CONTEMPORARY SLAVERY FORMS AND HUMAN – TRAFFICKING IN THE 21ST CENTURY

A b s t r a c t: The contemporary scene of slavery and human trafficking will be presented, with particular emphasis on the fate of women as victims of sexual violence. Forms of counteracting this phenomenon will be discussed, such as the norms of international law and the activities of Interpol and other organizations. The types of modern trade in „live goods” and the way criminals work will also be presented.

K e y w o r d s: human trafficking, slavery, trafficking in persons, forced labor

J E L C o d e: K0

1. THE CONCEPT OF SLAVERY AND TRADE IN “LIVING GOODS”

The problem of slavery and human trafficking began to be noticed by politicians and thinkers only at the turn of the 18th/19th centuries. It was at this time that the first associations in favour of the abolition of oppressing those used for forced labour began to form in the largest colonial empires, France and the Kingdom of Great Britain. Abolitionists (because that’s what this movement was called) started a discussion about what rights should belong to slave labor entities and what status should be given to them. They also preached the absolute release of those working in such conditions and the cessation of the exploitation of black people and the organized trade of blacks from colonies sold to America and Europe. The first legal steps at local and national level were taken during the French Revolution – in the throes of equality and fraternity in 1794 slavery was abolished in all French colonies. Then the English Empire...
concluded agreements to ban the trade of black people in Africa – “These were: the Moresby Agreement of 1822, the Hamerton Agreement of 1845 and finally the Agreement of 5 June 1873, signed by the British Consul in Zanzibar John Kirk and Sultan Zanzibar Bargasz, which made the slave trade illegal. By 1889, all former slaves had become free men, and in 1907 the status of slave was completely abolished in British East Africa.” ¹ However, the real consolidated international legal step taken by the world powers was the landmark “Convention on Slavery” of 25 September 1926. It was a document prohibiting any form of slavery and human trafficking, also setting out for the first time the official definitions of this phenomenon - it was considered that slavery is: “the condition or position of an individual with respect to which proceedings are applied in whole or in part resulting from the ownership rights” and trafficking in human beings was defined as “any capture, acquisition or withdrawal of a person in order to make him a slave”. The treaty was signed by 35 countries – including China, the British Empire, Cuba and Poland – and is still in force today. It was a watershed moment on the international stage – the phenomenon of slavery and human trafficking eventually gained its own definition and legal restrictions, and its subject began to be discussed in the world.

The issue of sexual exploitation of women also would be addressed. With the development of public awareness and the beginnings of the movement for women’s rights, modern legislation was created to protect representatives of the lower social strata from being deported abroad and forced to work in prostitution. The earliest are the two international agreements signed in Paris: The Agreements of 18 May 1904 and the Convention of 4 May 1910 on combating ‘trade in human beings’. They provided protection for women “of legal age, deceived or coerced, as well as women and girls of minors, against criminal conduct.” They set themselves the task of combating the export of women abroad to work for the purpose of “practicing fornication” and created safeguards in the form of a commitment by states to monitor the situation in ports and stations in order to detect attempts to transport women abroad and to provide protection and state assistance to kidnapped, which was: establishing identity, nationality and country of residence, contacting the family and ensuring a return home at the expense of the exporting country for forced labour. “Trafficking in living goods” has also been unequivocally declared a crime, and anyone who “to satisfy someone else’s passions by means of deception or rape (...) abducted or seduced a woman should be punished.”² It should be emphasised that this was only the beginning of the fight against trafficking in ‘living goods’ – these agreements took into

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account only the very fact that women were exported for prostitution – but did not cover aspects such as exploitation, coercion to work in roadside prostitution and street homes, deprivation of liberty and detention against will, violence and sexual exploitation referred to at that time as “practicing fornication” and did not create adequate measures to protect victims chronically subjected to work in the matrimonial industry.

