

2005

## The Menace of Human Trafficking in Africa and the U.S. Congressional Response through the Office of the United States Executive Director of the African Development Bank - Keynote Address

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### Recommended Citation

Cynthia Shepard Perry *The Menace of Human Trafficking in Africa and the U.S. Congressional Response through the Office of the United States Executive Director of the African Development Bank - Keynote Address*, 1 Loy. U. Chi. Int'l L. Rev. 179 (2004).  
Available at: <http://lawcommons.luc.edu/lucilr/vol1/iss2/3>

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THE MENACE OF HUMAN TRAFFICKING IN AFRICA AND THE  
U.S. CONGRESSIONAL RESPONSE THROUGH THE OFFICE  
OF THE UNITED STATES EXECUTIVE DIRECTOR  
OF THE AFRICAN DEVELOPMENT BANK

Keynote Address<sup>†</sup>

Ambassador Cynthia Shepard Perry<sup>††</sup>

**I. Introduction**

Ladies and Gentlemen, it is my great honor and pleasure to speak to you on behalf of the African Development Bank and to bring you greetings from President Omar Kabbaj and members of the bank management and staff. I have been invited to explore with you the issue of human trafficking, or modern slavery, as it has been called. This egregious act against humankind is reflected in many nations of the world and has become a particular menace to African societies.

After listening to the panel discussions today, I am assured that you, as promising and confident legal professionals, will seriously examine each of these issues of human rights violations around the world and will eventually propose effective protections and solutions for implementation by both caring and offending nations of this world. As pointed out, some nations are suppliers and others are receivers, making a high number of persons and nations in our global community culpable for these horrible crimes perpetrated against fellow humans, primarily women and children, around the world. This most egregious form of abuse must be eliminated and prevented ever to recur.

I am encouraged by the words of President Bush in his inaugural address that America will not pretend that jailed dissidents prefer their chains, or that women welcome humiliation and servitude, or that any human being aspires to live at the mercy of tyrants.<sup>1</sup> From the day of our founding, he said, we have proclaimed that every man and woman on this earth has rights and dignity and matchless value, because they bear the image of the Maker of Heaven and Earth.<sup>2</sup> Across the generations we have proclaimed the imperative of self-government, because no one is fit to be a master and no one deserves to be a slave.<sup>3</sup> Therefore, the United States government has a firm and commanding response to human trafficking in the world, and I for one have a responsibility to see that it is carried out.

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<sup>†</sup> The Loyola University Chicago International Law Review Symposium on International Migration: Examining the Legal Implications in a Global Society, February 24, 2005.

<sup>††</sup> Ambassador Cynthia Shepard Perry, U.S. Executive Director, African Development Bank.

<sup>1</sup> President George W. Bush, Second Inaugural Address (Jan. 20, 2005).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

## II. The African Development Bank

As a matter of history, five development banks in which the U.S. is involved were established during the years following World War II. Most people know generally about the existence and mandates of the World Bank and IMF (the Bretton Woods Institutions). But, also mandated to assist economic and social development around the world are the Multilateral Development Banks (“MDBs”), such as the Inter-American Development Bank located in Washington, the Asian Bank in Manila, the European Bank in London and the African Bank currently in Tunis. For those among you who know little about the African Development Bank (“ADB” or “Bank”), I would like to introduce to you its existence and the mandate it has to reduce the high incidence of poverty on the African continent, such poverty which sadly undermines the ability of African nations to resolve their own problems, including this one. I am pleased to have this opportunity to talk to you about the ADB in terms of its history, its preoccupations and its mandate to support and promote the economic and social development of human rights in each of its member countries in Africa. In French, the ADB is called the BAD, no reflection upon the work it accomplishes—just an amusing French acronym for Banque Africain de Développement.

