

Palermo Protocol: The First Ten Years after Adoption

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Abstract

The problem of children being taken from their homes and then exploited has been in existence since the beginning of time. The United Nations recognized the need for the world community to come together and address this problem and consequently the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children was adopted. This supplement to the Convention Against Transnational Organized Crime is known as the Palermo Protocol. In the 10 plus years that the protocol has been in effect there has been a level of improvement with respect to trafficking in children, although there is much work yet to be done. This paper attempts to address the topic of the Palermo Protocol's strengths and weaknesses, and what can be done to ensure that children can grow up in an environment where they are safe from exploitation by others.

Key Words: Child Labor, Child Soldiers, Child trafficking, Palermo Protocol, Trafficking in Human Beings, and Sexual Tourism

Introduction

In 2000, the United Nations, after recognizing the need to address Trafficking in Human Beings (THB) more thoroughly, adopted the supplement to the Convention Against Transnational Organized Crime by adding two protocols. The first was the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children; the other the Protocol Against Smuggling of Migrants by Land, Sea, and Air. These became known as the Palermo Protocols. For the purposes of this paper, only the first, the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children, hereafter known as the Palermo Protocol, will be addressed.

According to childtrafficking.com, the Protocol is the first universal instrument that addresses all aspects of human trafficking. In particular, the instrument:

- deals with the countries of origin, transit and destination;
- discusses the status of victims of trafficking in persons in receiving assistance
- includes preventive measures in particular to prevent victims of trafficking from re-victimization in Art. 9.
- deals with the prosecution and punishment of the perpetrators in Art. 5 and therefore fights against organized crime networks, (their importance for the increase in trafficking has been frequently stated);
- provides for the assistance to and protection of victims of trafficking in Art. 6 and provides valuable detail on physical, psychological and social recovery. Art. 6

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para. 3: appropriate housing; counseling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; medical, psychological and material assistance and employment, educational and training opportunities; and

- provides for compensation by obliging States to ensure that trafficking victims are offered the possibility of compensation (Art. 6 para. 6) (<http://www.childtrafficking.com>).

The purpose of the creation of the protocol was to ensure that there was a “universal instrument that addresses all aspects of trafficking in persons”. (The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children 2000) The intent was to create the framework to assist in defining what trafficking was, to prevent trafficking from occurring, to support the victims of trafficking, and to assist states in collaborating to achieve this goal. The protocol entered into force on December 25, 2003 and by the end of 2009, 117 states had signed and 133 states were party to the protocol. Although these numbers are important, it is not enough to satisfy the United Nations. According to Antonio Maria Costa, Executive Director of the United Nations Office on Drugs and Crime, in a press conference on May 13, 2009, “ ‘ We keep saying, we keep claiming it’s a tragedy found in all countries,’ he said at a Headquarters press conference, noting that one third of the Organization’s Member States had not ratified the United Nations Protocol...” (Press Conference on Human Trafficking 2009). He went on to state that because many countries lacked trafficking laws in their own state, and half of the members states had yet to convict anyone of trafficking, much more work is needed to make the protocol a useful tool. The following paper will attempt to explain the Palermo Protocol, give examples of individual cases that qualify as THB, discuss what individual states are doing to end THB, and the effectiveness of the protocol up to this point with respect to multilateral efforts to fight trafficking in children.

What is Trafficking in Persons?

According to the Palermo Protocol trafficking in persons means:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring 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. (200042)

Certainly, THB is not a new phenomenon, some form of slavery has been in existence since the beginning of humanity. The Convention on the Rights of the Child addressed the issue in 1989, and again in an optional protocol in 2002. What made the Palermo Protocol different was that trafficking in human beings had not been defined. This definition opened the door for international law to be created to prevent trafficking and protect victims, and laid the foundation for domestic laws to be created. Because the Palermo Protocol ratification process took a long time, many individual states developed their own form of anti-trafficking law. Even with the Palermo Protocol and the states’ domestic anti-trafficking laws in place, only one to two percent of trafficked individuals are rescued. (Press Conference on Human Trafficking 2009) When the trafficked person is a child, the chance for rescue before extensive damage has been done, is slim

due to the vulnerable nature of a child. According to the United Nations Children's Fund (UNICEF) approximately 1.2 million children are trafficked each year, (UNICEF Child Protection 2010).