The Polish legal system has a very comprehensive legal definition of “trafficking in human beings”, which is Article 115 §22 of the Criminal Code, which considers “trafficking in human beings” to be: “recruitment, transport, delivery, transfer, storage or reception of a person using: violence or unlawful threat, abduction, deception, misrepresentation, abuse of a relationship of dependency for the purpose of its use, even with its consent, in particular in prostitution, pornography or other forms of sexual exploitation, in forced labour or services, in begging, in slavery or other forms of exploitation degrading human dignity or in the acquisition of cells, tissues or organs contrary to the provisions of the Law.” The Penal Code also regulates the phenomenon of slavery, describing it in § 23 as: “a state of dependency in which a person is treated as an object of property”. It can therefore be considered that the Polish legal system defines this phenomenon efficiently and completely.

For both of these terms, issues will be discussed of women and underage girls in public houses abroad, forced labour by low wages and also the black market for the marketing of human organs, which, according to the author, is one of the types of slavery, due to the treatment of man as a property entity, and in particular its „constituent parts”. Statistical data will be presented confirming the assumption that this problem is insufficiently combated by state institutions and will show their ineffectiveness in combating this phenomenon. The enormous scale of this pathology and the social reaction to its size will also be indicated.

2. MODERN TYPES OF SLAVERY

The so-called „sex business” in Europe developed after the collapse of the USSR in the „golden age of gangsters” after 1990. Economic liberalization contributed to the emergence of organized groups dealing with sex and pornography”, which were recruited by conscious or unaware women looking for a living. During this period, many public houses were created, whose activities were carried out by widely developed criminal networks. Poland, according to Krzysztof Sawicki, due to its geographical location, quickly from the country of origin of slave labor entities, became a stop (transit point) on the metastatic route of women transported from Russia and former Soviet republics further west and south of Europe. According to research, up to 120,000 women and children can

be victims of such activities per year. Women (or increasingly men) – abducted, involved under the guise of legality or recruited for the *loverboy* method are later most likely to work in broths, roadside prostitution, less often pornography and benefits known as private ones. One of the largest “recipients” of forced labour in this case is the United States, with an estimated 20,000 to 50,000 people transported there each year. Criminals often see their victims as illegal (or legal) immigrants, and today the most common export regions for human traffickers are eastern European countries (especially Belarus) and Russia, Africa and China. The countries with the most enslaved people are India (14.3 million), China (3.2 million) and Pakistan (2.1 million).

One of the most common ways of exploiting people from ‘human trafficking’ is through slave labour. It is characterized by a very low (or not occurring) pay for the performance of services above strength, while limiting the freedom of movement of the individual. Other prerequisites are physical and psychological and sexual violence. Such a person is most often collected documents or a passport so that it is impossible to identify him or her identity and to completely eliminate the possibility of his or her return home. According to the International Labour Organization, 21 million people are forced into labor each year, the largest number from Asia and Africa. From the Asian region alone, annual income from slave labor is a negligible $52 billion. The World Labour Organization divides slave labor into three types: at the initiative of the government of the country concerned (which uses its own citizens or immigrants), a private initiative aimed at a form of work not involving sexual services (which includes work in private institutions or homes, as well as coercion of persons to break the law e.g. theft) and exploitation for private sexual services. An example of this is the fact that every year more than one million people are forcibly used to collect cotton by the Government of Uzbekistan and Turkmenistan.

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4 Ibid., p.12
10 Anti-Slavery organisation official website [online] https://www.antislavery.org.slavery-today/forced-labour/ [15.05.2020]
The phenomenon of modern slavery must also include its less obvious form of ‘organ trafficking’. The 2005 Council of Europe Convention on Action against Trafficking in Human Beings defines this type of trafficking in human beings as ‘organ removal’ – thus depriving a person of liberty and illegally transplanting a person’s organs and tissues for sale on the black market. According to the WHO report, this is due to too few legal transplants performed and a lack of donors and huge queues to perform life-saving operations. Human organs on the black market reach dizzying prices – for one kidney you can get up to 235,800 dollars, a square centimeter of skin 9 dollars and for the heart - more than a million.11 The source of organ harvesting are kidnappings, bribes of funeral home owners and even the desecration of graves.