From its inception in 1964, the ADB has been headquartered in Abidjan. Due to civil strife in Cote d’Ivoire, the Bank chose to move to temporary quarters in Tunis, North Africa, where we have operated since early 2003. The plan is to return to headquarters in Abidjan; or if not possible, to another location preferably in Sub-Saharan Africa, when the timing is right. The African Bank was conceptualized and initially established by a group of African nations themselves in 1964, during the early phases of independence from European colonialism. It was negotiated and endorsed by such venerated African giants as Sengor, Nkrumah, Toure, Tubman, Haile Selassie, Bourgiba and others in more recent African history. In fact, last year in September, we celebrated the 40th anniversary of the Bank’s services to Africa. Africa is now comprised of fifty-three independent member states, which are both borrowers and contributors to the Bank. Bank services and commitments are available to them all. In 1982, external donor nations joined the Bank Group as the African Development Fund and the United States became a leading contributing member in 1984.

The African Bank is governed by a Board of Directors, eighteen in number; twelve representing the fifty-three African nations and six representing twenty-four external donor nations. As one of the Executive Directors, I represent only the United States, the largest contributor to the ADB. Although we have enjoyed being the major contributor to the African Development Fund, we slipped to second place behind France during the most recent replenishment of the Fund. This unfortunate development, I might add, was primarily the result of exchange rate movements. For your information, Nigeria is the largest African shareholder in the Bank and continues through its Nigerian Trust Fund to be an active and respected partner in the Bank Group.

In this Bank, the Board of Directors, unlike many other financial institutions, are resident in Tunis. We have oversight responsibility for programs, projects

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and policies initiated by the Bank and our residency enables us to meet weekly or as called upon for close scrutiny of the many development and lending proposals that come to us from member states.

The ADB jealously guards its status as the leading financial institution on the Continent. It is a development bank, not a commercial bank, and as such, was established to reduce poverty and to promote sustainable development in Africa. I am proud to report that the ADB is financially sound, due largely to the strong leadership of our President, Omar Kabbaj from Morocco, and maintains Triple A ratings from all major international rating agencies. The Bank Group provides loans, grants and Heavily Indebted Poor Countries (“HIPC”) debt relief, which this past year totalled more than \$4.4 billion, the highest level for the Bank since it started operations. In addition to its own lending and grant operations, the Bank Group, through its co-financing operations, succeeded in 2004 to mobilize additional resources, which stood at \$3.1 billion. Thus the total amount of resources generated for our regional member countries—including the Bank’s own resources—stood at \$7.4 billion. Its operating budget for 2004 was about \$220 million.

The Bank has nearly 1,200 employees; by mandate, 80% are African, the majority originating from West Africa, but staffing includes professionals from around the world. Although we have successfully recruited more than 100 additional personnel over the past year, we are currently short-staffed by an equal number in the professional ranks, and we are actively recruiting to slowly close the gap. I am issuing today an invitation to all of those of you who might wish to join us at the ADB in our efforts to resolve the multitude of problems plaguing Africa. I might say in addition to the immense intellectual challenge and travel opportunities offered by the Bank, the salaries and especially the benefits are more than competitive with salaries offered by major employers in America. If you are interested, or know someone who might be, I would encourage you to check out our web site, [www.afdb.org](http://www.afdb.org), for a complete listing of available positions, and you may complete an application on line. The Bank will normally respond in a timely fashion, but don’t be discouraged if circumstances prevent an immediate response.

### **III. The Menace of Human Trafficking**

I have been invited to speak to you about a relatively new scourge covering the face of the Continent: Human Trafficking. Over the past decade, trafficking in human beings has reached epidemic proportions. No country is immune. The search for work abroad has been fuelled by immense poverty, economic disparity, high unemployment and the disruption of traditional livelihoods and lifestyles. Traffickers face few risks and can earn huge profits by taking advantage of large numbers of vulnerable women and children around the world. Human trafficking is more than just a simple human rights issue; it is a global crime against humanity in which victims are moved from poor environments to more affluent ones as slaves and sex objects, with the profits flowing the opposite direction - a pattern often repeated at the domestic, regional and global levels.

