Some of her informants noted that: "they would not want a Badi household next to their home or want to have Badi in their workplace as co-workers." Some go even further by proposing that they should "break and scatter" so that they would not negatively influence others (Pike, 1999 p. 20).   Perceptions of Badi among mainstream Nepalese mirror perceptions of Roma among mainstream Serbians; the similarities are unmistakable.

In his 1996 research, Steve Parish claims that the caste relationship is still based on purity and hierarchy. According to Parish, the Dalits are seen as: "dirty, disgusting, impure, highly sexual, promiscuous, ignorant, and lacking discipline abound" (Parish, 1996, p. 28). Stacy Pigg and Linnet Pike point out the lack of social mobility and overall

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[131] The same paper mentions push factors as including: insecurity due to Maoist conflict, social influence, economic factors or poverty and even high costs of funeral ceremonies, known as ghewa.

persistence of class rigidity among the Badi community. This was also observed by NGO workers of Badi background who feared they were going to be seen as outsiders by the Badi community as reinforcing the power of the higher caste "urban middle class identity" who see all Badi women as sex workers and behave as if "their bodies function as sites of caste identity." Pigg and Pike argue: "low caste people are often portrayed as 'backward,' as lacking in 'awareness' and as 'impoverished.' In this way, the language of development serves to reinforce Badi difference" (Pigg and Pike, 2004, p. 295).

All this sounds so much like the issues Roma are facing in the eyes of the general population in Serbia (as well as within Europe). The socially constructed image of "otherness" that is perpetuated among the mainstream population is in the same time a barrier for Badi (and Roma) to be more proactive. Their social exclusion prevents them from being active and in the same time reinforces negative images of laziness and backwardness. Without structural and institutional support from government, employers and education institutions, it is difficult to see how Badi (and Roma) can change their position in society and the way they are perceived among the mainstream.

The core issue Badi women are facing is the accusation that, by definition and as a function of their caste trade, they are engaged in prostitution. This makes Badi particularly top of mind when speaking about human trafficking and the risks Badi women face. Prostitution is inextricably linked to Badi women and pretty much seen as what Badi women do and are born to do. A 2006 Asha report describes the perception that Badi women are marked for prostitution as a fact of life that Badi women and children accept: "their children were groomed into prostitution and on reaching puberty accepted their role just as a tailor's son would take to his father's trade" (Asha-Nepal,

2006, p. 25).

Badi women face multi-layered obstacles. As pointed out by Lisa Gibson, they are affected "not only by caste and gender ideologies, but also by ideologies around sexuality which are reflected in the dominant trafficking discourses" (Gibson, 2003, p. 24). Cox has a similar view. Cox emphasizes the upbringing of young Badi girls who are taught to think that nothing else is out there for them professionally. According to Cox: "after reaching menarche (at an average age of thirteen), Badi girls begin to engage in prostitution themselves. Some girls start on their own, but most are prompted to begin by their parents" (Cox, 1992, p. 52). For Badi, prostitution is very much a family run business, especially since the work (prostitution) is done in the family's house. The customer is offered a welcome drink (rakshi) over a talk with the family, after which he can go into a separate room with the Badi girl (daughter) (Cox, 1992, p. 53).

According to most researchers, Badi parents typically prefer to have girls over boys, due to the potential earnings of girls. This stands in contrast to other cultures in Asia, especially India and China, where boys are more valued than girls. For a young Badi girl, the knowledge that she will be a prostitute has positive and negative elements. On the positive side, the fact that she will be an earner means she will be more autonomous and less dependent on her parents. On the negative side, she is typically restricted from getting married as the family relies very heavily on income from her earnings. This is especially the case if she is the only "working girl" in the house.

Interestingly, perhaps an advantage is that there is no social stigma within the Badi community related to Badi women and their work. As Cox pointed out in his paper's conclusion, "on the contrary, it is the norm" for them to be engaged in

prostitution and "they accept prostitution as their fate, the only way of life open to them." As a result, it is conceivable that Badi women may not suffer from traumatic stress, depression and low-self esteem to the extent experienced by other individuals involved in prostitution (Cox, 1992, p. 63). On the other hand, the acceptance among Badi girls and women regarding their life/destiny may in the same time be the greatest obstacle preventing them from escaping this cycle. The unquestioned acceptance of prostitution as their fate may discourage them from looking for alternative solutions and professions.

In part, the acceptance of their position in life may help explain the low level of literacy rate among Badi people. In the case of Badi men, it is 21.5% and for Badi women, it is only 11.7% (Nepal's Central Bureau of Statistics, 2003). With such low levels of literacy and overall education, there are very few alternative options for Badi women that will pay as much as prostitution. A life of prostitution for Badi women may be something of a self fulfilling prophesy, though it is far more complex than that since it involves cultural practices, customs and traditions in addition to individual perceptions of self. Given the alternatives for Badi women, the question of whether Badi women want to be helped or rescued from a life of prostitution seems relevant. If rescued, to where can they turn? Can any training commonly offered by local shelters and NGOs provide them with similar or better pay–pay they and their families are in a need for. In essence these questions are addressed in a statement provided by a young Badi woman in a 2001 ILO report. According to a rescued eighteen year-old girl residing in a Kathmandu rehabilitation centre: "the training I am receiving will not be sufficient for my future life. (A staff member) often abuses us verbally. I am not much happier here than in Bombay" (ILO, 2001, p. 34). Furthermore, as the 2001 ILO report provides, for Badi women,

engaging in trafficking is sometimes a pre-meditated action. In the same report, an interview with a young female informant reveals why girls are trafficked from her village of Sindhupalchowk and why submission to trafficking is sometimes desirable.

> If we go to India we feel happy. If we stay here, nobody gives us a single penny. Rita, one of our neighbours, was sent to India by her husband and she stayed there for three years and she came back with a handsome amount of money. They have built a good house in the village and in Kathmandu. They have also lent money in the village. With the interest from those loans, they eat rice. All respect them. Even if we will be unhealthy when we become aged, we could manage from the money earned from India. Ah! I would have gone there had my husband sent me. (ILO, 2001, p. 43)

Despite the common perception among the general population in Nepal that the Badi "caste profession" for women is prostitution, Pike points out that some young Badi men and women show fluidity in their occupation choices, e.g., by seeking migrant work in India. While the Badi community is aware of the perceptions held by others that prostitution is a caste occupation for them, internally the Badi community does not see prostitution as a "caste occupation" but they see themselves rather as entertainers, i.e., that is their "caste occupation" (Pike, 1999, p. 16). Whereas Badi men have engaged in the crafting of musical instruments and such, Badi women have engaged in prostitution, though the original "caste profession" began as entertainment.

