Trafficking in Persons: The Role of the Community

**First International Conference on “The Jewish Community Confronts Violence and Abuse" (Dec. 1-3 2014)**

1. **Introduction: What is Trafficking?**

The community can play an important part in fighting trafficking, but also in encouraging trafficking. Before we enter into the role of the community, for those who do not know what trafficking is I will give a short description.

While it is defined differently in various legislations, the essence of trafficking is **modern slavery**, whereby people are objectified in order to provide services which are in demand. Its purposes range from prostitution, to forced labour, slavery, removal of organs and more. It can happen in agriculture, fishing, hospitals, brothels, construction sites and even in private homes. What is common to all forms is the exploitation of people only as means to an end – the antithesis of Kant's moral imperative by which one must recognize that human beings are ends, not to be used solely as means to an end. [[1]](#footnote-1)

In general, victims of trafficking work long hours with no leisure time; their freedom is restricted, whether by physical or psychological means; they receive little or no pay; they are often subject to debt bondage. Often, though not always, trafficking can be attended with violence and threats, but more subtle means are also used and for example, psychological dependencies and abuse of peoples' vulnerabilities. As a rule, victims of trafficking are vulnerable in some way – whether economically, sociologically, educationally or emotionally.

Globalization has played an important role in trafficking as it facilitates movement of criminals from place to place and allows them to choose their victims among the most vulnerable populations in the world. It also allows them to choose countries of origin and destination with inherent weaknesses which impede law enforcement. These can range from corruption to a weak regulatory structure, to xenophobia. Globalization also exposes impoverished people from developing countries to the life styles of people in developed countries and arouses in them hope that by traveling abroad, they will forge a better life.

This said, it should be stressed that trafficking victims can also be citizens of a given country, rather than foreigners.

The sociologist Kevin Bales, who wrote a seminal work on trafficking entitled "Disposable People"[[2]](#footnote-2) maintains that modern slavery is even worse than classical slavery in some aspects. In classical slavery, people could legally purchase human beings as slaves and the cost of such a purchase was high. (The author estimates that in today's currency purchase price might range from $40,000-$80000). Thus, slave owners had an incentive to keep their slaves alive and give them at least basic medical treatment. On the other hand, in modern slavery, as a rule, people are not bought and sold, but rather controlled, so that it is worthwhile for the trafficker to work the modern slave to death, because there are thousands waiting to replace him. Thus in modern times people become "disposable". The cheapness of life is best expressed in a 2011 UNODC report on trafficking and other crimes in the fishing industry:

**"In August 2006, more than 30 Burmese fisherman died from infectious diseases and lack of medical care…the bodies of victims were tossed overboard, discarded like common refuse."**(my emphasis R.G.)

The lives of these people were so cheap that their traffickers did not even trouble themselves to bury them.

1. The Community's Role in General

Trafficking exists in every country in the world, including Israel, where we have been waging a battle against this scourge for about 15 years. One of the foremost successes has been the suppression of a particularly harsh form of trafficking for prostitution which included systematic violence, rape, debt bondage, imprisonment and even private auctions. One of the primary tools of this battle has been partnership between Government, NGOs, Parliament and the larger community.

The community's role in trafficking can be positive or negative. It can help to fight trafficking, but it can also encourage the phenomenon.

**On the positive side** – the community can be a source of ***rescue*** and ***support***. In many actual cases,victims of trafficking are rescued by members of the community, as we will see. While trafficking is often a hidden crime, sometimes there are clues which could conceivably alert a vigilant member of the community to its commission. Moreover, in some cases, the crime is committed by the light of day and can be clearly seen. **In addition**, the community can be a source of support, whether in the early stages after a victim's escape or in the aftermath – by providing jobs, psychological assistance, a non- judgmental environment which allows healing.

**On the negative side –** the community can play a pernicious role in ignoring clear abuse or even making it normative. In addition, it can impede healing and even encourage re trafficking of victims by stigmatizing the victims.