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The United Nations defines “trafficking in persons” as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>4</sup>

Trafficking is fostered, in part, by social and economic disparities that create a supply of victims seeking to migrate and a demand for sexual and other services that provide the economic impetus for trafficking. Deterrence and criminal punishments are important elements, but addressing those major underlying conditions, which drive both supply and demand, is also necessary. One important preventive measure is to increase public information to mobilize support for efforts to raise the awareness of key law enforcement and other officials and to make the socially marginalized groups from whom victims are often recruited more aware of the reality of trafficking so that they are less likely to be deceived when approached by traffickers.

Trafficking in human beings is not confined to the sex industry. Children are trafficked to work in sweatshops as bonded labor and men, most classified as migrants, work illegally in the 3D jobs: dirty, difficult and dangerous. Reasons for trafficking in African women and children are manifold, and vary from country to country. They include poverty, economic hardship, corrupt governments, social disruption, political instability, natural disasters, armed conflict, social customs, other familial pressures and the global demand for cheap, vulnerable labor and sex objects. Africa provides cheap, easy access to child labor, resulting in the exploitation of children and women for prostitution and for the growing industry of pornography.

It is often stressed that sustainable reform depends on the political will of governments. And, in some cases it is working. But when the momentum for reform and the enforcing of reforms depends on the whims and standards of corrupt or inept leadership, this introduces arbitrariness and risk to reform, significantly adding to the costs in terms of lives and lost futures. It should not be assumed, however, that Africans are passive in the fight against trafficking of their own women and children. Along with their own grassroots volunteer organizations, governments and individuals cooperate with international organizations and NGOs and actively participate in other means to combat trafficking.

Assuming that reforms are designed to promote rules, decrease state discretion and increase transparency, the taxing question remains: who guards the guards

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<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, G.A. Res. 55/25, U.N. GAOR, 55th Sess., Annex II, U.N. Doc. A/55/25 (Nov. 15, 2000) [hereinafter Trafficking Protocol].

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during implementation of reforms? The state oversight problem has resulted in an increasing emphasis by aid-giving entities in promoting the role of “external agencies of restraint.” These entities comprise international organizations of various types, domestic private sector organizations, and civil society groups. These entities cannot solve the oversight problem, but can help embed a culture of greater transparency and accountability.

For instance, a range of private sector watchdog bodies complement the role of the state judicial system by providing standards and information, such as auditing, accountancy credit bureaus and an independent press. Some may be subsidiaries of international companies which uphold international standards. International groups also have helped to oversee electoral processes.

International rating agencies discourage linkages through trade and capital and technology flows with risky countries — such as those that abuse rights and undermine the courts and freedom of the press. Internationally observed measures have lately aimed to discourage civil war, including controls on the export of arms to warring aid recipients. International pressure, for example, induced the company of DeBeers, the main marketing agent of diamonds, to change its standards of marketing and to exclude diamonds originating from rebel-held areas in several countries experiencing conflict, such as Sierra Leone.

The United Nations took an important step forward in coordinating an international response to trafficking in November 2000 by adopting a package of instruments against various forms of transnational organized crime. This included the U.N. Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.<sup>5</sup> These require the countries that become state parties to adopt basic criminal laws and also establish a framework for international cooperation, including assistance in the conduct of investigations and prosecutions and provisions for the extradition of offenders. Within the first year, both the Convention and Protocol had obtained more than half of the forty ratifications needed to bring them into force.

I find it quite surprising that until the mid-1990s, the World Bank, constrained by its Articles of Agreement, was reluctant to challenge political mismanagement through conditional aid or withdrawal of aid. This situation has altered in practice since the late 1990s, replaced with an emphasis on good governance in the provision of aid. The effect of aid withdrawal has proven to be dramatic, as provision of much private and public foreign credit relies on the sanction of multilateral agencies.