Another aspect that, according to the author, should be considered as a separate category and not an issue “hooked” to previous types of global slavery is the use of children in trafficking in human beings. Illegal adoptions, the use of minors for sexual purposes and begging, organ trafficking, forced labour in less developed countries and recruitment into the military can be distinguished. 74% of child victims of trafficking are sexually abused12. For example, in 2017, child abuse in the sex industry doubled compared to the previous year, while the use of minors for non-sexual related, slaved labor activities decreased.13 Children from the lower social strata, large families with no basic means of living and countries that are underdeveloped or torn by war, e.g. the Middle East or Latin American and West African countries (where According to the UN in this region, 100% victims of trafficking are under the age of 1814) are most at risk for becoming a victim of human trafficking. As far as so-called “wild adoption” is concerned, children from Third World countries who are bought or kidnapped and exported west to Europe or the United States are the most likely victims. The largest number of minors in Africa are forced to beg – Senegal, where 100,000 children are forced to work on the street, is at the foremost.15

3. HOW CRIMINALS OPERATE

Human trafficking is generally carried out by organised crime groups, using different methods of action. Illegally (or legally) they lure their victims in order

11 The Medical Futurist, How much is life cost?, [online] https://medicalfuturist.com/how-much-is-life-worth/# [15.05.2020]
12 Children Right’s official website [online] https://www.childrensrights.org/newsroom/fact-sheets/child-sex-trafficking/ [20.05.2020]
13 Counter Trafficking Data Collaborative (CTDC) official website [online] https://www.ctdatacollaborative.org/story/exploitation-victims-trends [20.05.2020]
15 Anti- Slavery Organisation official website [online] https://www.antislavery.org/ending-forced-child-begging/ [20.05.2020]
to illegally removed them to the “destination” country (jobs). The most common way for criminals to get people is through the false promise of well-paid work abroad. The pattern of action in such cases is similar: a person submits to a job advertisement giving the promise of high salaries (especially looking for young girls without experience and qualifications to work as hostesses, maids or models) in another country (young and lonely people are desirable, ready to leave “immediately”) after which it is lured and exported abroad where the reality turns out to be extremely different. “(...) Working conditions are completely different from those contained in the contract, for example: working several hours a day without the right to rest; lack of remuneration for work; inadequate food and even starvation; accommodation in a very bad conditions.”

Another type of acquisition of cheap labour is the method described by Radosław Antonów as „loverboy”. Most often used in European countries, it involves abusing the trust of young women and initiating a romantic relationship with them. This method requires from criminals to use attractive men (referred to as *romeo pimp*) who, after a short period of time, persuade their chosen ones to leave and then hand them over to human traffickers. With technological progress, the profile of the „loverboys” activity is transformed and moves away from its classic version in favor of blackmailing its victims and online phishing, for then – inciting them to work in the matrimonial industry.

Organized crime has over the years succeeded in creating ‘trade routes’ for the transport of persons intended for human trafficking. Transported from place to place – referred to as the country of origin and the country of destination – they are transferred through transit points enabling the permanent development of this ‘industry’. The most popular of them according to Renata Runiewicz Jasińska is „baltic route – which is a system of transporting victims by ferry; and ships across the Baltic Sea, the Eastern European Route – delineated by countries such as Poland, Hungary, the Czech Republic and Germany to later transport them to the Nordic countries, the „Balkan route’ – used by gangs of former Yugoslavia countries and the „African route’ – which allows the transport of girls from African countries (mainly Nigeria) via Algeria to the EU’.

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17 Ibid., 21-25
18 Information taken from the official Dutch government website. [online] https://www.govemment.nl/topics/human-trafficking/romeo-pimps-loverboys [accessed 02.05.2020]
19 Ibid.,
4. STATISTICS

According to a report by the Minderoo Foundation in the “Walk Free” project in 2018, more than 40 million people worldwide were victims and had previously been the subject of slavery (in every variation of it) of which 71% were women. 15.4 million women were forced into marriage and about 25 million people were used for forced labor. Europe and Central Asia (in this study taken into account together) have one of the lower factors of slavery in the world. In 2018, it was estimated that around 3,590,000 people were used in Europe, 91% of which involved forced labour – most often due to unpaid debts. As regards the sexual exploitation of ‘living goods’ traders, it is as high as 22% worldwide, with a higher proportion for forced labor, which is as high as 78% of all victims. In Poland, the number of forced labour entities was estimated at 128 000 and the effectiveness of the fight against this phenomenon was average.