Human trafficking is a growing problem in Nepal[132] as elsewhere around the world, at least according to the recorded numbers of discovered, intercepted and assisted victims and the frequency of media articles writings. There is no unified data on human trafficking in Nepal, but estimates that often cloud reality. As indicated in a 2004 report

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[132] Maiti Nepal's data of intercepted individuals shows a constant upward trend in cross-border trafficking; Maiti Nepal is an NGO in Nepal. Additionally, it should be noted that the border between Nepal and India is open. Since there are no requested identification documents, many victims go unnoticed. (ILO, 2001 p. 47)

by the Institute for Integrated Development Studies (IITDS): "variations and inconsistencies in data, which are based on assumptions, make it all the more impossible to derive any trends with accuracy." However, according to IITDS, the most common operating number is in the range of between five and seven thousand a year (IITDS, 2004, p. 16). The 2001 ILO study, however, estimates that twelve thousand children are trafficked every year from Nepal alone (ILO, 2001, p. 1). As in other cases, the data discrepancy is quite extensive; in the ILO case estimates are double that of IITDS.

The sex related cases of trafficking are the most common forms of trafficking related exploitation reported, though there are also cases related of bonded labour (known as the Kamaiyas practice). As reported in the 2001 TIP report, victims involved in bonded labour can be found in "agriculture, brick kilns, and the stone-breaking industry. Particularly in agriculture, this is often based on caste lines, where traditional landlord castes use debt bondage to secure unpaid labor from Dalit laborers" (U.S. State Department, 2011). Furthermore, according to the same report, Nepal is mostly a source country. Trafficking victims from Nepal can be found domestically and abroad. In addition to sex trafficking, victims from Nepal are: "servants, beggars, factory workers, mine workers, and in the entertainment industry, including in circuses and in pornography" (U.S. State Department, 2011).

In an effort to combat human trafficking, in 2007 Nepal's government imposed the Human Trafficking and Transportation Control Act and added regulation in 2008 with punishment of up to twenty years for this offense. Previously, in 2002, Nepal created the Bonded Labor (Prohibition) Act; this act does not prescribe penalties. It is worth

mentioning that Nepal has yet to adopt the Palermo Protocol.

Despite the emergence of some positive actions to combat trafficking[133] among Nepal's government and NGOs, authors such as Poudel and Carryer (2000) argue that some members of the political and government elite are directly or indirectly connected to the trafficking "business" and hence not pushing this issue with full force. This is confirmed in the 2011 TIP report as well.

Given that Badi women are typically involved in prostitution as their occupation, it is reasonable to question whether Badi women are at greater risk for sex trafficking or somehow predisposed to become trafficking victims as compared to other members of the Nepalese population. In addition, given that prostitution is an accepted norm in the Badi community and is performed as a family business, it is important to examine the role of the family (parents) in the process. By definition, the sexual exploitation of minors counts as sex trafficking. As such, since family members (parents) are involved in the process of encouraging, permitting and benefiting financially from the sexual exploitation of their children, it is important to explore what this means in terms of culpability or blame. Essentially, from the perspective of definition, parents can be perceived as engaging in pimping or trafficking their own children.

Clearly, in the case of young Badi girls, elements of human trafficking are present especially when applying John Frederick's definition of "soft trafficking" discussed earlier. The issue whether Badi girls are pushed into this practice without their consent or they are willing participants remains unclear. The sensitivity of this issue was discussed

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[133] In 2010, Nepal's Ministry of Women, Children and Social Welfare opened and partially founded five NGO-run shelter homes for female victims of trafficking, domestic violence, and sexual assault. US State Department, 2011.

in the work of Heather Montgomery in relation to sex trafficking in Thailand, as previously mentioned in chapter 2. Montgomery calls for greater sensitivity in this area. Specifically, she underscores the complexity of different views among cultures and variations in the interpretation, meaning and understanding of trafficking. As Montgomery points out, on one hand, Westerners perceive some cultural practices of Thai people as strange or wrong, but in the same time, Thai people may blame Western influence for forcing changes in their societies. Stacy Pigg and Linnet Pike observed a similar narrative in the Nepalese context. According to their findings: "In both official and popular accounts, negative changes in Nepalese society were attributed to increasing access to foreign commodities and values, and this provoked anxiety about changing norms of sexual behaviors" (Pigg, Pike, 2004, p. 285).

Even if it is possible to argue that Badi girls are willing participants, a separate question is whether such young girls have/can have agency to make a rational decision to engage in a profession of prostituting their bodies, especially considering that this decision would affect their options in the future. It is questionable whether young girls can fully understand what prostitution entails and the consequences it may have on them, including the potential for harm (physical and mental) and the likelihood that such a decision will limit them in other ways, e.g. not be able to marry, etc. It is also questionable whether the Badi community can survive without the practice of prostitution, especially considering that prostitution is a socially acceptable practice for Badi and that the alternatives are quite limited. Based on the discussion above, the Badi community represents an interesting case where cultural practices, customs and traditions are directly connected to human trafficking in the form of sexual exploitation. To a large

extent, the social acceptance of prostitution among the Badi community and participation of the family in this profession/occupation, shows the complexity of human trafficking. With this in mind, the next section shifts to the case of Dēvadāsis of India.

Chapter 3, Part III: India Case

Dēvadāsis or temple women

> *"There's a money bank inside of you, go and earn."*
> -Words of a Dēvadāsi grandmother[134]

This section will discuss in brief a somewhat obscure group of women in India, known as Dēvadāsis,[135] or temple women. In part Dēvadāsis are attractive for research on this topic due to their historic connection to Hinduism and Hindu customs and the prostitution-related work they performed historically in temples. Since this dissertation is interested in exploring the role of cultural practices, customs and traditions vis-à-vis modern day slavery/human trafficking, the objective of this section is to examine the current position of Dēvadāsis and the extent to which culture, customs and traditions may contribute to a higher risk for Dēvadāsis to become victims of human trafficking, especially since today's Dēvadāsis are mostly working as prostitutes and not performing their original temple duties. Some authors describe practice Dēvadāsi today as the "exploitation under the garb of religion and custom" (Nair, 2004, p. 197).

When it comes to the origin of this practice and what it entails to be a Dēvadāsi, there are different perspectives. For one, it is unclear when the practice of devoting

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[134] Orchard, Treena, "In this life: The impact of gender and tradition on sexuality and relationships for Dēvadāsi sex workers in rural India," *Sexuality and Culture*, 11 (1): 3–27, 2007, p. 10.

[135] In literal translation, Dēvadāsi means "female slave of God" (Deva-God and Dasi female slave). It is of Sanskrit origin, though the name varies throughout India depending of the region (i.e. kudikkars, dogmas, bhavins, jogtinis, etc.). (Chakraborthy, 2000; Shankar, 1990; Tarachand, 1991).

women to be slaves of the temple, i.e., what it means to be a Dēvadāsi, began. It is surprising that there is no direct reference to this practice in classical writings, such as Vatsyayana's Kamasutra (250 A.D.), which is the ancient guide for human sexual behavior and does reference courtesans (Shankar, 1990, p. 40; Singh, 1997, p. 12). Some believe that this practice dates back to the sixth and seventh centuries, as it can be found in secret texts known as the Puranas, which were written in this period (Singh, 1997, p. 13). The Dēvadāsi practice became widespread between the ninth and tenth centuries, during the Rajput period (Torri, 2009, p. 35) and flourished during the Pallava and Chola dynasties (Nair, 2004, p. 195).

