Broken Promises: The Hollow Dreams of Human Trafficking

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INTRODUCTION

Every man and woman is entitled to fundamental rights to assure an equitable and tolerable life. Fundamental rights are foundational liberties that frame civil and human rights in many nations. In the United States, for example, the Fifth and Fourteenth Amendments of the United States Constitution state no person shall be “deprived of life, liberty, or property, without due process of law.”¹ The above entitlements are inalienable rights that are free from government encroachment,² barring guilt in a criminal proceeding or in cases involving unlawful aliens.

Unfortunately, not all countries afford rights and liberties to their citizens (or at least not to all of their citizens). Disenfranchisement is prevalent in international nations. In these geographic locations, large populations are marginalized by caste systems,³ tribal

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¹ U.S. CONST. amends. V, XIV (noting the Due Process Clause).
affiliations, religious beliefs, and other distinguishable attributes. Consequently, the quality of life in oppressive nations are inhumane and substantially burdensome.

I. HOSTILITIES OVERSEAS AND ITS ADVERSE IMPACT ON DAILY LIFE

Unlike democracy in the United States, international nations practice differing ideological systems of government that limit capitalistic opportunities as offered in the United States. For example, the People’s Republic of China exercises communism, an economic-political philosophy founded by Karl Marx and Friedrich Engels. Communism was initially promoted to curb elitism that exists in capitalist societies and acknowledge the labors of the working-class. In principle, this ideology bolstered the concept of communal sharing and equality. Many people adored the concept of communism, and the philosophy flourished throughout the eastern hemisphere. However, the concept of communal benefits to uplift the general public dissipated in China and other countries as government administrations changed leadership.

The genesis of communism in China occurred in 1921, with the emergence of the Communist Party of China. By the 1950s, the Chinese government, under the rule of Mao Zedong, shifted its focus from the people to industrialization, causing many of its citizens to die from starvation as a result of the government neglecting

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7 Id.
8 Id.
9 Id.
the people’s needs. This was not the first nor last human rights transgression in China.

In 1989, there was growing unrest for political and economic reform in China. Protests emerged throughout the country to oppose the government. In the summer of 1989, university students congregated at Tiananmen Square to oppose the government’s corrupt practices. Rather than acknowledging the concerns of the masses, the government dispatched its armed forces to Tiananmen Square to disband protests at all cost. The aftermath was disastrous: the military killed hundreds of students and arrested thousands of “dissidents.” Many dissidents were subsequently executed for their defiance of the government. The massacre at Tiananmen Square gained notoriety throughout the international community as a significant and overt violation of human rights. This occurrence would not be the last human rights violation in China’s history, and many nations followed suit.

Under the regime of President Bashar al-Assad, the Syrian government has been involved in substantial human rights transgressions. Syrians have been subjected to executions, tortures, chemical assaults, and other brutalities by the hands of its government. The
government’s cruelties against its people are arbitrarily relative to the notion of civil liberties, for the mere sight of public condemnation of the government’s conduct is met with aggressive countermeasures to extinguish civic strife.