According to the researchers, between years 1500 and 1833, about 13 million people were victims of trafficking in human beings, what makes almost three times less (over 300 years) than those in slavery today. According to a study by the International Labour Organisation (ILO), 5.4 people for every 1,000 in the world have been victims of Human trafficking and 1 in 4 of all victims remain children. 99% of the workers of the so-called “sex industry” are women. This proves the ineffectiveness of the current system and the lack of sufficient solutions to prevent it, especially as regards the protection of women.

An interesting aspect of this topic is also the impact that trafficking can have on generating annual GDP in the grey economy. “According to research carried out by EY Polska, in 2018 the total value of the grey market in Poland amounted to 10.8% of GDP, or PLN 229bn. The cash grey market accounted for 9.9% of GDP, while the rest (0.9% of GDP) was made up of the non-monetary grey market (mainly related to the production of households for own use). Losses to public finances due to the shadow economy cash flow are estimated at PLN 38.4 – 48.8 billion (1.82% – 2.31% of GDP in 2018).” However, there is a lack of comprehensive research on this subject in Poland, specifically focusing on the very contribution of modern slavery and its impact on the monetary economy and the potential losses it could bring.

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21 Global Slavery Index official website [online] https://www.globalslaveryindex.org/2018/findings/highlights/ [25.05.2020]
22 The World Counts official website [online] https://www.theworldcounts.com/stories/Modern_Day_Slavery_Statistics [25.05.2020]
23 Ibid.,
The author also conducted studies aimed at socially recognizing moods on a given issue. The study was intended to show how human trafficking affects young people’s mental comfort and security and whether they are satisfied with the government’s actions. The results of this study showed the general dissatisfaction of representatives of this age group with the forms of combating this phenomenon undertaken by the government, which is astonishing - while feeling safe in its immediate surroundings.

A total of 72 people aged 19 to 25 who were most at risk of falling victim to “human trafficking” participated in the study. The selection of people for the study was random, and the survey due to restrictions caused by the COVID pandemic - 19, was conducted entirely using the online platform that is google forms. The subjects, subjected to an anonymous survey, had three questions: “Do you feel safe in your surroundings,” “Do you think the government is taking sufficient steps to combat human trafficking?” and “Have you ever met a job advertisement that does not require experience/appropriate qualifications offering good wages abroad?” (chart 1)\textsuperscript{26}. The first and third questions concerned the personal experiences of the people participating in the survey. Their general sense of security in their place of residence as well as general movement around the local town and contact with one of the potential threats of trafficking in human beings, which is a “suspicious” job offer, which is one of the basic means of acquiring entities for trafficking in human beings. The second question focused on their views on prevention in the fight against human trafficking. The second question focused on their views on prevention in the fight against trafficking in human beings.

72.2 % of people answered the first question in the affirmative, but 76.4% of respondents expressed their dissatisfaction with the steps taken by the Polish authorities to combat modern manifestations of slavery and trafficking in human beings. More than 73.6% of those taking part confirmed that they were in contact with the possibility of working abroad without any qualifications, which proves the reality of the threat of falling victim to “human trafficking” in our country. In the light of such data, I would suggest here to carry out more research on the forms of acquisition of live goods traders in Poland and public awareness of this phenomenon.

The majority of respondents indicated their dissatisfaction with the steps our country is taking in the fight against this phenomenon – both legal forms of prevention, inadequate education on this subject and the lack of sufficient mechanisms to protect the victims of this pathology and ordinary citizens who may potentially fall victim to this practice. Such a high score (because as much as 76.4 %) it also demonstrates citizens’ low trust in state institutions and how to combat crime. They are judged not to have any effect – whether they are

\textsuperscript{26} The research was carried out by the author of this article on 20.05.2020 – 28.05.2020 using a survey created in Google forms.
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Deterrent criminals from committing such acts again or protecting citizens from falling victim to trafficking in human beings.