There are a few theories that explain why the Dēvadāsi practice emerged. One suggests that the temple women (really girls) were to be used as a substitute for human sacrifice or to provide good fortune, fertility, and a blessing for family, land and animals (Nair, 2004, p. 195). Another theory speculates that when people ask priests for help they were asked to provide their daughters to the temple in order to remove the spells of the gods (Nair, 2004, p. 195). Similar practices involving human sacrifice or virgin servants to the gods existed in Greek, Roman, Mayan and Aztec civilizations. Over time, Dēvadāsis became a common part of any temple in India. As Nair points out, they:

> became so numerous and widespread in South India that they emerged as a separate sub-caste, with their own traditions, rules of behaviour and etiquette, and their own panchayat,[136] whose decisions were binding on all members. (Nair, 2004, p. 196)

In return for their services, temples would provide them food, money and housing. This is confirmed in temple engravings, such as the Thanjavur, Nagesvara and Codesvara. As Singh reports, the Thanjavur (temple) provided housing for four hundred divine

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[136] The panchyat means local caste council.

prostitutes (1997, p. 79).

There is some disagreement among researchers about whether Dēvadāsis are limited to the Dalit caste or whether they can be found in other castes,[137] though most agree that Dēvadāsis today come from lower castes. In fact, a 1991 study shows that almost all Dēvadāsis in South India belong to the Harijan group (also know as "untouchables") (Tarachand, 1991). The majority of Dēvadāsis come from poor and economically disadvantaged families, with little or no education and with limited rights. Dēvadāsis are often discriminated against by other social groups and institutions (Black, 2007).

Dēvadāsi women today, as in the past, are devoted as young girls (between the ages of five and ten) to a life-long service to the Hindu deities such as: Yellamma, Ganesha, Jamadagni and Hanuman. They assume their service once they reach puberty. In the past, their role was to provide a variety of religious and ceremonial duties in Hindu temples and during festivals; they also practiced traditional customs and performed traditional singing and dancing during family celebrations and festivals for members of elite caste (Gathia, 1999). In the eyes of the public, Dēvadāsis were cherished as servants of the gods and thought of as great performers. It was a great privilege if a Dēvadāsi would attend and perform at a private event. While people admired Dēvadāsis for their fine skills of entertainment, they were also feared to some extent due to their close relations to the gods. After all, it was up to Dēvadāsis to provide cleansing, good fortune and fertility to people, their land and livestock.

Interestingly, once devoted to the temple, Dēvadāsis (who mainly come from the

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[137] There main caste categories (varnas) are: Brahmins, Kshatriyas, Vaishyas and Shudras. In addition, there is the lowest group, the excluded ones, who are known as Dalits or untouchables.

Dalit caste) do not suffer class or social restrictions as a function of their low status as Dalit. By virtue of becoming Dēvadāsi, they are socially freed from the caste restrictions that dominate the lives of other Dalits. Dēvadāsis receive quality training and education in the realm of religion, music and dance. Once devoted to the temple, Dēvadāsis are not supposed to marry an ordinary man, since their life is devoted to deities and it is presumed that they are married to the gods for life. In some ways, their lack of social restrains, admiration for close relations to the gods, performing abilities (especially outside of the temple), and unmarried life may contribute to the public perception that Dēvadāsis are free spirited, overly sexual and exotic (especially outside of the Indian population), and often linked to practices of prostitution. Given that Dēvadāsis are able to escape their class restrictions, the appeal of becoming a Dēvadāsi might exist in that it serves as a form of upward mobility for a group that is unable to achieve such mobility.

Despite the fact that legal acts[138] from 1984 (the Karnataka Act) and 1988 (the Andhra Pradesh Dēvadāsi Act) have outlawed the Dēvadāsi practice, it is still largely alive. According to research conducted by Anti-Slavery International in 2007, just in two districts (Karnataka and Andhra Pradesh) there are twenty three thousand and seventeen thousand practicing Dēvadāsis respectively. This report also estimated the Dalit population of India to be about one hundred seventy million. According to V.S. Manavade, Director of Vimochena Sangha, as cited in Black: "one-quarter of Dalit members followed the Dēvadāsi system or some variation of it. As recently as the early 1990s the practice was deeply ingrained in social beliefs and mores of a very large group,

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[138] In addition to illegality, these two acts permitted Dēvadāsis to marry and deemed their children legitimate, even though they did not carry their fathers' surname. In case of Nepal's Badi women, this is not the case; the children of Badi women are denied rights of citizenship.

with around 45,000-50,000 Dēvadāsi in Karnataka alone" (Black, 2007, p. 4).

The religious duties of today's Dēvadāsis are deflated to a bare minimum. Moreover, support from temples and the possibility to gain income outside of prostitution, e.g., through traditional dance, is not sufficient to provide for their life. As a result, prostitution remains the main occupation of Dēvadāsis today.

Due to the illegality of the Dēvadāsi practice, today local priests conduct dedication ceremonies in a clandestine manner and charge fees for their services (Tarachand, 1991). Interestingly, despite the transition from divine to ordinary prostitute, in the views of the public and Indian authority figures, Dēvadāsis are not stigmatized for their involvement in prostitution. According to a 2004 study led by P.M. Nair who referred to the work of K.C. Tarachand, the perception of Dēvadāsis is still quite favorable.

> Moreover, compared to other commercial prostitutes, Dēvadāsis in the profession are safe against customers and law enforcing agencies. Their status as religious functionaries prevents the police and the law courts from arresting and punishing them. As a result, initiation of girls as Dēvadāsis has become a paying proposition, since the brothel-keepers attach this eligibility tag before taking girls into their establishment. Further, those who are already commercial prostitutes buy this license to get immunity, thus raising the number of Dēvadāsis in the society. (Nair, 2004, p. 200)

It seems the perception of Dēvadāsis as somehow special and above caste differentiation remained a mainstay in societies in India. It is concerning, however, that brothel owners have now figured out a way to abuse this practice and benefit from it financially. It is also possible that having Dēvadāsis on their books, so to speak, may insulate brother owners with links to human trafficking. In the very least, the Dēvadāsi practice has evolved to the point where it has become a cover for prostitution. Despite being devalued from a religious perspective, the Dēvadāsis tradition still has authority and continues to carry respect among people.

After the creation of the Karnataka Act, the Indian government launched social reform efforts to try to stop this practice and provide alternative solutions to practicing Dēvadāsis. The efforts supported by the government included: programs to show how degrading the practice really is, monetary rewards to men who marry Dēvadāsis, the sponsoring schools for Dēvadāsis children, alternative job training for adult women, and short-term economic alternatives to sex work (Epp, 1997; Shankar, 1990; Orchard, 2007a and 2007b). These efforts were not terribly effective in stopping the Dēvadāsi practice, as many Dēvadāsis refused the assistance offered and have not wanted to change their practices.