There are many reasons that children are trafficked throughout the world, some for sexual exploitation, some for illegal adoptions, and some for labor purposes and many for the purpose of becoming child soldiers. A more recent purpose for child trafficking is for body organs, although that will not be addressed here. There are differences in the methods that adults are trafficked as opposed to the way children are trafficked; most often, because the children are at the mercy of an adult, often a caretaker, whom the child assumes should or relies upon to have their best interest in mind. As evidenced by the scenarios below, that is often not the case.

Child trafficking is not limited to a few countries, trafficking happens in both developed and underdeveloped countries. According to the U.S. State Department report in 2002, 50,000 women, and children were imported to the United States. (Wilson, Walsh and Kleuber 2006) In another U.S. State Department report dated 2004, there are 600,000 to 800,000 people trafficked across borders each year, 40 percent of those were children. (UNICEF, Training Manual to Fight Trafficking in Labour, Sexual and Other Forms of Expolitation 2009) "Together with trafficking of drugs and weapons and smuggling of migrants, THB is one of the core activities of contemporary organized crime." (Ballesteros 2007)

With the ratification of the Palermo Protocol, the hope was that there would now be a way to decrease the number of humans trafficked each year. Although this does not appear to be the case at this point, there has been the increase in awareness around the number of victims, how they are trafficked, and where the trafficking commonly takes place. As globalization continues to spread, there is the need for workers in areas where previously the need did not exist as well as the need for employment.

Why Humans are Trafficked?

For a trafficker, there is the potential to make a great deal of money if the worker can be brought to the employer. The result can be children trafficked from one country to another for the purpose of working on a farm, or producing bricks, or being used on deep-sea fishing boats. Other children are used for domestic help, often working long hours with minimal rest, or food and no pay. Girls are often used as prostitutes to service many men each day, and end up either pregnant, ill or both. Still other children are trafficked as infants or young children and adopted by other families. Many times the adoptive family is unaware that their newly adopted child was stolen from their birth family. Another form of trafficking involves taking young children and training them as soldiers. These children, both boys and girls, live in horrific circumstances, often kept numb or dependent by drugs given to them by their captors. Because there is the demand, traffickers will make sure the supply is available. "Human trafficking benefits from one of the crucial engines of globalization - the supply and demand of transportable commodities, as well as from the transfer of capital, the opening of borders, and trade deregulation." (Nagle 2008) To the trafficker and the end user, the child is not a human being but a commodity to be used and then many times, disposed of when the commodity is no longer needed, although this is generally not the case with adoption. For the trafficker, there will always be a never-ending supply of children to be had, whether this child comes from a family who is too poor to care for the child, the child is kidnapped, the child is lured, or the child has no other place to go, there will always be more children available. The following examples illustrate what an individual

child has experienced at the hands of adults who saw them as commodities and not as innocent young children.

Individual Case Studies

Micheline's Story

According to the case study in the 2006 book, *Enslaved*, Micheline was 5 years old when she became an orphan in Haiti. For the next twenty years, she was an enslaved person. Her parents had both been killed and Micheline was taken in by her aunt. Her once easygoing life became a nightmare. Micheline was forced into domestic labor at the hands of her aunt. Her duties included hauling three gallons of water from the river 5 miles from the house several times a day to make sure there was always a continual water supply. She became the household maid and was responsible for cleaning house, doing laundry and all other chores associated with running a home. Beatings were common and harsh, with her aunt putting salt and lemons on her bleeding skin. When Micheline was seven, her cousin became ill and her aunt and uncle, both practicing Voodoo priests, attempted to offer her to the spirits as a sacrifice for keeping their daughter alive. (Slattery 2006)

Later she was sent to live with an adult whom she believed to be a cousin, who initially treated her very well. Micheline experienced love and kindness for the first time in many years. However, once the cousin became pregnant; Micheline was no longer welcome and once again became the household servant. At the age of 14, Micheline discovered that her "cousin" was actually a trafficker and that she would soon be sent to America. Once there, she went to the home of another cousin. Here she not only was responsible for the household chores but for attending to the cousin's three children, all while attending middle school. Micheline had very little sleep each night and struggled with school. Her desire was to have love and attention from her cousin, so she attempted to keep up with all the housework, attending to the children and her schoolwork as well. When Micheline realized that she would never get the love she so craved, she attempted suicide for the first time.

