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# Human Trafficking: An Issue of Human and National Security

Roza Pati

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## ARTICLE

# Human Trafficking: *An Issue of Human and National Security*

Roza Pati\*

*“Human trafficking is a crime against humanity. We must unite our efforts to free the victims and stop this increasingly aggressive crime which threatens not only individuals but the basic values of society and of international security and justice, to say nothing of the economy, and the fabric of the family and our coexistence.”<sup>1</sup>*

-Pope Francis

### ABSTRACT

*There can be little doubt that trafficking in human beings, this billions-of-dollars illicit industry, is a horrendous by-product of global poverty and the unchecked greed. As this avalanche of people enslavement rolls down into our communities, it is adversely impacting the individual, the nation-state and humankind. It is as much endangering the security of the individual human being as it is interfering with the security of the nation. Hence, in this day and age of technology and globalization, the concept of national security, should, in accordance with our values, include human security, as the only way to effectively counter global threats and to achieve a public order of human dignity.*

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<sup>1</sup> Pope Francis, *Address of Pope Francis to the New Ambassadors Accredited to the Holy See on the Occasion of the Presentation of the Letters of Credence* (Dec. 12, 2013), available at [http://www.vatican.va/holy\\_father/francesco/speeches/2013/december/documents/papa-francesco\\_20131212\\_credenziali-nuovi-ambasciatori\\_en.html](http://www.vatican.va/holy_father/francesco/speeches/2013/december/documents/papa-francesco_20131212_credenziali-nuovi-ambasciatori_en.html).

*Back in 1945, Edward Stettinius Jr., U.S. Secretary of State, reporting on the San Francisco Conference that established the United Nations, noted, with remarkable foresight:*

*“The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory means freedom from want. Only victory on both fronts can assure the world of an enduring peace.”<sup>2</sup>*

Today, almost 70 years later, we are still struggling to be free from fear, free from want, and free to live a life of dignity in our communities. In the context of human trafficking, interference with these freedoms is both its cause and its consequence. This paper will first focus on defining the notions of national security and human security, then describe the scope and magnitude of human trafficking globally, in our Western hemisphere, as well as in our own Sunshine State, analyze the connection of human trafficking to national security, and conclude with a brief appraisal and recommendation.

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<sup>2</sup> Franklin Delano Roosevelt, U.S. President, State of the Union Address: Freedom from fear and freedom from want are key parts of the Four Freedoms proclaimed as post-WWII goals (Jan. 6, 1941), *available at* <http://iipdigital.usembassy.gov/st/english/inbrief/2012/08/20120802134072.html#ixzz2w3AS00Ai>; Listen to the speech at <http://www.fdrlibrary.marist.edu/fourfreedoms>.

## I. A CURSORY LOOK AT THE TRADITIONAL CONCEPT OF NATIONAL SECURITY

Different from human security that is people-centered and emphasizes the idea of shielding people from pervasive threats while empowering them to develop resilience to adversity, the policy of the traditional notion of security focuses on the military and defense survival tools to avoid war and severe adversity or to triumph through them, if and when prevention fails. It is all done in the name of untouchable sovereignty, political independence and territorial integrity of the nation-state, by harnessing power—economic, political, or diplomatic *vis-à-vis* the power of other states and non-state actors. Though in the final analysis, people are the beneficiaries of national security policies as well, the focus of the latter is on a specific nation and its citizenry, rather than on a universal dimension of the security of every human being, no matter where the person might be located.

Arthur Rizer and Sheri Glaser, trial attorneys with the United States Department of Justice, discussed the definition of “national security” in a 2011 article. Analyzing statutes like the National Security Act and PATRIOT Act, they concluded that there is no one definition of the term “national security.”<sup>3</sup> However, they did find guidance in the Immigration and Nationality Act, which provides: “the term ‘national security’ means the national defense, foreign relations, or economic interests of the United States.”<sup>4</sup> Further reference is made to President George W. Bush emphasizing protection of our constitutional system, our economic system as well as United States’ interests around the globe.<sup>5</sup> These definitions express pretty much the traditional approach to security.

However, in today’s world, even such descriptions of ‘national security’ have been viewed as flexible, to include various emerging security issues, such as energy security, cyber security, environmental security, and even President Clinton’s broad perception of security for “our people, our territory and our way of life,”<sup>6</sup>—a concept that comes closer to the notion of human security.<sup>7</sup>

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<sup>3</sup> Arthur Rizer & Sheri Glaser, *Breach: The National Security Implications of Human Trafficking*, 17 WIDENER L. REV. 69, 74 (2011).