In reality, Dēvadāsis face something of an identity crisis and struggle internally to rationalize their position and explain their feelings about their lifestyle and their work. On one side, as was shown in the documentary "Sex, Death and the Gods" by Beeban Kidron, it is apparent that some of Dēvadāsis are proud of their profession, their life and themselves as being independent women. For them, the Dēvadāsi practice offers them freedom from male oppression and provides them with freedom to make their own decisions. In the documentary, a Dēvadāsi, Kamala Bai, underscores this while sitting next to her partner:

> I am a free bird. I don't have any kind of confinement on me. I can walk like I want; I can sit like I want; I can do whatever I want to do. No one has the courage to ask me about anything. I am Dēvadāsi. Marriage is a confinement. You have to do everything they say. Why should I do that? I want him, that's why I'm keeping him. If I don't want him, I'll send him back to his village. A wife will always be confined by her marriage. She always has to listen to her husband, mind her own business and think about cooking. She can't do anything other than that. She can't do anything she wants only has to prepare food and bear children. We are not like that. We earn money, we bear children and we control everything. Wives don't have such freedom. While the mother-in-law is alive, she won't have any say in the family. Me, me, I am the boss. I earn the money. I give money to everyone. I am the boss of him. (Kidron, 2011)

This statement shows the positive aspects of being a Dēvadāsi (from a Dēvadāsi herself), including the freedom to choose how she wants to live. While there may be some sense of choice and freedom in the life of a Dēvadāsi, it seems there are also limitations. In addition, it is also important to consider just how much choice and freedom women or girls in this position have. Certainly, questions of choice, freedom and agency are appropriate, considering the early age at which Dēvadāsis are typically dedicated. Those arguing from a radical feminist perspective would likely claim the choice is severely constrained or limited and therefore not much choice at all

In addition to the positive feelings expressed by the Dēvadāsi woman in the passage above, negative emotions also surface among Dēvadāsis.

> 'Whenever I look at married women my age carrying their children, walking by their husband's side, I think of myself, my life, and my future, and something deep down in me snaps, and I feel like crying.' (Ngo and Sojwal, 2008)

The statement is by a 25 year old Dēvadāsi, Durgamma, who was interviewed by Shelly Ngo and Sanja Sojwal. Anju Gautam Yogi shares a similar narrative of Nepal's temple women, known as Deukis, who are similar to Dēvadāsis. As Yogi points out, in the case of Nepal's temple women: "The older Deukis say they were cheated in the name of religion and are now living a life of hardship. They say that even though prostitution was traditionally seen as a sin-cleansing act, that now it keeps them from finding other work even if they are still physically able" (Yogi, 2010). From these two quotes, the profession and life of temple women (Dēvadāsis or Deukis) is seen in a negative light.

Treena Orchard points out another layer of complexity in her study among young Dēvadāsis, especially those who did not yet begin practicing. Orchard uncovers an interesting level of emotional duality among young Dēvadāsis. At the outset, the young

girls were honored to be Dēvadāsis, yet, when Orchard asked if they knew they would be doing sex work, all the girls' interviews said they were not aware of that. Moreover, "upon finding out they felt 'bad', which refers mainly to having to have sex with many men and being unable to get married" (Orchard, 2007a, p. 2387). Two of the girls said: "not even in my dreams did I know I would be doing that" (Orchard, 2007a, p. 2384).

In one case, Orchard encountered a girl whose first sexual experience was helped by the use of alcohol given to her by relatives to "'break her in,' a technique that she was severely chastised for when her immediate family members visited her." (Orchard, 2007b, p. 11). Interestingly, this young girl was not criticized for selling sex but rather for engaging in the "bad habit" since drinking is not meant for women in India. This case is reminiscent of the case of the Czech Roma woman discussed in the first section of this chapter, who was upset not for being kidnapped twice or forced to marry against her will, but because her price fell by half of the original price paid to her parents. In Orchard's study, some of the girls said that they feel pressure to "support the family, as [it feels like] we (the family) are all depending on you" (Orchard, 2007a, p. 2383). Despite the feeling of pressure, some felt "[being a] girl is better… boys don't work. I am dedicated as Dēvadāsi. I earn and feed for all" (Orchard, 2007a, p. 2385).

Though they admitted to feeling pressure from their families, the girls in Orchard's study rated their family highest, as being the "best things in their life, followed by their children and friends" (Orchard, 2007a, p 2387). The loyalty expressed about their family is interesting given that it is typically the parents who are responsible for procuring them into the practice of prostitution. Orchard continues by correctly pointing out that their perception of family stands in stark difference to how Western academics,

NGOs, media and activists in this field perceive these parents. It is common to find among Westerners to find depictions of the parents of "young sex workers as greedy or heartless purveyors of their children's flesh" (Orchard, 2007a, p. 2387).

As is the case with other cultural practices that have been deemed anti-women and anti-human rights by the West, e.g., female genital mutilation (FGM), the challenge of being both culturally sensitive and protective of human rights seems daunting. The real question is how to find a balanced way how to deal with this issue and the elements that lead these women and their parents to continue this practice that by definition involves sexual exploitation. While addressing this issue is beyond the scope of this dissertation, it is certainly relevant to raise it as it is connected to the overall theme of whether cultural practices, customs and traditions may contribute to an increase in risk to becoming a victim of human trafficking. As was the case with the Badi community, the Dēvadāsis practice seems likely to involve human trafficking. By definition, young girls being persuaded by their parents (or others) to engage in sex work for compensation counts as human trafficking, i.e., the commercial sexual exploitation of minors. If indeed Dēvadāsis are at a greater risk for becoming victims of human trafficking as a result of the cultural practices, customs and traditions associated with Dēvadāsis, walking the line between respect for culture and violation of human rights becomes more challenging.

In the documentary mentioned above, "Sex, Death and the Gods," the film director, Beeban Kidron, discusses the complexities that Dēvadāsis face in their life, particularly with respect to family, poverty, emotions, economics, prostitution and trafficking. In the film, Kidron tries to raise awareness of the complexity of their position in the hopes that the public/viewers (especially Westerners) would not prejudge these

women or their parents, who are in most cases initiators of this practice, but rather to look to the larger picture and ask what are the obstacles these people and what are their alternatives. This is not to suggest, of course, that these practices ought to be allowed and that it is acceptable for the young children involved to be made scapegoats for their parents' poverty, but rather that an informed and balanced approach is required. In the 'West,'[139] individuality, freedom, personal choice and the rights to pursue goals are celebrated. There appears to be a tendency for the 'West' (including the human rights community) to unequivocally condemn practices that are based on different values and difficult to comprehend, as exotic, backward and amoral. This tendency was observed in the case of Roma people, where the larger community in Serbia (and Europe) judge first without asking what is the meaning of their practices, why some parents allow or force their children to beg, and what alternatives they have.