The crucial role the community can play is recognized in **Israeli criminal law** which places an obligation upon members of the community to report a trafficking crime which has just been committed against a person who cannot care for himself. This law also places heightened obligations upon certain professionals who may encounter such a victim in the course of their professional duties such as doctors, nurses, psychologists, educational professionals. [[3]](#footnote-3)

The purpose of this law is to transform the community into many pairs of eyes and ears, all of whom are alert to signs of trafficking and thus – make the ground under the traffickers too hot to hold them. This law also recognizes that in trafficking situations, often victims cannot complain – either because they are physically imprisoned, are isolated, or are psychologically under the sway of the trafficker.

In the next part of this lecture, I intend to describe to you more graphically the negative and positive influence of the community on the course of trafficking.

1. **Negative Community Influence:**

The community can create a climate friendly for trafficking. How?

1. **Countenancing, ignoring, normalizing:** The Community can countenance trafficking, ignore it or even normalize it. Examples of a whole community countenancing trafficking crimes occur in cases where foreign workers live in horrendous conditions under the eye of an entire community, which simply accepts this situation, without reporting it.

Another example occurs in a book on modern slavery "Enslaved"[[4]](#footnote-4) in which a young girl, brutally enslaved and sexually exploited, is hospitalized for severe injuries and yet no one investigates the causes of such brutal injuries. Moreover, at one point, her enslaver stuffs her into the boot of a car in full view of people frequenting a gas station and yet no one says a word.

The following quotes from her story reflect her sense of a ***breaking of trust*** between her and the wider community:

About the hospital staff where she was taken after her enslaver made a violent attempt to abort her baby she says: "**Exactly how did I destroy my larynx attempting to abort my own child? How did I self inflict leather strap burn marks around my wrists and ankles? Why wasn't a mental health professional sent to talk to me? Why was I questioned only in the presence of my pimp? "**

About the public in the gas station she asks: "**Why didn't they ask questions? Why did the lady getting into her Cadillac with her husband not help me as Bruce was tying my hands behind my back and putting me back into the trunk of the car in plain view?"**

Other examples can occur when clients of prostitution, use the service of victims of trafficking knowingly, or when hospital personnel participate in small or large ways in trafficking for the removal of organs. Even law enforcement can contribute to trafficking and for example, when police officers enter a brothel in which victims are being held and only ask for their papers without inquiring as to their conditions, or worse than that – when law enforcement receives favors from the traffickers in the form of sexual services from victims. Here, the police, a symbol of community law – break trust with victims and thus strengthen the crime.

This breaking of trust in the community is also reflected in the work of the philosopher Jean Amery,[[5]](#footnote-5) who underwent torture during World War II:

“**The expectation of help, the certainty of help, is indeed one of the fundamental experiences of human beings, and probably also of animals…Even on the battlefield the Red Cross ambulances find their way to the wounded man. In almost all situations in life where there is bodily injury there is also the expectation of help.”**

He contrasts this to the experience of a man being tortured by the authorities who can expect no help, but it is equally true in regard to a victim of trafficking who experiences an entire normative community ignoring his pain.

Why does this happen?

There can be any number of reasons. One is that **human beings become accustomed to certain evils and consider them part of normative life.**

One is reminded of Charles Dickens’ travelogue "American Notes" in which he expresses thankfulness that he did not grow up in pre- civil war America, because in that case, he would have accepted the evil of slavery without question. [[6]](#footnote-6)

The acceptance of the pain and suffering of others as normative transcends the trafficking phenomenon. When working in Vienna in the United Nations Office on Drugs and Crime, I was approached by a young German woman who had just returned from a conference on trafficking. She was especially struck by one of the presenters who told the audience that he was fighting trafficking so that he could look his grandson in the eye in future, and tell him he had never made peace with this crime. She evoked the Holocaust and how whole communities had accepted the marginalization of Jews and ultimately, their destruction. We talked for a long time about how human beings can be brought to view, even extreme situations, as normative and we talked of the difficulties of standing up to public opinion, even if there is no fear of injury as there was in the Nazi era.