<sup>4</sup> *Id.*, referring to 8 U.S.C. § 1189 (d)(2) (2006).

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

<sup>6</sup> JAMES E. BAKER, IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES 16 (2007)

<sup>7</sup> See United Nations Office on Drugs and Crime, *An Introduction to Human Trafficking: Vulnerability, Impact and Action* 81-101 (2008); Richard Friman & Simon Reich, *Human*

## II. THE ADVENT OF THE CONCEPT OF HUMAN SECURITY

In 1994, the United Nations Development Programme released the Human Development Report that, *inter alia*, focused on a new dimension of security, “human security”.<sup>8</sup> Human security was to be understood as relating more to people rather than the entity of the nation-state. It is about the legitimate concerns of ordinary people in their everyday lives, and the way they see security: as protection from hunger, unemployment, disease, crime, environmental hazards and civil and political unrests and repression. What really matters to people is for them, in the final end, to enjoy freedom from want, freedom from fear and freedom to live in dignity.

The present notion of security requires shifting the thought from territorial security, exclusively, to a greater emphasis on human security, from ensuring security through military power to achieving security through sustainable human development. In this line of thinking, the policy implications go above and beyond military means and defense capacities, with primary attention given to preventive diplomacy, to addressing the root causes of threats, to the engagement and commitment to capacity and nation-building globally, to a more equitable economic development.<sup>9</sup>

Six major emerging threats were identified: unchecked population growth, disparities in economic opportunities, excessive international migration, environmental degradation, drug production and trafficking, and international terrorism. These threats transcend national borders, they constitute a challenge to our global human security, and they clearly impair the national security of any nation-state, no matter how powerful that nation might be.

Human trafficking, the modern form of slavery, is at the intersection of all of the threats identified above, either because such threats are the push-and-pull factors for human trafficking,<sup>10</sup> or because human trafficking *per se*

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*Trafficking and Human Security*, in HUMAN TRAFFICKING, HUMAN SECURITY, AND THE BALKANS (Richard Friman & Simon Reich eds. 2007); See also Mohamed Mattar, *Human Security or State Security? The Overriding Threat in Trafficking in Persons*, 1 INTERCULTURAL HUM. RTS. L. REV. 249 (2006).

<sup>8</sup> UNDP, HUMAN DEVELOPMENT REPORT 1994, Chapter II, at 22.

<sup>9</sup> Read more on such issues at UN Trust Fund for Human Security, *Human Security in Theory and Practice* (2009).

<sup>10</sup> Consider for instance the great vulnerability that creates ample ground for traffickers and

creates fertile ground for augmenting some of these threats.<sup>11</sup> Hence, there is an innate correlation of national security and human security: they are mutually reinforcing the, primarily, protective functions of national security as well as the, primarily, empowerment role of human security.<sup>12</sup>

### III. HUMAN SECURITY AND HUMAN TRAFFICKING

#### A. *Human Trafficking: Its Scope and Magnitude*

Human trafficking is widely recognized as the second largest criminal industry worldwide and a fast-growing transnational organized crime, aptly addressed in the United Nations Convention on Transnational Organized Crime and its supplementing Protocols.<sup>13</sup> Labeled modern-day slavery, human trafficking is enslavement, a crime against humanity, as it includes “the exercise of any or all of the powers attaching to the right of ownership over a person...”<sup>14</sup> Indeed, it is a fast-growing black market industry throughout the planet: no country is immune from this criminal enterprise. It affects communities across the board, on a micro- and macro-level, be they countries of origin, transit or destination.