In the case of Dēvadāsis, it is not fully understood how or why the Dēvadāsis practice transitioned from a religious role involving traditional music and dance to divine prostitution and later to commercial prostitution, which is what Dēvadāsis are mostly known for today. Orchard proposes that there was overlap in the role of Dēvadāsis all along and that, in addition to their more divine roles, Dēvadāsis provided sex services in the past as well. She argues that Dēvadāsis provided sex to: "male temple attendants, priests, and men who could be regarded as patrons or clients" (Orchard, 2007a, p. 2381). In part this is confirmed by Singh's account of the differences among Dēvadāsis. According to Singh, there were different roles of Dēvadāsis, i.e., those who were not able to perform sex acts due to age or dysfunction, those who were taken as concubines to

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[139] This is not to suggest that the West itself is monolithic and that all people in the West have the same gaze, but just to reference what is commonly characterized as the West, meaning the developed world with Judeo-Christian values.

wealthy men who wanted to have extra marital sex and could afford them, and lastly, those who were used as a commercial prostitutes in the flesh market (Singh, 1997, p 122). On Singh's view, Dēvadāsis should be understood more as concubines rather than prostitutes. Singh argues that Dēvadāsis were provided for financially by temple as well as by their patrons and there was "no contract between a woman and man as in the case of the common prostitute." On his view "very simply, provision of sexual services by these women is not a commercial exchange" (Singh, 1997, p 130). Singh's suggestion is that sexual services performed by Dēvadāsis do not represent a commercial transaction and are therefore they are closer to the role of concubine than prostitute. Whether there is commercial exchange in today's environment, however, is highly contested.

Moti Chandra offers additional information about the internal divisions among Dēvadāsis in the past. According to Chandra, Dēvadāsis in the Hindu tradition were divided among seven classes depending on how they were originally dedicated to the temple (Chandra, 1973). They were known as:

1. Datta- self-dedicated, on her own accord as a gift to the temple
2. Vikrita- Purchased or self-sold to temple authority
3. Bhritya- servant for supporting family
4. Bhakta- devotee- Dēvadāsi
5. Abducted and deserted at the temple
6. Alankara- well trained and presented by kings or nobles to a temple
7. Rudra Ganika or Gopika- one who receives regular wages from a temple and is employed to sing and dance

These classes show another layer of internal differentiation among Dēvadāsis. The differentiation among Dēvadāsis translated into differences of hierarchy, income, popularity, influence and rank. Some performed more basic temple duties, such as cleaning and food preparation, whereas others were arranging ceremonial flowers. The most valued were performing religious singing and dancing as well as services for royalty

and wealthy patrons. Some were so successful that they were able to generate large donations, as is the case of the Dēvadāsi known as Shantavve in the eleventh century. Shantavve built a ten-mile long water reservoir in the state of Karnataka (Chennagiri taluka of Shimonga district), which is still in use today by local people and is known by them as "Sulekere" (the Prostitute's Lake) or officially Shantigagar (Kamat, 2005, December 1).

This case demonstrates that Dēvadāsis played an important role in Indian society and were well connected and respected by local elites. The Dēvadāsis practice, however, was heavily influenced and altered, as was India's territorial integrity, by numerous invasions by foreign powers. These invasions forced change in India, including Hindu temples, the Dēvadāsi practice, social institutions and overall culture. According to Torri:

> The connection of Dēvadāsis with prostitution seems to have been established after the 10th century. The rise and fall in the status of Dēvadāsis can be seen running parallel to the destruction of temples by invaders…This was a decisive point in the Dēvadāsis' passage from persons with agency and ritual significance to symbols of divine sexuality for the enjoyment of royalty, wealthy donors, and attendants (Torri, 2009, p. 37).

Surely the longevity of this practice coupled with gaps in exact knowledge make it difficult to trace with precision how Dēvadāsis became linked to prostitution. Research on whether there was a tipping point that changed the direction for Dēvadāsis is not terribly cohesive. It is clear, however, that Dēvadāsis went from the road of admiration and praise among the general population, marked by exclusive relations with members of the upper caste, royalty, priests and the gods, to a fate that seems divorced from their history and changed for the worse. The transition that Dēvadāsis have undergone over the years ultimately led to the situation they are in today, i.e., largely regarded as prostitutes. As was the case among other civilizations, Dēvadāsis seem to be the victims

of historical change.

The suggestion that Dēvadāsis were better off in the past, however, is itself subject to controversy. Some authors, such as Constanza, who builds on the work of Orchard, raise some issues of caste or class domination. It appears those of the upper castes may have manipulated local priests, older Dēvadāsis and parents of young girls to fulfill their sexual needs. The hypothesis is that, when trying to convince parents to consecrate their daughters to the divinities, temple priests were really carrying out the instructions of upper caste men who bribed them. The suggestion is that members of the higher caste may have manipulated the system for their own pleasure. This shows the disadvantaged position of these girls as well as the overall position of members of the lower caste.

The kind of manipulation is not an isolated case, as can be seen from the research conducted by P.M. Nair. According to Nair, in the Pune district where the god Khandoba is worshiped in temple Jejuri, there are registered cases where members of the high caste "who visit Jejuri to pay their vows never give their own girls to Khandoba, but buy children from low-caste parents for a small sum of money, which is not a difficult thing to do, and offer them instead of their own children" (Nair, 2004, p. 197).

In addition to manipulation of the Dēvadāsi from within India, it is also the case the outsiders influenced this practice as well. In particular, the perceptions of the Dēvadāsi among European colonial powers (Portugal and British) who ruled over India, as well as the views of Christian clergy, influenced the Dēvadāsi practice. When Europeans established their rule in India, they found this practice mystical, exotic and vulgar; they also thought it was inappropriate for it to be connected to religion. In her

work, Rosa-Maria Perez outlines the Portuguese experience of Dēvadāsi in the Goa region. According to Perez, the Dēvadāsi practice:

> [r]epresents eroticism, and beyond that, lust--the exact embodiment of the oriental stigma…readily inscribed with the sexual fantasies of the colonizers. Repressed by a stern Judeo-Christian morality, they seemed to find in India what otherwise was not available to them: the promised Paradise of the One Thousand and One Nights. Intrinsically associated with dancing, a mixture of permissiveness and sensuality, the Dēvadāsi held an irresistible appeal of exotic eroticism. All the more since, as suggested above, in various European contexts dancers and dancing were a device through which otherness was represented from textual to visual forms. (2005, p. 129)

In fact, Europeans were the first to challenge the Dēvadāsi practice and establish legal barriers to this practice. For example, in 1699 Portuguese Vice-Roy Antonio Luis Goncalves da Camara Coutinho ordered the expulsion of the dancers from the Goa territory based on:

> [T]he threat which they posed to Catholic morality. The order further stipulated the death penalty for any dancers found in Goa after the ban, and a heavy fine upon their hosts determined in accordance with their social status. (Perez, 2005, p. 131)

The Europeans were not the only ones trying to influence the Dēvadāsi practice. The Muslim invaders, who created the powerful Mughal Empire and ruled over most of northern India for three centuries, also had a hand in influencing the practice. According to K.C. Tarachand, Sultan Aurangzeb, who ruled over the Mughal Empire from 1658-1707, issued public proclamations prohibiting singing and dancing and ordered all the dancing girls to either marry or leave the kingdom (Tarachand, 1991, p. 11).