When she was seventeen, she got a job at a restaurant. Her cousin told her she would "hold her money for safekeeping" although Micheline quickly realized she would never see the money again. During this time, she reconnected with her brother and it appeared life was taking a turn for the better. Unfortunately, at about the same time, Micheline met a man who she thought wanted to marry her because he loved her, although shortly after they married he became controlling and abusive. She felt she had no way out, and again attempted to kill herself. Although she did not succeed, Micheline met an advocate and discovered that in the United States there were laws that could help her become free of her abusive husband and start a life of her own. Micheline is now an activist who fights to stop trafficking in the United States. (Slattery 2006) Trafficking occurs everyday in a "free" developed country, like the United States of America. This is just one example of trafficking for the purposes of labor.

Jyothi's Story

This type of case is not uncommon although there are many other stories as well. "Poverty is a central factor in the decision of parents to send their children away to work." (Dottridge 2002) With extreme poverty, comes the need for families to do things that they would otherwise never do. Jyothi, now 12, reports that she has been working in the cotton fields in India for over five years after her father committed suicide. Although Indian "law prohibits children

under 14 from working in factories, slaughterhouses or dangerous locations” (Child Labor 2008) Jyothi’s employer sees nothing wrong with child labor, reporting in the Forbes Asia article on Child Labor, “‘Children have small fingers, and so they can remove buds very quickly,’ he says, while insisting that he no longer employs the underage, ‘They worked fast, much faster than the adults, and put in longer hours and didn’t demand long breaks. Plus, I could shout at them and beat or threaten them if need be.’” (Child Labor 2008) Other children in India work chiseling quarry waste into blocks, all the while breathing dust particles into their lungs. Still other children work decorating shoes or picture frames with sequins or glass. These particular children will work from 9:00a.m. to 1:00a.m., some of the children as young as 5 years old. (Child Labor 2008) However, enforcing the underage working laws is difficult because the Indian government has not complied with laws to protect the human rights of children. Boys from Burma (Myanmar) and Cambodia have been trafficked to work on deep-sea boats, many are never rescued, “...boys that become ill are frequently thrown overboard.” (Feingold 2005) During the 2007 March Against Child Trafficking, one former trafficked child reported, “It takes only Rs 500-2000 to buy a child and put him/her to work. Even a cow or a buffalo have a higher bid of Rs 20,000 on their lives. It is not only ironic that children ‘cost’ lesser than animals, it is a shame that they are traded like animals.” (South Asian March Against Child Trafficking 2007)

Maria and Nang’s Stories

Girls are often trafficked for sexual exploitation. Maria’s story is an example of this. She came from an Eastern European country and at the age of 13, was sold by her sister to a trafficker who initially took her to Italy, but eventually to the UK. She worked in London for 5 years as a prostitute, reportedly servicing as many as 65-70 men each day. Although she was paid a small sum for her work, that money went for rent and food. She stayed because the traffickers threatened that they would kill her and her family. She was beaten and suffered from broken bones. When she escaped and returned home, her father sold her again. Her traffickers no longer hold her, but the trauma of her time with the traffickers still haunts her. (Their Story 2008)

In the UNICEF report on Lao People’s Democratic Republic, it was revealed that trafficking girls for prostitution is the most common type of trafficking. “The overwhelming majority of trafficking victims surveyed are girls aged between 12-18 years of age (60%) and most of those victims (35%) end up in forced prostitution,” (UNICEF, Broken Promises Shattered Dreams 2006) One girl, Nang, was sold into prostitution after being promised by a woman in her village that she would help her to go Thailand to get a job in sales. She was eventually able to make it back to her village but still suffers from the horrors of her ordeal. Many girls are sold into the sexual tourism trade where tourists from other countries make trips to particular countries for the purpose of having sex with underage children. There are many thousands of cases just like Maria’s and Nang’s throughout the world; children bought and sold as a commodity with no consideration for their own value or rights as a human being. Other cases include children forced into working in diamond mines, clothing factories and as rug makers