Chart. 1 „Human Trafficking and public opinion”

5. WOMEN AND SLAVERY

Women are the most likely victims of trafficking in persons, with 71% of slaves being women in 2018, according to a study. In “sex - industry” alone, this factor was 99%. The most common victims are girls between the ages of 18 and 20 and those aged 9 to 17. The fair sex is therefore the victim of “human trafficking” almost 3 times more often than men – and this is conditioned by the demand of the matrimonial industry, which as has already been mentioned in 99% uses women (including girls under the age of 18). Annual revenue from this kind of sex industry globally is estimated at about $100 billion27. Most often, young girls are used for slave labor in prostitution, in brothels, the second place is occupied by pornography, to a lesser extent it includes services conducted privately.28 However, this is a downward trend, with an increase in the share of men in sexual exploitation in recent years, while reducing the participation of women. According to research, this is due to the need for women to work in slave labour centres and a change in the “matrimonial industry market”.

An interesting variation of slavery in the 21st century is the kidnapping of women for the purpose of marriage. At a time when public awareness is extremely

developed and there is modern legislation guaranteeing women’s rights, it is still possible to see violations of them through antiquity practices. According to Radosław Antonów, they can be divided into marriages resulting from the agreement between the families, where the victims are both spouses, resulting from the “agreement between the groom and the family” excluding the decision of the young woman, and ways of doing business: to pay “settlements” and to resolve conflicts. Forcing women to marry is still practiced in countries such as Kazakhstan and Kyrgyzstan. In Kyrgyzstan, despite the fact that officially (only since 2013) “bride – kidnapping” is a criminal act, (threatened with 7 to 10 years in prison) the law is still not sufficiently enforced and more than 70% of annual cases are ignored by the police and state authorities. The indisputable fact is that every 5th marriage in this country is the result of “ala kachuu” - forcing a woman to enter into a relationship by abduction and removal from the family (mistakenly considered a long-standing tradition). According to the World Labour Organisation, 15 million people were forced into marriage in 2016, and “girls not brides” data shows that one in five girls under the age of 18 in the world are married out of their will, which amounts to an insignificant sum of 12 million girls a year.

6. FORMS OF FIGHT AGAINST CRIME AND SAFEGUARDS

At present, the most important normative acts controlling and prohibiting slavery and trafficking in human beings are the 1948 Declaration of Human Rights (Art. 4) and the aforementioned 1926 Convention on Slavery and its 1956 Extension Protocol prohibiting slavery, the Convention for the Protection of Human Rights and Fundamental Freedoms, done at Rome on 4 November 1950 (Article 4) and the Charter of Fundamental Rights of the European Union adopted and signed on 7 December 2000 (Article 5). Most countries in the world have clauses in their national regulations to counteract this phenomenon – for example, Article 115§ 22 of the Polish Penal Code or the English Modern Slavery Act of 2015.

The situation of world slavery and human trafficking is also constantly monitored by organizations such as the United Nations, the World Health Organization or already more specialized – the La Strada Foundation or the Polish Foundation Itaka: Center for the Search for Missing People.

Interpol, an international police organisation that prosecutes every potential manifestation of an organised system of forced labour and the transfer of

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Victims abroad, plays a particular role in the fight against the global market for trafficking in human beings. They are investigating to detect as many ‘living goods’ traffickers as possible and to dismantle organised criminal networks specialising in such activities. In 2018 alone, they managed to save around 600 victims, 100 of them under the age of 18. An example of their activities is the extensive operations aimed at liberating as many people as possible, such as “Operation Saviyan” from 2018, which resulted in the liberation of 94 people from forced labor, or “Operation Libertad” aimed at breaking up the network of human trafficking organizations in South America.

7. SUMMARY

Trafficking in human beings and slavery is still a pressing problem in modern society and is not sufficiently addressed in public debate. The main problem is the exploitation of victims for sexual purposes and the scale of the problem, which, despite the high civilizational development of the countries of Europe and the World, is still at the forefront of human trafficking statistics. One of the main problems of this phenomenon is also the continuous and dynamic development, and adaptation to new technological realities. Especially in Poland, the mechanisms for combating this phenomenon should be reviewed and new legislative and educational solutions should be introduced in order to reduce the scale of the problem in our country. There are no comprehensive studies on this topic in Poland, and the most reliable source of information in this topic are reports of foreign organizations. The impact of new technologies on the development of trafficking in human beings, the participation of online platforms and dating applications in the acquisition of victims should be investigated in order to investigate how large a percentage of people is obtained with this profile of perpetrators’ activity. I would also suggest taking a closer look at the patterns of organization of human trafficking criminals in our country and the tools used by them.

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