Although the aforementioned examples of human right violations exemplify internal conflicts within a nation’s borders, larger and more powerful countries frequently commit violations outside of their borders against other nations. The quintessential instance of an external violation occurred in 2014 when Russia invaded the Crimea Peninsula.\textsuperscript{16} Russian President Vladimir Putin justified Russia’s invasion of Crimea, a territory of Ukraine,\textsuperscript{17} in three parts. First, President Putin asserted Soviet leader Nikita Khrushchev unlawfully gifted Crimea to Ukraine in 1954, when the Soviet Union once existed.\textsuperscript{18} President Putin claimed it was unforeseeable that the Soviet Union would later collapse so any agreement the Soviet Union entered into was inherently invalidated once the entity ceased to exist.\textsuperscript{19} Second, President Putin did not recognize a legitimate authority in Crimea.\textsuperscript{20} Putin’s infatuation with Crimea derives from the Russian populous residing in the region. According to the Voice of America (VOA),\textsuperscript{21} an American funded news broadcasting station, ethnic Russians account for fifty-eight percent (58\%)
of Crimea’s population.\footnote{22 Voice of America, A Brief History of Crimea, VOICE OF AMERICA NEWS (Feb. 27, 2014, 9:42 AM), http://www.voanews.com/a/the-history-of-crimea---in-brief-/1860431.html. (“The Voice of America (VOA) is a dynamic international multi-media broadcaster with service in more than 40 languages. Serving an estimated weekly global audience of 236.6 million [listeners.] VOA provides news, information, and cultural programming through the Internet, mobile and social media, radio, and television. VOA is funded by the U.S. Government through the Broadcasting Board of Governors.”).} For this reason, President Putin contends he (and Russia) is obligated to aid Russian “compatriots” in Crimea as Ukraine dealt with internal, administrative challenges.\footnote{23 Alpert, supra note 18, BBC, Profile: Ukraine’s Ousted President Viktor Yanukovych, BBC (Feb. 28, 2014), http://www.bbc.com/news/world-europe-25182830. The authors note that at the time of Russia’s invasion of Crimea, Ukrainian President Viktor Yanukovych faced opposition in Ukraine involving corruption in his administration. Specifically, protestors alleged President Yanukovych was involved in deceptive practices to enrich himself, his family, and his “cronies.” President Yanukovych’s downfall ultimately occurred when uniformed snipers murdered at least eighty-eight (88) protestors. The murders gained international attention. Subsequently, under the pressure of the European Union, President Yanukovych resigned from office and relinquished his authority to parliament. Alpert, supra note 18, ¶ 2. See also Illya Somin, The Dubious Crimean Referendum on Annexation by Russia, WASH. POST, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/03/17/the-dubious-crimean-referendum-on-annexation-by-russia/?utm_term=.9cb32762a1c4 (last visited Feb. 12, 2017).} Lastly, President Putin asserted an overwhelming number of voters supported the succession of Crimea from Ukraine to Russia in a Crimean referendum.\footnote{24 Id.; Matt Smith & Marie-Louise Gumuchian, Ukraine ‘Will Never Accept’ Crimea Annexation, President Says, CNN (Mar. 17, 2014, 6:58 PM), http://www.cnn.com/2014/03/17/world/europe/ukraine-crisis/index.html?hpt=hp_c2.} Specifically, 96.7 percent of voters supported the succession, according to the Washington Post.\footnote{25 Somin, supra note 24, ¶ 2.} As such, Putin contended he is only pursuing the will of the people. However, the United States questions the dubious referendum, because it is unlikely and unforeseen that such an overwhelming majority would support the succession of Crimea—especially when there is a large number of Ukrainians inhabiting the territory.\footnote{26 Id.;} 

Since Crimea’s annexation, Crimean citizens have experienced hardships under Russian authority. Crimeans have reported
executions, extra-judicial killings, tortures, and assaults predominately at the hands of armed paramilitary forces. Moreover, the Crimeans have been stripped of fundamental liberties, such as the right to free speech.

Notwithstanding the various actors and deplorable tactics utilized by nations against its own or others, two strategies that are generally employed to oppress the masses are: (1) to bolster deprivation, and (2) to expose individuals to government abuse.

A. Deprivation

Systemic oppression may be the principal method used throughout history to conquer communities. Oppression through social and economic deprivations deteriorates a person’s mind and body. Ultimately, the tactic destroys a community’s identity, leaving the conqueror to control his or her subjects at will. For instance, a government administration may employ psychological torture to manipulate a population. Psychological torture incorporates the use of mental and emotional pain to humiliate, dehumanize, and derogate a subject. The end goal is to attack the subject’s morals, values, hope, trust, and relationships. An attack on fundamental rights falls within this category, as it correlates with one’s inherent values.

The most notorious demonstration of severe deprivation in recent history occurred during the holocaust. Adolf Hitler, the

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30 Id.

31 Id.
German dictator, systematically deprived Jewish-German citizens (and subsequently European citizens of Jewish descent) of their fundamental liberties. First, Hitler ordered all Jews in Germany to wear identification badges to segregate Jews from non-Jews. The identifying badges served as a means to humiliate Jews and control their movement throughout the country. Jews caught without wearing their identification badge were subjected to severe punishment, including death.

Hitler furthered his oppressive actions by ordering law enforcement to strip Jews of their property. In 1939, Hitler ordered German police to evict all Jews from their homes and moved to ghettos, which are designed in a similar structure as a modern-day prison. Subsequently, the government distributed confiscated property to ethnic Germans.