### IV. The U.S. Response Via the International Financial Institutions

The United States has taken a much more forceful stand considering the gravity of human slavery, in the role that the International Financial Institutions (“IFIs”), including the World Bank and the ADB, should play in curbing the

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<sup>5</sup> Trafficking Protocol, *supra* note 4.

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willfulness or capriciousness of nations that refuse to take seriously the trafficking within their own countries as well as supplying other countries with victims.

We have used our voice at the Boards of Directors of the IFIs to highlight countries which are not meeting the minimum standards for the elimination of human trafficking. Often countries face financial and capacity constraints that preclude effective measures to stem trafficking; in others, rampant corruption extends all the way to government law enforcement complicity in trafficking of women and girls. We encourage the IFIs to consider prevention of trafficking within the broader objective of expanding economic opportunities for women in these countries to make them less vulnerable to trafficking and exploitation.

In September 2004, pursuant to section 110 the Trafficking Victims Protection Act of 2000, President Bush signed the annual Presidential Determination on Trafficking in Persons,<sup>6</sup> which affects the U.S. position at the international financial institutions as it relates to the assistance given to the leading noncompliant nations: Burma, Cuba, Equatorial Guinea, North Korea, Sudan and Venezuela.<sup>7</sup> This mandate is the harshest of all the mandates passed by Congress and there is considerable congressional interest in the implementation of this legislative mandate which became effective on October 1, 2004.

Under the mandate, all U.S. executive directors of each MDB and of the IMF must vote against, and the executive directors must make his/her best effort to deny, any loan or other utilization of the funds of the respective institution earmarked to that country for the subsequent fiscal year until such government complies with the minimum standards or makes significant efforts to bring itself into compliance. Such techniques are available only for aid other than for humanitarian assistance, for trade-related assistance, or for development assistance which directly addresses basic human needs, if not administered by the government of the sanctioned country, and if it confers no benefit on that government.

Being the bright and budding prospective lawyers that you are, you can cut through all that to say that nations who do not comply with the U.S. ban on trafficking in human beings or do not take significant steps to comply, will not receive U.S. support for assistance from the MDBs. Rather than to lend support to projects for the noncompliant countries, I am compelled, along with my counterparts at the other institutions, to vote "No." Completely denying a noncompliant country the requested project financing would also necessitate a "No" vote or abstention from a significant number of my African and non-African colleagues, which is much more difficult. But, I'm working on convincing my colleagues on the board of directors to agree to the U.S. point of view and exercise their votes accordingly.

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<sup>6</sup> Trafficking Victims Protection Act, 22 U.S.C. § 7101(b)(20) (2000).

<sup>7</sup> White House Press Release, Office of the Press Secretary, Memorandum for the Secretary of State, Presidential Determination No. 2004-46 (Sept. 10, 2004) (on file with the Loyola University Chicago International Law Review), available at <http://www.state.gov/g/tip/rls/prsr/36127.htm>. See generally, UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS REPORT (June 2004), available at <http://www.state.gov/documents/organization/34158.pdf> (full text version of the report).

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Trafficking Victims Protection Reauthorization,<sup>8</sup> signed into law by the President in December 2003, provides for categorization of countries into various levels of compliance with the act's minimum standards against human trafficking. There are a number of other countries that do not fully comply with the act, but because they are making significant efforts to bring themselves into compliance, they are put on the State Department's Special Watch List.<sup>9</sup> They have put in place measures for prosecution of trafficking-related cases, convictions, rescue of victims, assigned special anti-trafficking public prosecutors, public awareness programs, and preventive measures.

This year, the Special Watch List comprises forty-nine countries, located in all regions of the developed and developing world.<sup>10</sup> For purposes of this speech, I would like to focus on the two African nations who are fully noncompliant and who are under U.S. sanction, Equatorial Guinea and Sudan, and to provide a brief on a few nations selected from the thirteen others who appear on the Special Watch List whose efforts to eliminate trafficking range from no progress to significant progress. If you wish the names of all the countries, I can provide them separately.<sup>11</sup> Let's first take a look at the two nations who have failed to comply with the minimum efforts to defeat human trafficking.