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smugglers in Latin America: a recent report noted that 1 in 3 Latin Americans has reported of being a victim of a violent crime, and 5 out of 10 Latin Americans perceive that security in their respective countries has deteriorated. Hence, the way out for most of them is fleeing the country with hope of reaching a more secure place, like the United States. See Human Development Report for Latin America 2013-2014, CITIZEN SECURITY WITH A HUMAN FACE: EVIDENCE AND PROPOSALS FOR LATIN AMERICA (Nov. 12, 2013). Available at <http://www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-for-latin-america-2013-2014/>. For the idea of having private sector become a “relevant stakeholder dedicated to citizen security and economic development in Central America,” see University of Miami Center for Hemispheric Policy: Celina Realuyo, *Harnessing Economic Development to Counter Transnational Organized Crime in Central America* 10 (July 25, 2013), available at [https://umshare.miami.edu/web/wda/hemisphericpolicy/Task\\_Force\\_Papers/Realuyo%20-%20Central%20America%20Task%20Force%20Paper.pdf](https://umshare.miami.edu/web/wda/hemisphericpolicy/Task_Force_Papers/Realuyo%20-%20Central%20America%20Task%20Force%20Paper.pdf).

<sup>11</sup> For a good analysis on human trafficking and human security see generally Louise Shelley, *Human Security and Human Trafficking*, in HUMAN TRAFFICKING AND HUMAN SECURITY 10 (Anna Jonsson ed., 2009).

<sup>12</sup> Read more on these issues at United Nations Trust Fund For Human Security, Human Security Approach, available at <http://www.unocha.org/humansecurity/human-security-unit/human-security-approach>.

<sup>13</sup> A good account of the TOC Convention is to be found in MATS R. BERDAL, MONICA SERRANO, TRANSNATIONAL ORGANIZED CRIME AND INTERNATIONAL SECURITY: BUSINESS AS USUAL? 90 (2002).

<sup>14</sup> ICC Statute, Article 7 (1/c) and (2/c). For details, see Roza Pati, *States' Positive Obligations with Respect to Human Trafficking: The European Court of Human Rights Breaks New Ground in Rantsev v. Cyprus & Russia*, 29 B.U. INT'L L.J. 79 (2011).

People have fallen and are still falling into modern-day slavery in appalling numbers. It is estimated that up to 27 million people in the world today are under some form of human trafficking.<sup>15</sup> The ILO has estimated that about 20.9 million people are exploited in forced labor, bonded labor, forced child labor, or sexual servitude.<sup>16</sup> In 2006, the United States records indicated that about 800,000 people were trafficked across international borders yearly, 80% of which are women and 50% of the latter are minors.<sup>17</sup> Human trafficking challenges the rule of law through perpetuating the culture of corruption<sup>18</sup> and aggravating the status of safety, security and preservation of law of every nation involved.<sup>19</sup>

The proceeds from trafficking in human beings range from Interpol's 2001 estimate of \$19 billion<sup>20</sup> to a business group's finding of over \$31 billion a year.<sup>21</sup> Transnational organized crime, including human trafficking, weapons and drug trade, continues to pose a great threat to the territories and population of many countries, and has been described as the dark side of

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<sup>15</sup> KEVIN BALES, *DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY* 8 (2000).

<sup>16</sup> International Labor Organization (ILO), *ILO Global Estimate of Forced Labour: Results and Methodology*, 2012. [hereinafter: ILO Report 2012].

<sup>17</sup> See Department of State, *Trafficking in Persons Report* (Jun. 2006), at 6; Alison Siskin & Liana Sun Wyler, *Trafficking in Persons: U.S. Policy and Issues for Congress*, Congressional Research Service RL34317 (Dec. 2010); *BATTLEGROUNDS: GOVERNMENT AND POLITICS* 284 (Lori A. Johnson et al. eds., 2011).

<sup>18</sup> See Sheldon X. Zhang & Samuel L. Pineda, *Corruption as a Causal Factor in Human Trafficking*, in *ORGANIZED CRIME: CULTURE, MARKETS AND POLICIES* 45-46 (Diana Siegel & Hans Nelen eds., 2008); Malinvisa Sakdiyakorn & Sutthana Vichitrananda, *Corruption, Human Trafficking and Human Rights: The Case of Forced Labor and Sexual Exploitation in Thailand*, 3 *NACC J.* 54 (2010); Ko-Lin Chin, *The Social Organization of Chinese Human Smuggling*, in *GLOBAL HUMAN SMUGGLING: COMPARATIVE PERSPECTIVES* 190-194 (David Kyle & Rey Koslowski eds., 2nd ed. 2011); Alexis A. Aronowitz, *HUMAN TRAFFICKING, HUMAN MISERY: THE GLOBAL TRADE IN HUMAN BEINGS* 62-63 (2009); Reagan R. Demas, *All Hands on Deck: Collaborative Global Strategies in the Battle Against Corruption and Human Trafficking in Africa*, 6 *U. ST. THOMAS L.J.* 204, 211-215, 219, 220 (2008); Clara A. Dietel, *"Not Our Problem": Russia's Resistance to Joining the Convention on Action against Trafficking in Human Beings*, 32 *SUFFOLK TRANSNAT'L L. REV.* 161, 161, 162 (2008).