The final blow to the Dēvadāsi practice came some time later in 1934 when the British initiated the Bombay Dēvadāsi Protection Act. This act declared the dedication of a woman as an illegal act, irrespective of whether the dedication was made with her consent or not, and proposed penalties for that. In today's context, the Dēvadāsi practice

is illegal and is regulated by the Karnataka Dēvadāsis Act from 1982. This act declares it illegal to dedicate girls to the Dēvadāsi practice and turn temple girls into prostitutes. Despite this, as stated earlier, the practice is still alive throughout India, though to a lesser degree in the North compared to the South, due to the long rule of Muslims who had destroyed most Hindu temples in the North. The practice today, of course, is largely dissociated from its religious origin and mainly connected to prostitution.

Given the current nature of the practice, whereby parents push their children into a life of prostitution, the potential link between the practice in its current form and human trafficking cannot be ignored. The potential connection between these two phenomena can be made on two levels: the trafficking of minors for sexual exploitation and the sale of minors for sexual exploitation. In the first case, the family, often mothers and grandmothers, are the ones who arrange the Dēvadāsi dedication as well the details of the first client. The first client usually pays premium (money, gold, silk and other gifts) to be with such a girl and perform the "deflowering." Moreover, after the initiation, the girl is expected to continue to support the family financially by selling her body. As a result, the family receives direct financial benefits from the sexual exploitation of the girl. In the second case, the family is responsible for the sale of young girls to others. Orchard shares the case of Mohini, a young girl who was sold:

> [i]nto prostitution several times without knowing it. After being promised a job at a hospital in Mumbai and ending up in a brothel, she was confused and initially refused clients. For this she was beaten, denied food, and ordered to sleep with men, which she did with great reluctance. After a year and a half, and two 'owners' later, she took a bus to northern Karnataka, where she had no connections except a name given to her by her first owner. It was then that she became part of a larger *Dēvadāsi* community. (Orchard, 2007b, p. 10)

From this quote it becomes evident that young girls or Dēvadāsis are not always

dedicated and kept home with the family, but rather abused, sold and resold against their will. This kind of a case is firmly connected to the practice of trafficking.

In a recent conversation with Arun Acharya, a fellow participant in a conference on human trafficking, i.e., The Global Slave Trade: The True Cost of Our Consumption, Acharya indicated that between one and two thousand Dēvadāsis are directly sold into commercial prostitution each year. In his opinion, most sales take place during the religious holiday of full moon in the month of January in Yellamma shrine, when traffickers from big prostitution centers in India buy potential Dēvadāsi victims. Interestingly, Acharya said that these sales take place via procurement of Hindu priests who provide help and recommendations as to which girls can be used for that. This information goes hand in hand with information provided in Nair's report, wherein priests generate financial profits through the sale of Dēvadāsi certificates. As Nair points out, these certificates enable commercial prostitutes to go back to their original community and not be socially persecuted.

While it may seem appropriate to distinguish between cases where the young girls stay with their family and those where they are sold, in both kinds of cases the truth about what it means to be a Dēvadāsi, what is expected of them, and what their future entails is withheld. This was pointed out earlier in the discussion of Orchard's work. Kidron's documentary film illustrates the confusion or deception entailed in the procurement/recruitment process. In the film, one of the interviewed girls, Roopa, describes what she was told about what would happen on her first night with a man:

> My first day I was put in a room and I was very nervous…I did not know what to do. I was wondering what would happen and they said: 'he'll just hold your hand, hold your hand'…I thought he would just hold my hand and it would stop at that. What he would do, I didn't know…but on that first night I was bleeding a lot. For

two days I was bleeding a lot. I didn't know what life as a Dēvadāsi would be like. I didn't know anything then. (Kidron, 2011)

Roopa's mother was given five thousand rupees (the equivalent of seventy British pounds) and a gold chain for her daughter's deflowering. Roopa's case provides reason to explore the extent to which young girls who are dedicated as Dēvadāsis are deceived into a life of sexual exploitation for which they do not exercise free choice and are therefore at risk for becoming victims of human trafficking. Moreover, given the cultural practices, customs and traditions associated with the Dēvadāsi practice, it is important to examine the extent to which perceptions of the practice or the practice itself predispose Dēvadāsis to human trafficking. The contributory role of family and culture makes the Dēvadāsi case, like the Roma case, even more complex. As Orchard's research revealed above, since Dēvadāsis view their family as "the best thing in their life" addressing this issue requires a more nuanced approach, especially given the cultural background and sensitivity of this practice.

The issues facing Dēvadāsis represent a smaller segment of a much larger problem of sex trafficking that India is facing today. According to the 2011 TIP report, the largest trafficking problem in India is in the realm of forced labor, where millions of "men, women, and children in debt bondage are forced to work in industries such as brick kilns, rice mills, agriculture, and embroidery factories" (U.S. Department of State, 2011). Furthermore, the same report points out that "ninety percent of trafficking in India is internal, and those from India's most disadvantaged social economic strata including the lowest castes are particularly vulnerable to forced or bonded labor and sex trafficking" (U.S. Department of State, 2011). While precise data on human trafficking in India does not exist, according to some estimates for sex trafficking alone, the numbers range from

seventy thousand to two million (Mukherjee and Das, 1996; Nair, 2004, p. 21).

India has several legal documents that inform, regulate and support anti-trafficking efforts, such as: The Indian Penal Code (especially section 366A, 366B and 372), The Immoral Traffic (Prevention) Act, The Bonded Labour System (Abolition) Act, Juvenile Justice (Care and Protection of Children) Act, and Child Labor (Prohibition and Regulation) Act, among others. The overall levels of crime are increasing, according to National Crime Records Bureau (Nair, 2004, pp. 243-246). The 2011 TIP report underscores negative elements regarding the fight against trafficking in India, including: 1) "Indian law enforcement and immigration officials continued to lack formal procedures for proactively identifying victims of trafficking among vulnerable populations," 2) "The involvement of some public officials in human trafficking, and the pervasiveness of corruption," and 3) "Indian courts had a lenient attitude towards bail for alleged trafficking offenders" which can lead to "witness intimidation and delayed trials" (U.S. Department of State, 2011). In light of these problems, India is facing a significant challenge when it comes to trafficking issues overall. Clearly, understanding the role that well established cultural practices, customs and traditions, such as the Dēvadāsi practice, may play in predisposing some to become victims of trafficking (or to be overlooked and normalized) will require integrated efforts at the level of state actors, including police, but also coordination among non-state actors. The creation of more meaningful social programs for those at risk of becoming victims of human trafficking as well as programs geared toward better education and emancipation of women into mainstream society, especially those coming from the lowest caste, are also integral to the success of anti-trafficking efforts. Since these conditions are connected with higher risk for becoming a

victim human trafficking and are the consequences of larger issues, such as: social

inequalities, poverty, wealth distribution, education systems and globalization, success in

combating these issues may lead to a better path for combating human trafficking as well.