Equatorial Guinea, a small oil-rich country on the coast of west Africa, does not fully comply with measures for the elimination of trafficking, and is making no significant efforts to bring itself into compliance. In their case, this ruling will preclude most forms of assistance, but will allow for certain other assistance designed to make the police force more professional, encourage socially responsible business practices and foster respect for the rule of law in Equatorial Guinea.

Sudan, another African country on the northeastern side of Africa, does not fully comply and is making no effort whatsoever to bring itself into compliance on eliminating trafficking. Current trafficking in persons concerns in Sudan are often linked to, and exacerbated by, the ongoing civil war. The intention of the U.S. is not to provide assistance to Sudan until the North/South peace accord is ready for implementation if a satisfactory resolution of the crisis in Darfur is achieved. Comprehensive sanctions against Sudan are already in place including those related to its designation as a state sponsor of terrorism, and others. However, if the peace settlement between the warring parties holds, and the crisis in Darfur is resolved, the United States intends to implement a wide variety of pro-

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<sup>8</sup> Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 stat 2875 (2003).

<sup>9</sup> See generally, UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS INTERIM ASSESSMENT (Jan. 3, 2005), <http://www.state.gov/documents/organization/40419.pdf#search='state%20department%20special%20watch%20list'>.

<sup>10</sup> *Id.*

<sup>11</sup> See generally, *Id.* (Others on the Special Watch List are the Democratic Republic of the Congo (DRC); Ethiopia; Gabon (little progress); Kenya (noticeable progress); Madagascar (strong progress); Malawi (some progress); Mauritania (some progress); Nigeria (made progress); Senegal (limited initial progress); Sierra Leone (some progress); Tanzania (unprecedented progress); Zambia (some progress); Zimbabwe (limited progress); Cote d'Ivoire (efforts cannot be assessed due to political instability; it will be covered in the 2005 Annual Report)).



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grams to restore effective governance and allow economic growth in the South and other conflict areas, such as restoring a functioning judicial system and other elements necessary for return to the rule of law and security and a functioning legislative element of a market economy. These would be complemented by extensive humanitarian efforts in Darfur and other impacted areas, which would be done bilaterally in conjunction with international institutions and partners.

We have raised the issue of human trafficking several times in the African Development Bank in the review of country strategies and development projects for several African countries known to participate in trafficking in persons. But with the issuance of this executive directive, we will be much more direct and forceful with our vote. For example, in the context of a recent multinational development project involving a number of nations including Sudan, I voted "No." In multinational projects, we regret that some deserving countries are denied our support because of the inclusion of offending nations in the compact—as in this case, Sudan. Unfortunately, our single vote of "No" did not prevent the project from passing the board. My office intends to engage with bank staff and with our board colleagues as appropriate on this serious issue for those countries with known human trafficking concerns, even calling attention to those on the Special Watch List, whose special status is good for only one year after signing.

Sierra Leone, on the west coast of Africa, is a good example of a country placed on the Special Watch.<sup>12</sup> While it does not fully comply, it is making significant efforts to bring itself into compliance. The government has opened investigations and convened a working group to draft a national ban against trafficking, which is now ready for executive and parliamentary review.<sup>13</sup> Along with civil societies operating in the country, the U.N. child protection service is identifying and protecting vulnerable populations and working to reintegrate former child soldiers as well as to develop a database of missing persons.<sup>14</sup>

We should perhaps note that there is a high degree of correlation and confusion between migration and trafficking. Trafficking in West Africa is seen by many agencies as "pervasive and growing," leading to child labor and sexual exploitation of both women and children. However, problems with definitions of trafficking and especially "traffickers" are hindered by the intermingling migration patterns across the continent and the world. The type of hardship experienced by migrant children may be similar whether or not they cross international borders. The use of an intermediary may also be obligatory for any child wishing to migrate; yet it is often impossible to determine whether these intermediaries have an intention to exploit. It has been reported that often NGO and government initiatives to return trafficked children to their villages have been met with unhappiness from children, incredulity from parents, and teasing and humiliation from the children's peer group.