<sup>19</sup> United Nations Office on Drugs and Crime, *AN INTRODUCTION TO HUMAN TRAFFICKING: VULNERABILITY, IMPACT AND ACTION* 81-101 (2008); Richard Friman & Simon Reich, *Human Trafficking and Human Security*, in *HUMAN TRAFFICKING, HUMAN SECURITY, AND THE BALKANS* (Richard Friman & Simon Reich eds. 2007); see also Mohamed Mattar, *Human Security or State Security? The Overriding Threat in Trafficking in Persons*, 1 *INTERCULTURAL HUM. RTS. L. REV.* 249 (2006).

<sup>20</sup> Nico A. Gemmill, *Human Trafficking. The Effects of Modern-Day Slavery on the Global Economy*, at <http://www8.georgetown.edu/centers/cndls/applications/posterTool/index.cfm?fuseaction=poster.display&posterID=1752>.

<sup>21</sup> SMWIPM, *The Business Community against Human Trafficking*, at <http://www.endhumantraffickingnow.com/public/structure/2.html>.

globalization.<sup>22</sup> It is one of the most serious security problems in our contemporary world,<sup>23</sup> one of the six kinds of national and international security threats permeating the planet, as recognized by the United Nations in 2004,<sup>24</sup> and accompanying one of the other threats that closely relates to trafficking: *excessive international migration*,<sup>25</sup> i.e. the mostly illicit and unregulated movement of persons across borders.

As such, it is a major concern of human security and also of national security. It is a hybrid threat to our country's national security, for a variety of reasons, which will be discussed further down, with major human and social impact, impairing, thus, our national security directly and indirectly. Consequently, mainstreaming human security within national security, and as part of it, by also combating human trafficking from its root causes to its prevention and prosecution, enhances our security as a nation, as it strengthens the opportunity for development of all humans involved.

### B. *Human Trafficking in the Sunshine State*

Often known as the *third largest hub* of human trafficking in the United States,<sup>26</sup> Florida is a very attractive place for traffickers exploiting foreign and domestic victims.<sup>27</sup> The State features all major forms of human trafficking, from forced farm labor, to domestic servitude, to commercial sexual exploitation, etc.<sup>28</sup>

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<sup>22</sup> Peng Wang & Jingyi Wang, *Transnational Crime: Its Containment Through International Cooperation*, ASIAN SOCIAL SCIENCE 5, No. 11, November 2009, at 25. See also TOM J. FARER, TRANSNATIONAL CRIME IN THE AMERICAS 195 (1999).

<sup>23</sup> Leo S.F. Lin, *Conceptualizing Transnational Organized Crime in East Asia in the Era of Globalization: Taiwan's Perspective*, Research Paper No. 146, October 2010, at 7.

<sup>24</sup> Those threats are (1) Economic and social threats, including poverty, infectious disease and environmental degradation, (2) Inter-State conflict, (3) Internal conflict, including civil war, genocide and other large-scale atrocities (4) Nuclear, radiological, chemical and biological weapons, (5) Terrorism and (6) Transnational organized crime. *Ibid.*

<sup>25</sup> United Nations Human Development Report (1994), Chapter II, at 34.

<sup>26</sup> Adam S. Butkus, *Ending Modern-Day Slavery in Florida: Strengthening Florida's Legislation in Combating Human Trafficking*, 37 STETSON L. REV. 297, 323. See also Adriana Hauser and Mariano Castillo, *A Heavy Toll for the Victims of Human Trafficking*, CNN, August 26, 2013, showcasing, inter alia, victims' stories and referencing briefly the impact of the Safe Harbor Act, as well as Gina Jordan, *Florida Ranks Third In Human Trafficking But Can't Prosecute Many Cases*, WLRN (August 15, 2013), available at <http://wlrn.org/post/florida-ranks-third-human-trafficking-cant-prosecute-many-cases>.