Trafficked children do not always suffer in the way that the previous children referenced did. There are some cases where children, particularly babies, are trafficked for the purpose of being adopted. This type of trafficking takes on many forms. For many years, American parents would go to China to adopt little girls. Their belief was that these unwanted girls were left at orphanages because girls have less value than boys do, and with a one child per family law, the girls were a burden. However, Martha Groves, in her 2009 article, *Painful Questions for*

Adoptive Parents, reports that this has not always been the case. "...adoptive parents have been unsettled by reports that many children have been seized through coercion, fraud, or kidnapping, sometimes by government officials seeking to remove children from families that have exceeded population-planning limits or to reap a portion of the \$3000.00 that orphanages receive for each adopted child." (Groves 2009) The parents of these adopted girls are confused and concerned about what this means for their daughters and for themselves.

Zabeen's Story

Another example of this comes from India and Australia. Children have been stolen from their Indian parents and then adopted by parents in Australia. One such case is of Zabeen who was stolen from the yard of her home when she was just two years old. "Zabeen had been snatched by a gang of criminals who hunted pretty children in the poorest parts of southern India and spirited them away, giving them new identities before dispatching them to adoptive parents in the West. (Callinan 2008) Although Zabeen's parents continue their search for her, she has not yet been recovered. Human rights lawyer D. Geetha, believes that almost 10 percent of the children brought to Australia in the last 10 to 15 years were stolen then sold.

Children have also been trafficked from Ecuador, Russia, and Ethiopia. "The practice of international adoption emerged from the orphan situation in Europe after the Second World War, but increased significantly in numbers as an effect of the Korean War, and implies today predominantly transfer of children from Asia, Latin America and East Europe, to North America and Western Europe." (Leifsen 2008) There are also cases of children who are trafficked and adopted within their own country. In China, there has been an increase in the number of boys stolen and sold to other parents. "The sale of stolen children to families wanting a male heir has reportedly become a big business in China." (Jacobs 2009) Boys are often stolen when they are outside and their parents are inside doing something else. The desire to have a male child is cause of the demand. One man from Fujian Province talked about why he "bought" a 5-year-old boy. "'A girl is just not as good as a son,' he says. 'It doesn't matter how much money you have. If you don't have a son, you are not as good as other people who have one.'" It is not clear how many boys are stolen each year, as there are not records available. The Chinese government says the numbers are low, although there are estimates that the numbers may be in the hundreds of thousands.

Child Soldiers

The last type of child trafficking might be considered the worst. It involves the worst aspects of the other types of trafficking and adds even more brutality. This is the trafficking of children for the purpose of becoming child soldiers. There are reports of this type of child trafficking in Sierra Leone, Guinea, Liberia, Nigeria, Senegal, the Democratic Republic of Congo, Sri Lanka, Nepal, Bangladesh, Colombia, Peru, Mexico, Mozambique, and Yugoslavia to name just some. Save the Children reports that hundreds of thousands of children are forced into fighting each year. The children are used as slaves, for sexual purposes and for other activities as well. "These roles include spies, bomb carriers, sentries, and human shields. Children are often used to lay and clear landmines. As they grow older and stronger, children in armed groups may be 'promoted' from lesser servant roles to active combat roles." (Lorey 2001) In her article, *Child Soldiers, Slavery and the Trafficking of Children* (2008), Susan Tiefenbrun describes the horrific circumstances that some of the child soldiers experience. She stated:

Child soldiers are subjected daily to dehumanizing atrocities. They are often abducted from their own home, tortured, indoctrinated with brutality, forced to become intoxicated with mind-altering drugs, threatened with death and/or dismemberment if they don't fight, forced to return to their own village to witness or participate in the death or disfigurement of their own family members, required to kill friends who don't obey the commanders, and made to watch the punishment of other child soldiers who attempt in vain to escape.