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<sup>12</sup> UNITED STATES DEPARTMENT OF STATE, TRAFFICKING IN PERSONS INTERIM ASSESSMENT, *supra* note 9, at 12.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

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Particularly poorly understood is that the migration of children, whose movement is often denied or characterized as forced, may be in reality, somewhat more complex. Attention could usefully be focused on seeking to understand these flows, as well as prioritizing the reduction of harm and exploitation rather than the prevention of all child migration.

Migration is estimated to be between 20-50 million migrants in Africa. However, migration flows are incomplete and often outdated and significant undocumented flows exist. Nonetheless it is noted that important countries for immigration are Cote d'Ivoire and South Africa. Somalia, Eritrea, Ethiopia, Ghana, Senegal, Cape Verde, Liberia, Sierra Leone, Mali, and Gambia are significant countries of emigration.

Migration to Europe and the United States is predominantly of educated individuals, giving rise to considerable concern over the issue of brain drain. However, once again, data is incomplete and some claims may be exaggerated. A positive element of international migration is that migrants remit significant amounts of money to their families in Africa, through both formal and informal channels.

Sub-Saharan Africa has witnessed significant flows of *forced* migrants, including internally displaced people and victims of trafficking. The numbers have been in steady decline since a peak of 6.8 million in 1995, falling to 4.6 million at the start of 2003, largely as a result of significant repatriation to Rwanda from 1996. The main refugee-producing countries in Africa are now Burundi, Sudan, Somalia, Angola, Eritrea, Sierra Leone, and Liberia. In terms of absolute numbers, the key countries of long-distance emigration were Nigeria, South Africa, Ghana, Somalia, Ethiopia and Senegal. The exploitative trading of human people across African borders is a growing menace in society for which, again, there is little hard statistical information.

A report prepared by the International Commission for Women of African Descent ("ICWAD"), dated February 2005, is most startling and informative.<sup>15</sup> The report, based on many sources, points out that, first of all, official statistics and numbers on human trafficking of African women and children are not consistent and vary widely due to the criminal and clandestine nature of the activity.<sup>16</sup> However, according to this report: 800,000-900,000 people are trafficked annually worldwide; between 18,000-20,000 people are trafficked into the United States annually (according to some sources up to 50,000); 7 million people are trafficked within a country's borders; and 70-80% of all trafficked persons are women and children.<sup>17</sup>

Human trafficking is a billion dollar illicit industry, ranking third behind illicit drug trafficking, a \$400 billion business, and arms trafficking, a \$200-300 billion business. Trafficking in people, especially women and children, for prostitution

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<sup>15</sup> International Commission for Women of African Descent, *Trafficking of African Women and Children Fact Sheet*, [http://www.npcbw.org/newweb/icwad\\_04\\_trafficking\\_facts.htm](http://www.npcbw.org/newweb/icwad_04_trafficking_facts.htm) (last visited Oct. 4, 2005).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

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and forced labor is one of the fastest growing areas of international criminal activity and of increasing concern to the U.S. government.<sup>18</sup>

Out of fifty-three African countries surveyed by UNICEF, at least 49%, or over twenty-five countries responded that human trafficking existed in their respective countries,<sup>19</sup> and that trafficking in African children is more widespread than trafficking of women, at least two times the number reported for women.<sup>20</sup> Where do they go? Again, according to UNICEF:

- The destination points for most victims are Western Europe (Austria, Belgium, France, Germany, Italy, Holland, Spain, Switzerland), the U.K.; also Canada, the United States, and the Middle East (Saudi Arabia, Lebanon, United Arab Emirates, and Bahrain).<sup>21</sup>
- Young South African women are lured into prostitution and shipped as far away as Macau. They also are sent to work in brothels in the Netherlands, while girls from Thailand work in South Africa. To circumvent airport immigration controls, women from rural China are brought to South Africa, flown to Johannesburg and taken to Swaziland, Lesotho or Mozambique, before crossing the border back into South Africa. Eastern European women, controlled by the Russian mafia, take similar routes. There are all kinds of mafia at work in this intrigue.<sup>22</sup>
- 80% of young women engaged in prostitution in Italy are from Nigeria.<sup>23</sup>
- Estimated 30,000-40,000 teenage Ethiopian girls arrive in Lebanon per year, many of whom are then sent worldwide for sexual exploitation and forced into domestic labor.<sup>24</sup>
- Children worldwide are trafficked into and out of South Africa. Botswana, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe have also been identified as transit countries.<sup>25</sup>
- On another note, trafficking of African women and girls into prostitution and sexual slavery is directly linked to the spread of HIV/AIDS infections, which leads to widespread feminization of poverty, international sex tourism, and an increase in sweatshops, etc.<sup>26</sup>

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<sup>18</sup> CRS REPORT TO CONGRESS, *TRAFFICKING IN WOMEN AND CHILDREN*, (Mar. 26, 2004).

<sup>19</sup> UNICEF, *INNOCENTI INSIGHT: TRAFFICKING IN HUMAN BEINGS, ESPECIALLY WOMEN AND CHILDREN, IN AFRICA* (Apr. 23, 2004), available at [http://www.unicef.org/media/files/innocenti\\_trafficking.doc](http://www.unicef.org/media/files/innocenti_trafficking.doc).

<sup>20</sup> Press release, UNICEF, *Human Trafficking, including children, affects nearly all African countries* (Apr. 23, 2004) (on file with the Loyola University Chicago International Law Review), available at [http://www.unicef.org/media/media\\_20449.html](http://www.unicef.org/media/media_20449.html).

<sup>21</sup> See generally, UNICEF, *INNOCENTI INSIGHT: TRAFFICKING IN HUMAN BEINGS, ESPECIALLY WOMEN AND CHILDREN, IN AFRICA*, *supra* note 19.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

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- The fear of infection with HIV/AIDS among sex customers has driven traffickers to recruit much younger women and girls, children between the ages of 7-9 years, erroneously perceived by customers to be too young to have been infected.<sup>27</sup>

A recent study in Zambia, carried out by the Anglican Children's Project, poignantly portrays the plight of parents. Some parents said that difficulty in looking after their children well has placed them in harm's way. Many are not even aware that their children are being trafficked for illicit purposes, believing that their children are being given the chance for a better life outside the country. Typically, traffickers promise their victims they will get jobs as waitresses, or perhaps, domestic servants in a foreign country for rich families. They may also persuade parents that their children will be better off elsewhere with a secure job and a chance at better education. Some traffickers pay the parents a stipend for releasing their children with a promise of a monthly stipend to be paid from the children's salaries. In extended family systems, many children have been sent by their parents to other family households to work as domestics and are not aware they are missing. But children are trapped into trafficking most directly by abduction or kidnapping. And the vast majority of trafficking victims are trapped in more subversive ways.

### V. Conclusion

I would like to use in summary the introduction to the handbook prepared by Franciscans International:

Human trafficking affects men, women and children in their deepest being. It strikes what is most precious in them; their dignity and their values as individuals. There is nothing more humiliating than being a victim of this plague. Taking advantage of the vulnerability and weakness of the victims, who are most often women and children, traffickers promise better days by resorting to trickery, deception and other maneuvers. What follows is often bitter and demeaning exploitation that eventually reveals the mischievous intentions that were disguised as good intentions during the recruitment or transfer process.<sup>28</sup>

It is difficult to assess the exact scale of the problem, but the magnitude of the phenomenon requires urgent action. It is terribly complex, fueled by ignorance and greed and abject poverty. It involves the recruitment, transportation and transfer of people, and some of the perpetrators in the trade are those we trust the most, including those who may be foreigners, parents, guardians, taxi and transport drivers, and businessmen and women. Sadly, according to the research, very few reports actually come to the attention of authorities such as the police, anti-

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<sup>27</sup> See generally, UNICEF, INNOCENTI INSIGHT: TRAFFICKING IN HUMAN BEINGS, ESPECIALLY WOMEN AND CHILDREN, IN AFRICA, *supra* note 19.