This example raises yet another reason that communities may transform trafficking into a normative practice. X**enophobia** or **prejudices about various ethnic groups** can be such a trigger, just as they were during the Holocaust. If victims are demonized or considered less than human, the community will not tend to protest their abuse. Thus in Uganda, an ethnic group called the Karamoja are marginalized. Minors are sent to work as domestic help in the capital of Kampala and experience difficult conditions which are looked upon as normative, not only by their employers, but by the minors themselves. Thus when asked why she is not in school by a social welfare representative, one exploited girl answered "I am Karamoja". No country is immune from these prejudices.

Another possible reason for such acceptance is **cultural.** For example, in societies in which privacy is a high value, people may hesitate to interfere in what they consider family relations which occur in the home. In a society in which people of the dominant culture are accustomed to seeing Roma children begging in the streets, they may not open their eyes to the possibility that the children have been trafficked.

Yet another possible reason is l**oyalty**, as can happen in small communities where traffickers are normative members of the community. On a police raid during 2010, in which I participated, we arrived at an agricultural settlement in which it was suspected that Thai workers were being enslaved. When the police requested the guard to allow them to enter, he refused and even notified the suspect. The police were forced to use metal cutters to enter the area.

Yet another possible reason is the **seemingly normative nature of the environment**. When dealing with obviously criminal behavior like pimping, police may be alert to crimes of trafficking. However, when faced with what seems like a normative employment arena, they may be less likely to discern it.

1. **Stigma:** The community can stigmatize the victim, thus impeding his or her healing or even leading him to be re trafficked. This phenomenon can be seen in cases where the community of origin stigmatizes sexual relations by a woman, even if she was raped. This kind of stigma has been reported in the Ethiopian and Eritrean communities, in the Philippines and elsewhere.

Another example of stigma can be seen in communities of men who have sold their kidneys and are then left unable to work. They are seen as less than men and have difficulty marrying or even holding their heads up in the community. [[7]](#footnote-7)

This kind of stigma can lead to an unwillingness in victims to share their story and embark on the process of healing. It can even lead them to be re trafficked, as they continue to be vulnerable in the absence of rehabilitation.

1. **Family Complicity:** Cases worldwide[[8]](#footnote-8) illustrate the prevalence of family complicity in trafficking, whether intentionally or innocently. Sometimes parents may transfer their child to the trafficker innocently in reliance on his promises to give the child a better life. However, there are also cases in which parents, husbands or other relatives sell children to traffickers for financial gain or induce children to remain with traffickers or under conditions of forced labour or slavery. This is a particularly severe form of community complicity which may also lead to an extreme loss of trust in the world on the part of the victim, thus impeding healing and rehabilitation.
2. **Positive Influence of Community**

The Community can also have a positive influence in combating trafficking:

1. **Rescue**: In some cases, trafficking or slavery is hidden, whether in the confines of a home or factory encased in barbed wire. Witness the Austrian case in which the father of a woman held her in his basement for years while sexually assaulting her or the American case of Kill Soo Lee[[9]](#footnote-9) in which young Vietnamese women were held in a factory in American Samoa which was surrounded by barbed wire. An emerging concern is with foreign workers in diplomatic households where abuse can transpire with impunity due to diplomatic immunity.