She goes on to state that both boys and girls are sexually exploited and those girls in some cases can actually make up 40% of the children's army. The children are given drugs from the moment they enter the camp so that they become more compliant and fearless. "These children who are trained to be fearless actually become dangerous, killing machines. Anyone seeing them in action is naturally stunned into disbelief and is likely to wonder why these children kill, maim, and dismember their own friends and relatives." (Tiefenbrun 2008, 2) Charu Lata Hogg's article entitled, *Child Recruitment in South Asian Conflicts*, reports that "Estimates of the Liberation Tigers of Tamil Eelam (LTTE) cadres killed in combat suggests that during the height of the Eelam Wars at least 40% of the fighting force consisted of children aged between nine and 18." (Hogg 2006)

The fact that children are involved in war as soldiers is not a new idea, but the voracity and the abusiveness of the adults working with the children has reached new heights. It was not unheard of for boys to join the ranks of other soldiers during World War II, but for the most part, this was as a volunteer, and the children were not as young, or abused by their peers. This type of soldiering has since reached an extreme of cruelty that is unfathomable for most people to comprehend, yet every day more children are being forced into armed military battles. "In 2001, it was estimated that more than 300,000 children are actively participating today in more than thirty armed conflicts in Africa, Asia, Europe, Latin America, and the former Soviet Union." (Lorey 2001) According to the Coalition to Stop the Use of Child Soldiers, as of 2001 there are 37 countries within Africa, Asia, Latin America, Europe and the Middle East, where children are currently fighting. (Lorey 2001)

The Challenges

With all the evidence of cruelty to children through child trafficking is there any evidence that the Palermo Protocol is helping to make things better for the victims? Have individual states made changes to decrease the instances of THB and if so are they making progress? According to Helga Konrad, in the 2005 *Assessment of the United States Human Trafficking Situation and Anti-Trafficking Activities*, for the Organization for the Security and Co-operation in Europe, there has not been as much progress as hoped. She stated, "While there is much activity and spending, there is, unfortunately, less evidence of results and demonstration of sustainable effectiveness than would be expected. This can be observed both internationally and within the U.S." (Konrad 2005)

Others also report concerns, "The protocol is not sufficient for stopping trafficking, and more than one-third of U.N. member states are not a party to it.", reported assistant to the president of Belarus, Valentin Rybakov. (Berger 2009) He goes on to state, "The Palermo Protocol is, if you will, an aspirin which helps us to bring the fever down, but aspirin cannot cure us." (Berger 2009) At the same United Nations conference on human trafficking, Antonio Maria Costa, the Executive Director of the United Nations Office on Drugs and Crime stated, "In 2006,

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the last year for which we had statistics, 22,000 victims were rescued, and we know the problem goes into the millions.” (Berger 2009) During this meeting a new, “global action plan” was created to address these issues.

There are many reasons the Protocol has not been as successful as the United Nations hoped it would be at this point. As reported at the U.N. conference on human trafficking by Antonio Maria Costa, “One out of three member states have not yet ratified the Palermo Protocol and almost half of member states have not convicted anybody, though we could say this is a problem in all countries.” (Berger 2009) Many countries have also either had difficulties or have refused to collect data on THB. Other countries are attempting to make changes although the process of changing domestic law is slow. Because the Palermo Protocol is customary international law, participation is voluntary and consequently the ratification of the law by individual states can take a long time, if it happens at all. Even then, enforcement may be uneven at best.

“The problem (or at least the limitation) of the Palermo Protocol is that it is aimed primarily at tackling the perpetrators of THB.” (Piotrowicz 2008, 244) Piotrowicz went on to state, “However, from the victim’s perspective, the Protocol offers only limited assistance with rather nebulous, aspirational obligations that leave much to be desired.” (Piotrowicz 2008, 244) This then put the burden of attending to the concrete rights of and assistance for the victims in the hands of the individual states. Consequently, there is not a uniform standard for the rights and reparations of victims. Piotrowicz concluded with this statement, “What we therefore have in the Palermo Protocol is an instrument aimed at tackling THB through fighting the traffickers, with limited acknowledgement of the rights of the victims, who may need protection and assistance.” (Piotrowicz 2008, 245) “Trafficking in human beings is a global issue that represents an increasingly lucrative source of funding for organized crime networks, one that bears a low risk of detection and low penalties for the traffickers.” (Ballesteros 2007, 124) In order for traffickers to be caught and prosecuted, the victims must be found, but the extreme fear among the victims makes this crime much more difficult to uncover. Many times a person is held for years before they either escape, die, or are let go. Consequently, the traffickers have many years to continue in the buying and selling of individuals. This issue is even more pronounced for children, who just by the nature of their age are at a disadvantage. The opportunity to be heard or rescued is diminished as often a child is either constantly held captive, is escorted by an adult at all times or is coerced into not speaking up.