In 1941, Hitler commanded German troops to transport Jews from ghettos to concentration camps. At this time, Hitler sought to deprive Jews of another right, the right to family, and subsequently the ultimate liberty—the right of life. During passage from ghetto to concentration camp, Nazi officials separated families by disbanding

32REWITTING HISTORIES, THE HOLOCAUST 25 (Omer Bartov ed., Taylor and Francis 2d ed. 2015); Adolf Hitler was an avid anti-semitic. He believed Jews were an inferior race that posed a threat to the purity of the German race. As such, his solution to prevent inbreeding between the two races was to eliminate all Jews. History, The Holocaust, HIST., http://www.history.com/topics/world-war-ii/the-holocaust (last visited Feb. 12, 2017).
35Id.
36Holocaust Mem’l Ctr., supra note 33, ¶ 3.
37See History, supra note 32, ¶ 6.
38Jewish ghettos were confined in barbed wires and high walls. Id.
39Id.
them to various concentration camps, destroying the familial structure. The conditions at these detention facilities were inhumane: Jews were starved, quartered in tight housing, labored to death, and ultimately executed in masses.40

It should be noted that international nations are not the only culprits of human rights violations: the United States, too, was involved in dreadful travesties—most notably slavery. The initial deprivation occurred when Europeans travelled to Africa and recruited tribal chiefs to capture fellow Africans from other tribes in exchange for chattel.41 Europeans captured Africans to fulfill the American demand for laborers needed to cultivate U.S. plantations. In total, 12,558,491 African slaves were captured in the transatlantic slave trade between the years of 1501 to 1867.42 Forced labor was the central driver of the southern economy. Slaves were routinely threatened and severely beaten for inadequate work performance. Additionally, the support of the nuclear family dissipated among slaves since families were often separated at slave auctions, which further strengthened oppression.

American slave owners implemented various tactics to strategically oppress slaves. First, slave owners would beat slaves to near death (or death in some instances) in the presence of their peers.43 Public beatings served as a general deterrent to regulate the masses. It also assured other slaves that they too would receive a similar punishment for disobedience or underperformance at work. Second, lawmakers, whom many were slave owners, ratified black codes: laws that served to dominate blacks.44 The Louisiana Slave Code of 1852 states the following legal provisions:

40 Id.
42 Id. at 10.
1. The slave owes to his master and all his family total respect and absolute obedience. He must instantly obey all orders he receives from them.
2. No slave can own anything of his own without the consent of his master. No slave can sell anything he has made without his master’s consent.
3. No slave can be a witness in any case against a white person.

... 
14. Slaves shall always be considered real estate and may be mortgage according to the rules of law.

... 
19. No slave shall be allowed off of his plantation without written permission from his master.\(^{45}\)

Essentially, slaves were deprived of all freedom, including free will. As obvious as this appears, it is still baffling that these laws existed in our nation . . . in America, the land of the free.

**B. Government Abuse**

The common thread between overt human rights violations in various nations is the existence of government abuse. Corruption and immoral activities play a significant role in human rights violations. Whether it is exemplified through egotistical leaders, who want to superimpose their views on others, or public officials acting on financial motives, corruption weakens governments and harms societies.\(^{46}\) Specifically, corruption adversely affects five areas of human rights: (1) civil rights, (2) cultural rights, (3) economic rights, (4) social rights, and (5) political rights.\(^ {47}\)


\(^{47}\) *Id.*
1. Civil Rights Violations

Civil rights violations were ubiquitous in the United States during the segregation era. Soon after President Abraham Lincoln signed the emancipation proclamation, prohibiting slavery in the United States, state lawmakers drafted Jim Crow laws to restrict the civil liberties of African Americans and other minorities. Under Jim Crow, blacks were denied, or restricted, access to white facilities; discriminated against in acquiring employment opportunities; prohibited from engaging in intimate relationships with

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49 On June 7, 1892, Homer Plessy, a United States citizen, whom was seven-eighths Caucasian and one-eighth African, committed on a train, which segregated its train carts. Plessy took possession of a vacant seat in the section designated for Caucasians. The train conductor instructed Plessy to exit his seat. Plessy did not comply with the conductor’s directives, and police arrested him. The Supreme Court held Plessy’s rights were not deprived because the train company provided equal accommodation for both whites and coloreds. Plessy v. Ferguson, 163 U.S. 537, 538, 549 (1896).

50 Griggs v. Duke Power Co. involved a power plant that openly discriminated on the basis of race in the hiring and assignment of employees. The company segmented its department in five areas: (1) Labor, (2) Coal Handling, (3) Operations, (4) Maintenance, and (5) Laboratory and Test. African Americans were solely assigned to the labor department. Caucasians were assigned to the other four departments, which had higher wages than the highest paid position in the labor department. After the passing of Title VII of the Civil Rights Act of 1964, a statute that prohibits discrimination, the company implemented a policy requiring employees to have a high school diploma and pass an aptitude test that does not assess job performance to be assigned in any department other that the labor department. The Supreme Court held the company’s practice was discriminatory, because its aptitude test does not measure an applicant’s ability to perform an occupational duty. The Court reasoned that the legislative intent for ratifying Title VII was to “promote hiring on the basis of job qualifications, rather than on the basis of race or color.” While imposing additional measures to seek qualified applicants is acceptable (such as education and test correlating to job performance), the use of arbitrary evaluations directly conflicts with Title VII. Griggs v. Duke Power Co., 401 U.S. 424, 427–28, 434, 436 (1971).
whites, and denied opportunities to attend the same academic institutions as whites.