However, even in these kinds of cases, it is sometimes possible to discover the crime by means of vigilance. For example, a neighbor who sees a foreign worker emerging from a house only to throw out the garbage, may suspect foul play. Actual court cases attest to the ability of citizens to discover crime and assist victims. Thus in cases worldwide, members of a transport company assisted victims to escape;[[10]](#footnote-10) a nun provided assistance;[[11]](#footnote-11) a representative of legal aid discovered the plight of victims;[[12]](#footnote-12)a nurse assisted;[[13]](#footnote-13) a neighbor helped;[[14]](#footnote-14) the wife of a trafficker who underwent a course on the phenomenon reported her husband’s crime;[[15]](#footnote-15) an anonymous tip led police to the criminal[[16]](#footnote-16). In Israel, members of a Filipino community organization rescued a woman who was locked in the house as a domestic slave.[[17]](#footnote-17) Clients of prostitution have "bought" trafficking victims.

This is not fiction. It is based on actual court cases.

1. **Support**: Community support may be important in the rehabilitation of victims. Not only do NGOs support victims but also: employers who give them decent jobs; community centers where they can receive counseling and food; churches, synagogues and mosques may provide spiritual counseling; native healers may help the victim heal; community cohesion may give strength.

Here I would like to refer you to a theory of healing from Senegal which, like many developing communities, relies on community cohesion to heal people:

"**We had a lot of trouble with Western mental health workers who came here immediately after the genocide and we had to ask some of them to leave.**

**Their practice did not involve being outside in the sun…There was no music or drumming to get your blood flowing…There was no sense that everyone had taken the day off so that the entire community could come together to try to lift you up and bring you back to joy.**

**Instead they would take people one at a time into these dingy little rooms and have them sit around for an hour or so and talk about bad things that had happened to them. We had to get them to leave the country." [[18]](#footnote-18)**

1. How Can We Help the Community to Undertake a Positive Role?

In order to encourage the community to take part in the battle against trafficking, it is not sufficient to enact a law imposing a duty of reporting these crimes. It is necessary to infuse the public with knowledge and an appreciation of the important role they can play. This requires awareness raising, combating xenophobia and prejudice, and increasing understanding as to the behavior of victims.

One of the ways in which we are doing this in Israel is by distributing pamphlets to the public which tell what trafficking is and describe the red alerts which can point to it. In doing so, we recognize the important role the community can play in identifying victims of trafficking and supporting them.

The ultimate goal of these activities is to open the public's hearts and minds to a sense of empathy towards the victims of trafficking. It is in this context that I conclude with a Japanese poem which emphasizes the importance and impact of empathy – or lack of empathy - not only on vulnerable populations, but also on community members. While it does not address trafficking in particular, this poem has something to say about the value of empathy - beyond the particular situation it describes.

Sunset glow

*Yoshino Hiroshi*

As always

The train was full

And

As always

A young man and a girl sat down

An old man was left standing

The girl looked away

And offered the old man her seat

Brusquely he sat down

With not a word of thanks the old man got off at the next station

The girl sat down

Another old man was shoved

In front of the girl

The girl looked away

But

Again she stood up

And offered her seat

To the old man

The old man thanked her as he got off at the next station

The girl sat down

It never rains but it purs...as they say

Another man was shoved

In front of the girl

Poor old thing

The girl looked away

And this time did not offer her seat

At the next stop

And the next one

Biting her lower lip

Stiffening her body

I got off the train

Turning hard-hearted and looking away

How far could she have gone?

Those who possess kind hearts

Feel

others' pain as their own

Feeling blame in her kind heart

How far could the girl have gone?

Biting her bottom lip

In a bitter mood

And missing the beautiful sunset glow.

Rahel Gershuni

National Anti Trafficking Coordinator

Ministry of Justice

State of Israel

Appendix

P. 49: ‘People in this village despise us for what we have done’, Vlad said, referring to the other young men of the village who had been either tricked into or had willingly sold a kidney abroad in the past three years. Mingir now has the distinction of being disparaged throughout the region as ‘the little village of half-men’. ‘They say we are no better than whores’, he said bitterly. Since his return home, Vlad has barely spoken to his elderly father, a recent widower in his 70s.