Another issue with the effectiveness of the protocol up to this point is that there are times when those who should be there to protect, are actually causing more harm. Alvaro Ballesteros discussed the issue in his article on the North Atlantic Treaty Organization’s work with THB. He recounted the words of UN Transitional Authority in Cambodia, Yasushi Akashi when asked about UN peacekeepers involved in sexual abuse of local women, “Boys will always be boys.” (Ballesteros 2007, 125) This problem is not just with UN or NATO peacekeepers but has historically happened with armed forces in general. “The first reports of peacekeepers being involved in human trafficking were related to the UN peacekeeping and police missions in Bosnia and Herzegovina during and after the 1992-95 war.” (Ballesteros 2007, 127) it becomes extraordinarily difficult to end THB if those who are there to protect the victims and potential victims are the same ones who are doing the trafficking. It will be crucial for NATO to implement policy changes if this is to change.

The Successes

Although the Palermo Protocol has not yet produced the results that the United Nations hoped for, it had created a foundation for individual states to make changes in their existing laws. In Thailand the NGO, Coalition to Fight Against Exploitation has begun the process of getting convictions of traffickers and pedophiles. The United Arab Emirates (UAE) has made attempts to slow the trafficking down. “In response to unrest and allegations in recent years, the UAE has done a fair job in providing the formal legal structures designed to prevent most forms of trafficking.” (Caplin 2009) UAE in 2005 also implemented laws around child camel jockeys. According to Marie Vlachova, in her article *Trafficking in Humans: Slavery of Our Age*, “There is hope that this form of child slavery will disappear soon, since some of the states have promised to use robots as camel jockeys...” (Vlachova 2005) Albania is working with the Transnational Action Against Child Trafficking project to work on detection, protection, and reintegration of vulnerable children. China has begun to punish traffickers as well. Two men were executed for kidnapping and selling baby boys to families wanting male children. The trafficked boys were returned to their biological families. Strides have also been made for Chinese children in orphanages. “...recently China rescued 2,008 kidnapped children and had reunited some with their birth parents.” (Groves 2009) The workers at the orphanages were punished with prison terms or death.

International courts are also prosecuting traffickers under the Rome treaty. Thomas Lubanga Dyilo was charged and is now on trial in the ICC for enlisting child soldiers. “The Prosecutor of the ICC has charged him with the war crime of enlisting children under the age of fifteen; conscripting children under the age of fifteen; and using children under the age of fifteen to participate actively in hostilities.” (Cases and Situations 2010) Although this case was tried under the Rome Treaty, there is the hope that this will strengthen the use of the Palermo Protocol as well.

There has also been other evidence of progress. “In 2006, the highest numbers of investigations and criminal proceedings for human trafficking for sexual exploitation were recorded in Austria (128), Belgium (291), Germany (353), Italy (214), Portugal (65) and the UK (65).” (Justice and Home Affairs Commission to Revise EU Action Against Human Trafficking 2008)

The United States has also made strides in THB laws. In 2000, the US enacted the Trafficking Victims Protection Act (TVPA). The TVPA was created to combat traffickers through punishment and to protect trafficking victims as well. “Finally the Protect Act provided victims with new protections, including new visas for victims of trafficking (T-visas) and Violence (U-visas), which allows victims to stay in the United States- from three years to permanent residency- in exchange for investigative and prosecutorial assistance against traffickers.” (Shirk and Webber 2007) The purpose of the TVPA is to prosecute those traffickers who are caught. Through the TVPA, new crimes were created around trafficking, which will make prosecution possible. Protection for victims comes through the visas, prevention of trafficking comes through establishing programs for increasing job skills, increasing education for children, and offering grants to international organizations who employ women. (Harvard Law Review 2006)

According to the United States Government Accountability Office report on Human Trafficking, there has been an increase in the number of cases prosecuted in the United States each year since the records were maintained in 1995. (GAO 2007) In 2008, the Immigration and

Customs Enforcement (ICE) agency initiated 432 human trafficking investigations. “These investigations included 2662 cases of alleged sexual exploitation and 170 cases of suspected labor exploitation. During the same period, ICE investigative efforts resulted in 189 arrests, 126 indictments, and 126 convictions relating to human trafficking.” (Kibble 2009)

What about the United States?