<sup>27</sup> A good overview of human trafficking in Florida, as well as the legislative and judicial response to it, can be found at: Lydia Butler, *Modern-Day Slavery Eclipsing the Sunshine State Compels Safe Harbor Legislation in Florida*, 7 INTERCULTURAL HUM. RTS. L. REV. 191 (2012).

<sup>28</sup> FSU CENTER FOR THE ADVANCEMENT OF HUMAN RIGHTS, FLORIDA RESPONDS TO HUMAN TRAFFICKING



The pervasive nature of human trafficking in Miami, and generally in Florida, is due to opportune conditioning factors, both environmental and predispositional.

*Environmental factors* that contribute to trafficking are multifold: Florida's long coastline; its function as the gateway to the Americas; its booming year-round agricultural industry; Miami International Airport, one of the largest international airports in the world; the Port of Miami, known as cruise capital of the world and the cargo gateway of the Americas; South Florida being one of the most frequented tourist destinations with all the accompanying hospitality and other tourist-oriented services; being the place of retirement for many citizens from the North and a vacation home for many wealthy foreigners; home of many military bases from the Naval Air Station of Key West, to the Air Reserve Base in Homestead to the US Southern Command, etc. All of these factors create a high-end demand for all kinds of services, legal and illegal, as they also create a dynamic market competition for cheap unskilled labor and inexpensive goods and services.<sup>29</sup>

*Predispositional factors*, inter alia, include: Miami's and Florida's multicultural composition that displays a variety of cultures sometimes converging and sometimes diverging in terms of customs, attitudes towards the law, conduct prejudicial towards women and children as well as towards minorities. Consider in this regard, traditional institutions like the Haitian *Restavec*, or the Latin American "*machismo*," that create a subculture in which children and women, respectively, are exploited with ease. Furthermore, this multicultural environment makes it very easy for the traffickers to have their victims blend in within our community.<sup>30</sup>

This wave of human trafficking has been met with a *zero-tolerance* policy towards traffickers. The Florida Legislature, the Attorney General, the Department of Children and Families, the Miami-Dade County State Attorney's Office, as well as a very robust civil society, have all been actively engaged in dealing with the challenge that human trafficking presents for our state, and many times have come up with effective tools to combat this illicit form of

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27 (2003) [hereinafter FSU FLORIDA REPORT].

<sup>29</sup> For more information, see FSU FLORIDA REPORT, *Id.*, as well as from the FSU CENTER FOR THE ADVANCEMENT OF HUMAN RIGHTS, FLORIDA STRATEGIC PLAN ON HUMAN TRAFFICKING (2010) [hereinafter FLORIDA STRATEGIC PLAN].

<sup>30</sup> See e.g., BUTKUS, *supra* note 27.

human exploitation.<sup>31</sup>

### C. *A Snapshot of Human Trafficking in South, Central America & the Caribbean*

Our neighboring countries serve as source, transit and destination places for human trafficking and its victims. The International Labor Organization estimates that in this region at least 1.8 million people are exploited in forced labor.<sup>32</sup> U.S. Department of State has ranked most of the Central and South American countries in Tier 2, meaning that while they are not in compliance with the international minimum standards of the Trafficking Victims Protection Act (TVPA), they are making significant efforts to combat trafficking and protect victims. However, nine of these countries are ranked in the Tier 2 Watch List, namely: Barbados, Guyana, Haiti, Honduras, St. Lucia, Suriname, Trinidad and Tobago, Uruguay and Venezuela, meaning that they have to be kept under scrutiny for the coming year. Cuba was the only country in Tier 3, meaning that it is not in compliance and is not making significant efforts to combat trafficking.<sup>33</sup>

The Congressional Research Service identifies South America to be a primary source for people trafficked into the United States and Canada. It also serves as transit area for Asian victims transferred to the United States, Canada and Europe.<sup>34</sup>

Some of these countries, such as Brazil, Costa Rica and the Dominican Republic are preferred centers of child sex tourism.<sup>35</sup> At least one million children toil as domestic servants in South and Central America, with Haiti

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<sup>31</sup> See generally The 2013 Florida Statutes (Chapter 787), available at [http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0700-0799/0787/0787ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0787/0787ContentsIndex.html). A brief summary of recent efforts made by the U.S. Attorney's Office for Florida's Southern District, can be found in Wifredo Ferrer, *Human Trafficking Is a Blight that Must Be Eradicated*, MIAMI HERALD, January 25, 2014. Also see Brett Clarkson, *Florida Is a "Hub" for Human Traffickers, Attorney General Says*, SUN SENTINEL, September 23, 2012, and generally visit the website of the Office of the Attorney General of Florida Pam Bondi, noting "Florida is a Zero-Tolerance State for Human Trafficking, available at <http://myfloridalegal.com/pages.nsf/Main/AF860EB7606CF92D85257A7D00458CD7>. See also the contribution of academia: *The Miami Declaration of Principles on Human Trafficking*, 1 INTERCULTURAL HUM. RTS. L. REV. 12 (2006).