<sup>28</sup> Yao Agbetse, Franciscans International, Handbook on Human Trafficking, (Alessandra Aula, ed., Chiara Traverso, trans.), available at <http://www.franciscansinternational.org/resources/pub/HumanTrafficking.pdf> (last visited Oct. 4, 2005).

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corruption and human rights commissions, or NGOs dealing with children's issues. Perhaps all of us who care, not just Franciscans, should exercise our own ministries at the grassroots level, at all levels, and work directly with victims as well as coordinate efforts with other interested groups.

I had a personal experience which forever robbed me of my innocence regarding this issue. I raised six children and some of their children, without ever having to come face to face with the trafficking issue. Ten years ago, I decided to take my 11-year old granddaughter with me to Africa on one of my consultative missions. She was tall for her age, thin with long legs, quite handsome really, with lots of long African braids, flashing black eyes and shining white teeth, catching the attention of other travelers along the way. I was quite proud to have her along with me on her very first trip to Africa. Her excitement and inquisitiveness and questions made me see things from a different perspective. We traveled to Senegal and Benin, and transited Cote d'Ivoire to catch an Ethiopian Airlines flight to Kenya. The plane was delayed for no known reason and finally the bursar, who was Ethiopian, told me my passports were in question and my grandchild and I would not be permitted to board the plane. At my persistence, he said very belligerently that it was clear that this child was not mine, that I had stolen her along the way, possibly from the looks of her, in Senegal or Cote d'Ivoire, and that Ethiopian Airlines would not allow itself to be used to conduct this illicit trade; therefore, I could not board and he would contact local Ivorian authorities. I had no idea what he was talking about.

The plane was delayed another forty-five minutes while I argued with this man over her passport. I had signed the passport as required and my signature and the newness of the passport, as well as a letter from her mother authorizing the travel just seemed to add to his confusion. I kept admitting to no avail that she was indeed not my child, but rather the daughter of my son. In the meantime, she was prancing around, flashing her bright smile, flattered by all the attention. I even told him that I was a retired U.S. Ambassador and would not stoop to such illicit mischief. Finally, the bursar told me angrily I could board, but he wanted me to know that he knew I was a liar, that I had stolen this child from her parents and her country and it had to be stopped, and that I would eventually be caught and punished for this misdeed. I wasted no time getting on the plane for Kenya. And, in the back of my mind I was praising this airline official for the tough stand he was taking against what he perceived to be a crime in progress.

On arrival at the American Embassy in Kenya, an official explained what I had just been through. I was briefed on the scourge of child trafficking and that very possibly an effort was being made to steal my granddaughter along with her brand new passport, which was necessary to move her through the trafficking system. The fact that I was traveling on my personal passport, rather than diplomatic, may have disguised my ambassadorial status. My age and white hair may have given an impression of vulnerability and lack of awareness on my part, leaving me susceptible to their persuasion to leave the child in the airport while I was being taken to the local police station, etc. I am only now gaining insight into the frightfully involved intrigues which comprise trafficking, even ten years ago, and which have escalated now beyond belief.

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I was made to feel the pain and bewilderment of parents around the world whose children have been caught in this terrible web of deceit, never to be seen again.

What is the answer? Young men and women of Loyola University Chicago Law School, I pass the baton to you, in fact I charge you as young and energetic attorneys looking for challenge, to find the ways, to pass the laws, to ensure enforcement by appropriate channels—against human trafficking. This crime, especially perpetrated against children, must be stopped in its tracks and offenders in this illicit trade must be brought to justice.

Thank you for your attention.