Yet, there are also concerns in the progress or lack of progress of the United States. Although the United States has created a tier system for measuring the level of effort a state puts into fighting trafficking, the US then, perhaps selectively, decides to impose sanctions on those states that are not putting effort into fighting trafficking. There are several problems with this system. First, some critics state that the US imposes sanctions against countries where there are already strained relations as another way to “punish” those countries. Other countries are not sanctioned in what appears to be a political motive. These sanctions will also potentially have no value if imposed on top of existing US sanctions. Second, critics state that the US has no right to tell other countries how to handle trafficking. Lastly, the countries are not doing the trafficking, individuals are, and consequently, sanctions against a country might not impact individual traffickers at all.

Another problem to be addressed by the US is the lack of preparation by individual law enforcement agencies. In the 2006 article, *Trafficking in Human Beings: Training and Services among US Law Enforcement Agencies*, it was noted that law enforcement agencies are often the first responders to trafficking situations. “According to De Baca and Tisi (2002) local police officers are more likely to encounter the victims and perpetrators of human trafficking before federal agencies become aware of the situation.” (Walsh, Walsh and Kleuber 2006) The authors discovered that many local law enforcement agents felt that trafficking did not happen in their jurisdictions and that other agencies would be more likely to deal with trafficking issues. Obviously, this indicates a need for officer’s education at all levels to help the law enforcement recognize trafficking cases.

The UK and the EU have taken a different approach to dealing with trafficking issues. In January 2006, a new treaty was created called the Council of Europe: Convention on Action Against Trafficking in Human Beings. The purpose of the Convention was to prevent human trafficking, protect the rights of the trafficking victims and to promote cooperation with other states in fighting trafficking. Since that time, the UK has created the United Kingdom Human Trafficking Center (UKHTC). The focus of the center is prevention, prosecution, protection for victims. (UKHTC website) The center provides a complete resource for anti trafficking from operations and intelligence to victim support services. The approach here is to deal with the issue on all levels where the trafficking is happening. This concept appears to be very different from the US plan to sanction countries who do not crack down on trafficking in their own country. A comprehensive report was done by the Child Exploitation and Online Protection Centre, in 2009 to review progress and needs to prevent trafficking in children in the UK. This was an all-inclusive report that looked at child trafficking and where improvements were needed. (Strategic Threat Assessment Child Trafficking in the UK 2009)

What Needs to be Done?

With the Palermo Protocol in place and individual countries creating anti-trafficking laws, what more needs to be done for the victims of THB? “Education, awareness, and poverty alleviation programs are important preventative measures, but such programs will never be able to keep pace with the entrepreneurial energy and creativity of the traffickers unless they are combined with practical programs that actually help make national law enforcement successful in sending perpetrators to jail.” (Haugen 2003) In order to truly help victims, the traffickers must be stopped. This process is will be very difficult if there is the continued demand.

Another difficulty is getting victims to come forward against their traffickers. There is the fear of retaliation, the fear of being punished for the crimes committed while enslaved, or the fear of being ostracized after telling their story. Education appears to be an important cornerstone to prevention of some forms of trafficking. If children and adults are aware of the stories that traffickers tell, and recognize the patterns of traffickers, this might decrease some trafficking. A counter trafficking program in Romania works with school age children, educating the children on the risks of trafficking appears to be having some success. Although educating people on the risks of trafficking helps only in situations where children are not initially taken by force. More collaboration and communication between states as well as consistencies in anti trafficking laws and enforcement throughout the world are needed to decrease the ability for traffickers to succeed.

Although there are many changes and improvements needed to decrease and eventually eliminate child trafficking, the Palermo Protocol has at least created a foundation for individual countries to begin or step up the fight against trafficking in human beings.

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