<sup>32</sup> International Labor Organization (ILO), *ILO Global Estimate of Forced Labour: Results and Methodology*, 2012. [hereinafter: ILO Report 2012].

<sup>33</sup> U.S. Department of State, *TIP Report*, June 2013 [hereinafter: *TIP Report 2013*].

<sup>34</sup> CONGRESSIONAL RESEARCH SERVICE: Clare Ribando Seelke, *Trafficking in Persons in Latin America and the Caribbean* 4 (July 15, 2013), available at <http://www.fas.org/sgp/crs/row/RL33200.pdf> (hereinafter: CRS 2013).

<sup>35</sup> *Ibid*, at n.18.

being overwhelmed with this phenomenon.<sup>36</sup> Organized crime groups, such as ones from Guatemala, are heavily involved in selling women,<sup>37</sup> while it is also well-known that drug syndicates like the Mexican *Zetas* are actively engaged in human trafficking.<sup>38</sup>

Furthermore, multinational gangs composed of Central Americans, Russians, Japanese and Ukrainians, to mention but a few, constitute a solid network that traffics people across the border between the United States and Mexico.<sup>39</sup>

#### IV. HUMAN TRAFFICKING AND SECURITY: THE IMPACT ON OUR STATE AND REGION

Talking about defense and national security, Congresswoman Ileana Ros-Lehtinen has observed: “In South Florida, drug and human trafficking are one of the most pervasive security threats.”<sup>40</sup> This succinct remark encompasses the gist of the critical impact that transnational organized crime in general and human trafficking in particular has on our security, both state and human security.

Human trafficking, a growing form of transnational organized crime, poses a national and international threat to global human security and it requires, by default, effective international cooperation.<sup>41</sup> Transgressing national borders within and into our Western Hemisphere, human trafficking is now a *business* of choice for well-organized and versatile crime syndicates. Let us review only a few such structures. Central America and Mexico have long been the well-established smuggling routes of drugs and illegal migrants into

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<sup>36</sup> *TIP Report* 2013.

<sup>37</sup> CRS 2013, at 6.

<sup>38</sup> See Tim Johnson, *Mexican Criminal Gang Turns to Migrant Smuggling*, McCLATCHY-TRIBUNE SERVICE, August 15, 2011, and also Paris Martinez, *How Mexico’s Zetas Enslave Engineers*, INSIGHT CRIME ORGANIZED CRIME IN THE AMERICAS, October 28, 2012, (as cited in CRS 2013, at 7, Fn.28).

<sup>39</sup> CRS 2013 at 7.

<sup>40</sup> Ileana Ros-Lehtinen, *Defense and National Security: Keeping Our Country and Our Community Safe*, available at <https://ros-lehtinen.house.gov/defense>.

<sup>41</sup> For an analysis of efforts made towards international cooperation in combating human trafficking see generally Roza Pati, *Combating Human Trafficking Through Transnational Law Enforcement Cooperation: The Case of South Eastern Europe*, in POLICING ACROSS BORDERS: THE ROLE OF LAW ENFORCEMENT IN GLOBAL GOVERNANCE (Springer 2012).

the United States.<sup>42</sup>

More effective border control coupled with more stringent immigration laws gave rise to a more sophisticated crime syndicate that expanded its reach far beyond drug trafficking, into other areas of enhanced convenience and higher profitability: smuggling people, and also, more and more, exploiting people in slavery-like conditions.<sup>43</sup> Development in trade and communication made it easier for them to outsource the trafficking crime and accompanying money laundering. By now, these well-heeled criminal organizations have come to know the ins and outs of law enforcement, judicial systems, as well as tax systems of the countries they operate in in the recruitment, transit and exploitation of their victims.