An alternative solution for issues India is facing may be to take a bottom-up approach.

The role of individuals in changing social norms cannot be overlooked. A colleague

from a higher caste in India recently shared this sentiment with me.

> I belong to a high caste…for many generations when my family would go to the
> local barber, we did not have to pay for his services. One day I decided to change
> that and I started paying him for haircuts. At the same time, I tried to talk to my
> father about this, as I felt that we were using this man as a slave. It took me five
> years to get my father to accept my argument and start paying the barber.
> (Conversation with colleague from India, 2012)

As this quote reveals, while it may take time, the role of individual reflection and action

may be just as important as the efforts occurring at the top. If society itself does not

reflect on the impact of generations of discrimination and also contribute to change, it is

unlikely governmental efforts will has as strong an effect.

Conclusion

This research has presented human trafficking as a diverse, nuanced, opportunistic and dynamic process, which occurs often under the public radar, yet inherently depends on everyday people and transactions made within the public realm. Human trafficking is made entirely by the people, for the people; it is a man made problem. Whereas in the past, slavery mainly served privileged elites, landowners and royalty, today's modern day slavery (human trafficking) is more democratic; indeed, modern day slavery serves criminal enterprises just as it surely as it serves large corporations and small struggling families. The human elements and interactions within the modern day slave trade are without reciprocity and democratic freedom. For those caught on the victim side of this abusive net, there is little freedom or profit. Traffickers exercise enormous power, not only in the procurement of victims, but also in the satisfaction of demands coming from all segments of society, including corporations who overlook the details of their supply chains in the race for lower costs. The demand side of the equation is marked by an increase in demand for services and products offered/made by trafficked victims. In part, the forces and effects of globalization, including demand for cheaper goods and services, cost cutting measures, travel restrictions, modern innovations in communications and transportation, rise in social inequalities and deepening of poverty are connected with the demand for human trafficking in today's world.

The modes of human trafficking seen in recent years seem to occupy various positions along a continuum, i.e. from low tech to high tech, soft to hard, internal to external, domestic to international, small (mom and pop style) to sophisticated (organized crime type), single to multiple victims, and short-lived to long-term.

As this dissertation has pointed out, the overall complexity of this phenomenon creates challenges for researchers in this field as well as obstacles for those developing and implementing anti-trafficking efforts. A one-size-fits-all approach is simply off the table. Human trafficking is continuously evolving and adapting. Some forms are used for a brief period of time only to be replaced with newer, more relevant modes. Old forms are sometimes reinvented just as new forms emerge. Hot spots, routes, targets (i.e., victims), methods and operations are constantly changing.

The cases discussed throughout this dissertation speak to the complexity of human trafficking, not just in terms of forms, but also in terms of the actors and underlying conditions that give rise to it. While it is sometimes the case that human trafficking occurs when a stranger lures or coerces an unsuspecting victim, in other cases family members are involved in the procurement. There are also cases where victims themselves elect to be trafficked as a way to pursue upward mobility. The nuances involved in the various modes of human trafficking make it difficult to create an all-encompassing anti-trafficking strategy. Human trafficking is both big time and small time, both localized and globalized. It serves greed just as it serves hunger; it makes some rich and keeps others in a life of poverty and debt.

As discussed above in the section on Roma in Europe, organized criminal groups have created new trafficking forms, including high-tech ways of misusing the welfare system. In other contexts, networked technologies represent new mechanisms for the advertisement and procurement of trafficking victims. Old forms of trafficking, such as forced begging, have also been reawakened. Whereas some forms of human trafficking are more visible, especially street prostitution and child begging, others are more difficult

to spot, e.g., those involving private brothels, escort services and fishing boats.

In reality, everyday consumers do not know about the ways in which commonly used products are connected to trafficking. Tomatoes, fish, jeans, sneakers, chocolate, carpets and other items sold in local stores may be produced by child/forced/bonded laborers. In turn, anyone can be guilty of supporting trafficking, including manufacturers, farmers, transport companies, merchants and end users. Despite common misconceptions, trafficking is not simply about a sexually perverted or socially insecure guy who buys a trafficked girl for sex. More often, trafficking victims are used for forced and bonded labour. Nonetheless, as described earlier, it is common for people to think of trafficking as sex trafficking and omit the other forms. In part, the focus on sex trafficking can be attributed to the overrepresentation among media, including sensationalism, and the focus on sex trafficking among researchers and governments. It is important for researchers not to overlook other trafficking forms as well, which can be just as brutal as sex trafficking, e.g. organ trafficking, child soldiers, etc., especially since researchers typically inform governmental policies and anti-trafficking programs.

An important difficulty facing researchers is the ever-present problem of data and the inability to determine a meaningful estimate of the scale of this phenomenon. Overcoming the data problem would enable policy makers, advocates and researchers to respond better to this growing problem, especially if the data provide numbers of at risk groups. Unfortunately, a combination of forces, including the clandestine nature of the phenomenon, high victim turnover, lack of universally adopted methods for collecting data, victims' reluctance to fully cooperate with authorities, changes in modalities and trafficking forms, and last but not least, complicity among those who (e.g., in corrupt

governments), makes it likely this problem will prevail for some time rather than disappear.

In the realm of human trafficking research and anti-trafficking efforts, differences among approaches to understanding and analyzing human trafficking often create additional obstacles and constraints. As pointed out in Chapter 2, the main theoretical paradigms used for explaining this phenomenon tend to be exclusive and limiting. In the feminist approach, for example, there is a clear division between those (radical feminists) who view all prostitution as trafficking and all victims as without any agency, and those (liberal feminists) who allow that some prostitution may be elective (not forced) and that agency is possible in sex work (indeed, the idea is not all prostitutes are victims). Such opposing stands tend to erupt at the level of policy-making and often hamper rather than further progress on the understanding of human trafficking and how to combat it.

In light of this, this dissertation has proposed an alternative way to approach this phenomenon via an *integrative approach*. The integrative approach encompasses and blends aspects of the main theoretical frameworks. As such, it presents a more holistic model for understanding human trafficking by yielding attention to the richness in forms and crosscutting issues. Despite the differences in each individual approach, there are common horizontal threads and crisscrossing patterns that bring each paradigm a bit closer to each other than their proponents might suggest. In light of this, it seems helpful to view trafficking through a nuanced lens rather than a fragmented, single focused approach. Moreover, approaching trafficking with a more nuanced lens would allow for the incorporation of the four stages of human trafficking proposed earlier, i.e., the preliminary stage, entering, main and post.