P. 49-52: In Mingir, as in five other rural villages where men have been lured into the kidney trade, sellers are ostracized and excluded from the agricultural and construction labor that is the only work available to them. I was told by one agricultural team leader: ‘No one wants a “one-kidney” on their team’. The kidney sellers try to hide their scars and sometimes only their closest friends know and will compensate for their lack of strength on the teams that are organized to prune and harvest grapes from the extensive vineyards in Mingir. Months and even years later the young men suffer from deep shame and regret.

P. 53: Above all, Viorel suffers from feelings of self-hate and emasculation. What Viorel’s neighbors say about the slim young man is that he will never find a wife. ‘No one wants a half-man to marry one of their daughters’.

1. This appears in Kant's Critique of Practical Reason. [↑](#footnote-ref-1)
2. University of California Press, 2012. [↑](#footnote-ref-2)
3. See section 368D(8) to the Criminal Law – 5737 – 1977. Interestingly, several other legislations include this duty of reporting as well. See for example, Uganda's "The Prevention of Trafficking in Persons Act, 2009", section 10 entitled "Duty to Report Trafficking in Persons". See also the south African "prevention and Combating of Trafficking in Persons Act, 2013, section 18 entitled "Reporting of and dealing with child victim of trafficking" and section 19 entitled "Reporting and dealing with adult victim of trafficking". See also Nepal's Human Trafficking and Transportation (Control)Act 2064- 2007, section 5 entitled "Reporting". [↑](#footnote-ref-3)
4. Ed. Sage and Kasten, "Enslaved: True Stories of Modern Day Slavery", Palgrave Macmillan, 2008. [↑](#footnote-ref-4)
5. Jean Amery, "At the Mind's Limits" , Indiana University Press, 1980 p. 28-29. [↑](#footnote-ref-5)
6. In his own words: "…went on my way with a grateful heart that I was not doomed to live where slavery was, and had never had my senses blunted to its wrongs and horrors in a slave rocked cradle." [↑](#footnote-ref-6)
7. Nancy Scheper-Hughes "**Parts unknown: Undercover ethnography of the organs-trafficking underworld"** *Ethnography* 2004; 5, pp. 49-53. See Appendix for texts. [↑](#footnote-ref-7)
8. *See for example, Siliadin* v*. France*, 7331/01, para. 122, ECHR, judgment of 26 July 2005. [↑](#footnote-ref-8)
9. *.S.* v. *Kill Soo* *Lee*, 472 F.3d 638 (9th Cir. 2006) [↑](#footnote-ref-9)
10. *U.S.* v*. Ramos*, 130 Fed. App'x 415 ( 2005) [↑](#footnote-ref-10)
11. (1985) *U.S*. v. *Warren*, 772 F.2d 827. [↑](#footnote-ref-11)
12. *U.S.* v*. Booker Tony*, 655 F.2d 562, 1981. [↑](#footnote-ref-12)
13. *U.S.* v *Alzanki*, 54 F.3d 994 (1995). [↑](#footnote-ref-13)
14. *Siliadin* v*. France*, 7331/01, para. 122, ECHR, judgment of 26 July 2005 and see also *U.S.* v. *Bradley,* 390 F.3d 145 (N.H. 2004) where during the first stage, the police raided the premises which led the victims to flee and thereupon escape to neighbors. [↑](#footnote-ref-14)
15. See Indian case of *Sridevi@Sapna and S. Manjunath @Shanka*r from 26 June 2007, which can be accessed at unodc.org/cld, India 007. [↑](#footnote-ref-15)
16. See Asha Tamagu v. State of West Bengal found at unodc.org/cld , IND031. [↑](#footnote-ref-16)
17. Criminal Case 13646-11-10, State of Israel v. G. in Jerusalem District Court [↑](#footnote-ref-17)
18. Andrew Solomon, "Notes on an Exorcism", **The Moth** (ed. Catherine Burns),  Hachette Books (2013), *chapter available at*: <http://www.esquire.com/blogs/news/notes-on-an-exorcism> [↑](#footnote-ref-18)