In addition to using human trafficking victims as drug mules,<sup>44</sup> human trafficking has also been proven to be a source of funding for terrorist organizations. They are using human trafficking to bankroll their operations, to gain easy access to the United States<sup>45</sup> through human trafficking routes, and to engage their corrupt contacts in document fraud in countries of Central, South America and the Caribbean, by selling passports to other nationals<sup>46</sup> or by forging passports.<sup>47</sup>

A quick look at the Salafi Network (Global Salafi Jihad), which is present and quite powerful in Mexico and other parts of Central America,<sup>48</sup> reveals that after the physical break-up of these groups in the wake of the 9/11 Counter-Terrorism campaign, the network has become more of a spontaneous and self-

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<sup>42</sup> See Swante E. Cornell, *The Interaction of Drug Smuggling, Human Trafficking and Terrorism*, in HUMAN TRAFFICKING AND HUMAN SECURITY 48, 49-50 (Anna Jonsson ed., 2009).

<sup>43</sup> See, for instance, the involvement of Russian organized crime and the Mexican cartels in the commercial sex trade of young girls in Florida. Cf. Michael Williams, *Human Trafficking is Happening in Palm Beach County*, News Channel 5, available at [http://www.wptv.com/dpp/news/local\\_news/special\\_reports/human-trafficking-is-happening-in-palm-beach-county](http://www.wptv.com/dpp/news/local_news/special_reports/human-trafficking-is-happening-in-palm-beach-county) (last visited March 10, 2012).

<sup>44</sup> United Nations Office on Drugs and Crime, *Drug Mules: Swallowed by the Illicit Drug Trade*, available at: [https://www.unodc.org/southasia//frontpage/2012/october/drug-mules\\_-swallowed-by-the-illicit-drug-trade.html](https://www.unodc.org/southasia//frontpage/2012/october/drug-mules_-swallowed-by-the-illicit-drug-trade.html).

<sup>45</sup> See Cornell, *supra* note 43, at 50.

<sup>46</sup> See *Honduran Official: Al Qaeda Recruits Central American Gangs*, ASSOCIATED PRESS, October 21, 2004, and also J. Seper, *Al Qaeda Seeks Ties to Local Gangs*, WASHINGTON TIMES, September 28, 2004.

<sup>47</sup> U.S. Army War College Strategy Research Project: Sandra L. Keefer, *Human Trafficking and the Impact on National Security for the United States* 4 (15 March 2006).

<sup>48</sup> See *id.* On the issue of Islamic extremists' presence in Central America, see Cornell, *supra* note 43, at 50.

organized home-grown initiative. That means that it is not centralized any longer, but has assumed local autonomy, which focuses on self-financing and self-training, while it maintains informal communications, which are more difficult to monitor. Their leadership has also changed into new local, more aggressive and more reckless clusters of persons who are less educated and with a criminal alignment beyond sheer ideology. Hence, they are resorting, *inter alia*, to human trafficking to finance their activities and to plan for the future.

Another crime group well connected to human trafficking is the so called *Mara Salvatrucha* (MS 13), which started as a street gang in Los Angeles and has now gained a regional multi-national dimension, spreading its heavy-hitting criminal activity from the United States, to Mexico, to El Salvador, to Guatemala, to Honduras, etc. Their primary money-making venture is people smuggling and human trafficking along the United States-Mexican border.<sup>49</sup> They are known to infiltrate Hispanic communities, including the community of South Florida.<sup>50</sup> They are set up in a paramilitary-type structure in the mode of insurgencies in Central and South America, and they resort to the use of violence without any scruples. The gang also constitutes a greater threat because of its potential alliance with terrorists in order to smuggle them into the United States.<sup>51</sup>

To summarize, human trafficking is a crime that inherently breeds more crime, while corroding the fabric of the society, the life of the individual and the security of the nation. It is indeed an infamy that poisons human society<sup>52</sup> at its core.

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<sup>49</sup> Rizer & Glaser, *supra* note 4, at 84.

<sup>50</sup> See U.S. Immigration and Customs Enforcement, Operation Community Shield secured over 2388 gang arrests since February 23, 2005; out of these arrests, 72 were in Miami, with a number of other arrests in various parts of Florida, including Fort Lauderdale, Orlando, Fort Myers, etc. Chart available at: <http://onemorecup.files.wordpress.com/2010/08/gangarrestmap.jpg>.