Including the traditionally overlooked *preliminary stage* in analyzing this phenomenon brings into focus elements that influence trafficking (before or as it begins) and therefore contribute to a better understanding of the root causes or contributing factors that may give rise to this phenomenon (or allow it to go unnoticed), including cultural practices, customs and traditions, such as child/forced or arranged marriages, bride price, child labour, religious dedications as in the Dēvadāsi practice, caste discrimination, social exclusion, etc. In addressing the role of cultural practices and how they are perceived, researchers will be in a better position to understand the nuances involved in human trafficking and examine whether cultural practices (or the perception of cultural practices) may contribute to an increase in risk for some to become victims of human trafficking. Due to the sensitivity of these issues, however, researchers have to be careful not to demonize entire cultures and not to blame people for their own victimization. The point should rather be to understand where vulnerabilities exist and how to overcome them. In such cases, the community itself ought to be involved in culturally appropriate anti-trafficking efforts, rather than having efforts imposed on them in a top-down fashion. Involving the community may help to neutralize accusations that anti-trafficking advocates are cultural imperialists who are attempting to impose foreign values and the depletion of authentic ways of life.

In the realm of anti-trafficking efforts, a fair dose of reality is needed when discussing expectations, especially in contexts where people are facing variety of internal or external challenges, including instability and insecurity in the economic environment, political unrest, territorial threat, natural disaster, armed conflict, etc. As observed during field research in the Republic of Serbia, there are visible efforts on the country's behalf to

fight this problem, however due to budget constraints, economical pressures, recent political crisis, high levels of crime, and a pending territorial dispute (i.e., over Kosovo), there simply are not enough resources to fully tackle this problem as needed, which has been pointed out in the case of Roma street children. In the cases of India and Nepal, one of the main hurdles in this fight, especially regarding culturally sanctioned practices, such as Dēvadāsi in India, or socially constructed hierarchies of "otherness" within the Badi community (or among Dalits overall), is how to overcome social and gender inequalities largely dictated by the remnants of the caste system. In all three cases, (Roma, Badi and Dēvadāsis) examples of soft type of trafficking, where parents are the main procurers and children the main victims, are evident. In such soft cases, the parents and children form some level of understanding about what will take place, making the question of coercion a bit more nuanced than cases where a trafficker is holding a gun to someone's head. At the same time, cases of soft trafficking may lead to hard types of trafficking, as well as serve to camouflage exploitation under the guise of cultural practices, customs and traditions. If a cultural practice is seen as allowing for behavior that is consistent with human trafficking (or by definition counts as human trafficking) it might be appealing for criminal entrepreneurs to hide behind customs and traditions to cover up their real purpose, which is exploitation of people for financial gains. It might also be the case that the state's knowledge of culturally sanctioned practices that appear to allow for human trafficking may make the state less likely to intervene and allow trafficking to flourish unnoticed among certain cultures without appropriate intervention.

Regarding the hypothesis that ethnic minorities, e.g., Roma and Dalits (Badi and Dēvadāsis), may be more prone than others to be victims of human trafficking (or go

unnoticed), this research shows that there is some validity to this claim. In all three cases, there are strong indicators that these groups carry a greater risk of being trafficked or of going unnoticed as victims of trafficking. Though far from precise, data on victims show an overrepresentation among those groups as compared to the mainstream or dominant population. In the case of Roma, the customs of arranged and early/child marriage as well as the practice of young children engaging in begging opens the door for questions about whether these practices constitute human trafficking. From a definitional perspective, it does appear these practices count as human trafficking. On another perspective, more research is required, especially if these practices are mainly on a small scale (within the family) and are used as life coping mechanisms. It is important for researchers to be careful not to over generalize and overlook the nuances of the situation in which Roma find themselves, as these practices may be a response to deep poverty, lack of family resources, inequality and pervasive social exclusion and discrimination in Serbian society. In the terms of the Roma tradition of early child or arranged marriage, as Čvorović proposes, it could be part of an "ethnic traditional strategy" developed in response to the rough life conditions their ancestors faced in the past. While some might object that the reason behind the cultural practice does not excuse it, if indeed it constitutes human trafficking, it is important to understand the origin and function of such a practice to provide a deeper understanding of its meaning in the community and how it is perceived outside the community.

In the case of the Badi and Dēvadāsis, a nuanced understanding of the cultural practices, customs and traditions reveals interesting commonalities with Roma. All three groups have customs that enabled them to preserve their identity amidst a deeply divided

society. All three have experienced substantial limitations in terms of their chances for upward mobility and for securing jobs; all three also experienced times where their life prospects seemed better, e.g., Roma under Ottoman rule or communism, Badi under the Rana rule, Dēvadāsis before the foreign invasions. In the global era, where demand for human trafficking is on the rise, it seems the customs and traditions that have helped these groups survive over the years may predispose them to a greater risk for being victims of human trafficking (or going unnoticed as victims) as compared to mainstream society. In each case, the role of family in influencing or procuring young children to engage in activity that appears to count as human trafficking makes for a complex situation. Human trafficking has many modes, but when family members are involved, this tends to complicate matters in terms of understanding and in terms of intervention.

With this in mind, possible solutions for the addressing the complex nature of human trafficking is to incorporate ethnic minorities, local communities and trafficking victims into the process of policy-making and problem solving so that anti-trafficking efforts can be more in tune with their needs and better understand their risk profile. The one-model-fits-all approach must be abandoned as it has shown its inefficiencies in understanding the complexities of human trafficking. Researchers and policy makers should rather shift their focus to provide more meaningful, nuanced ways of approaching the study of human trafficking and creation of anti-trafficking programs. This might involve providing direct assistance and coordination at the grass roots level, perhaps among village leaders, neighborhood committees, schoolteachers, concerned parents, etc. Involving the local community in the process may help researchers and policy-makers avoid bureaucratic hold ups, corruption and mismanagement, as was seen in the positive

micro-loan cases discussed earlier, e.g., pass a goat/piglet program to encourage families to be self-sustainable and not have to sell their children.

In the terms of research in this field, there is still a long road ahead. On a positive note, however, people are more educated and aware of this problem. In many societies, awareness of human trafficking has increased and most people would be able to say something about what it entails and who the main actors are. Furthermore, universities are now offering more courses on human trafficking and there is a growing body of literature on it (both within and outside the academic sphere). There is also a growing trend of corporate interest in trafficking and recognition that they may be exposed to trafficking (directly or indirectly, knowingly or unknowingly), and consequently could be responsible for it (legally or morally). This has prompted some corporations to engage in anti-trafficking efforts and to evaluate their supply chain activity. On the negative side, profits coming out of human trafficking are large and the risks are low (especially when hidden under the cloak of culture, customs and traditions). Other factors that contribute to the sustainability of human trafficking include: low rates of arrests and fines, chronic lack of funds in the anti-trafficking realm, evolution of new trafficking modalities and forms, frequencies of natural and man made disasters (which correlate to trafficking dangers), impact of large scale economic fluctuations that are more dangerous among the poorest, and lastly, growth of the world population. In light of these contributing factors, despite the best anti-trafficking efforts, it seems human trafficking is not going to disappear very easily in the near future, but is rather here to stay. As a result, researchers must develop more nuanced, integrative approaches to understanding this phenomenon and combating it at different stages in order to gain the upper hand in this uphill battle.

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