<sup>51</sup> Michele McPhee, *Gang Tied to Terrorists*, BOSTON HERALD, January 5, 2005, at 5.

<sup>52</sup> Letter from Pope John Paul II to Archbishop Jean-Louis Tauran, in STOP TRAFFICKING IN HUMAN BEINGS (Franco Angeli s.r.l. ed., 2003).

## V. APPRAISAL AND RECOMMENDATION

Needless to note, such an interwoven fabric of crime does create an enormous threat to our borders and the rule of law and a menace to our most cherished fundamental values: universal human rights, respect for human dignity, and enjoyment of freedom and liberty. So, how are we to successfully address it?

This author believes that a genuine commitment to combating human trafficking must be informed by the guiding light of the dignity of all human beings, regardless of where they are born or where they live. It requires a powerful involvement on the part of the state<sup>53</sup> and a well-focused human rights approach to addressing human trafficking is a necessity.<sup>54</sup> This approach goes beyond the focus on victim protection and non-criminalization of her acts. A human rights approach encompasses the essence of human security to address the root causes that make people vulnerable to being trafficked, to being easily defrauded or coerced into labor or sexual servitude.<sup>55</sup> Such vulnerabilities exist on the level of individual human being as well as on the level of the nation-state. They arise from widespread poverty on our planet, partial or full power vacuums and ungoverned lands, corruption and lawlessness in some states as well as unregulated and unchecked migration. Additional push factors could be civil unrest, political repression and wars. They could be environmental degradation and natural calamities. They could also be cultures of abuse towards women, children and minorities.<sup>56</sup> Pull factors are, *inter alia*, the cultures of greed and consumerism, the constant demand for cheap labor, cheap products and services,<sup>57</sup> and the unrestrained

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<sup>53</sup> See Roza Pati, *The Categorical Imperative to End Modern-Day Slavery: Subsidiarity, Privatization, and the State's Duty to Protect*, in DER STAAT IM RECHT. FESTSCHRIFT FÜR ECKART KLEIN ZUM 70. GEBURTSTAG (Duncker & Humblot, M. Breuer et al., 2013).

<sup>54</sup> For an analysis of the developments showing state positive obligations in combating human trafficking from a human rights' perspective, see Pati, *supra* note 15.

<sup>55</sup> On this subject, see Roza Pati, *Beyond the Duty to Protect: Expanding Accountability and Responsibilities of the State in Combating Human Trafficking*, in THE DIVERSITY OF INTERNATIONAL LAW: ESSAYS IN HONOR OF PROFESSOR KALLIOPI KOUFA 319 (2009). For a counter-position, see generally Ryszard Piotrowicz, *The Legal Nature of Trafficking in Human Beings*, 4 INTERCULTURAL HUM. RTS. L. REV. 175 (2009).

<sup>56</sup> For a general discussion of how racial, ethnic, or national difference can facilitate the trafficking of domestic servants, for instance, see Bridget Anderson & Julia O'Connell Davidson, IS TRAFFICKING IN HUMAN BEINGS DEMAND DRIVEN? A MULTI-COUNTRY PILOT STUDY 31 (2003).

<sup>57</sup> Modern consumption-based culture and psychology has been studied, theorized and

demand for the adult entertainment industry.

Regardless of where such vulnerabilities spring from, they create the adequate soil for human trafficking to thrive. They are the cause of human trafficking. In turn, human trafficking is the cause of further criminality, further vulnerability for our citizen and for every human being, our nation and every nation on earth. It is irrelevant whether we label human trafficking a matter of national security or not. What matters is that this global pernicious phenomenon commands this great nation's attention, leading to action and ultimate victory in building a world free from fear and free from want, a world public order of human dignity.



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criticized quite extensively. *See, e.g.*, BENJAMIN R. BARBER, CONSUMED: HOW MARKETS CORRUPT CHILDREN, INFANTILIZE ADULTS, AND SWALLOW CITIZENS WHOLE (2007); Peter Corrigan, THE SOCIOLOGY OF CONSUMPTION (1998); CRAIG GAY, THE WAY OF THE (MODERN) WORLD: OR, WHY IT'S TEMPTING TO LIVE AS IF GOD DOESN'T EXIST (1998); ALEX WOOLF, CONSUMERISM (2004); Peter N. Stearns, CONSUMERISM IN WORLD HISTORY: THE GLOBAL TRANSFORMATION OF DESIRE (2001).