Today, the United States still faces civil rights violations. The most notable and sensationalized cases involve police brutality against African Americans (and other minorities), which often results in the death of unarmed black men. As tension between community and police relations intensify in America, lawmakers, law enforcement officials, and community leaders are working collectively to improve policing in urban neighborhoods. Some experts and media pundits contend the hostility between law enforcement officers and minorities is an indication of systemic racism, an issue

51 In June 1958, Mildred Jeter (an African American woman) and Richard Loving (a Caucasian man), both Virginia residents, married in the District of Columbia. At the time, Virginia had a miscegenation statute prohibiting interracial marriage. Upon returning to Virginia, the police arrested the couple. The trial court sentenced the two to one-year in jail. Subsequently, a Virginia trial judge suspended the Lovings sentence for twenty-five years on the condition they depart from the state and not return for twenty-five years. The Supreme Court granted certiorari. The Court held the Virginia statute violated the Lovings’ Fourteenth Amendment equal protection and due process rights because the pair was discriminated on the basis of race. Loving v. Virginia, 388 U.S. 1, 2, 11 (1967).

52 Brown v. Board of Education, a case decided in 1954 and affirmed in 1955, involved a class action suit filed on behalf of African American parents seeking their children’s admission to public schools that were attended by white students. Several states (Kansas, Delaware, Virginia, and South Carolina) were implicated in this action, because these states had statutes prohibiting integration in schools. The state courts found there were no constitutional violation under the separate but equal doctrine. However, the Supreme Court did not prescribe to the same principle. The Court held the notion of separate but equal is in itself unconstitutional. The Court reasoned separating children of the same age solely on the basis of race promotes the feeling of inferiority that will dwell in the minds and hearts of the children. Brown v. Bd. of Educ., 347 U.S. 483, 486, 494 (1954).


that is deeply-rooted and substantiated through historical facts tracing back to slavery.\textsuperscript{55} Alternatively, some law enforcement leaders renounce this deduction.\textsuperscript{56} Notwithstanding the conflicting views, it is evident there are systemic issues concerning corruption in policing as the number of deaths involving unarmed minorities rise and law enforcement officers are not held accountable for their conduct.

2. Cultural Rights Violations

One would not expect the United States to experience cultural rights violations within its borders because America has no single cultural identity, but that is far from true. The lack of a singular cultural identity in the United States is not to be mistaken for a negative connotation. America is a great nation because it is a diverse country. There is not one gender or ethnicity that solely depicts the values and identity of America. Rather, America is a melting-pot of every race, religion, and belief.

Unfortunately, America’s distinctiveness has been recently compromised in the 2016 presidential election. Between the political rhetoric and unorthodox presidential campaign, this nation appears to be extremely divided. The then-republican candidate and now U.S. president, Donald J. Trump, heightened tensions in the country when he signed an Executive Order banning the entrance of Muslims, among other foreign nationals, into the United States.\textsuperscript{57} Pursuant to the Executive Order (signed on January 27, 2017), aliens from seven countries—Iraq, Syria, Libya, Iran, Somalia, Sudan, and


\textsuperscript{56} Lydia O’Connor, \textit{CNN Analyst Suggests Black People Are ‘Prone to Criminality’}, \textsc{Huffington Post} (July 11, 2016, 6:37 PM), \url{http://www.huffingtonpost.com/harry-houck-cnn-blacks-criminality_us_5783f6fae4b01edea78f1434}.

Yemen—were banned from entering the United States for 90 days. President Trump’s rationale for the Order is to prevent these aliens from committing terrorism in the United States. Essentially, the Executive Order equates to an attack on the Islamic faith. Although we may agree there are heinous occurrences correlating with Islamic terrorism in our nation, it is immoral to objectify one religious group. Every nation is vulnerable to criminal activities from an array of perpetrators and interest groups. It is a fallacy to surmise that every person living in the above-mentioned countries are terrorists. As such, the ban arbitrarily harms innocent parties.

Again, we see the themed relationship between human rights violations and the government’s immoral conduct.

3. Economic Rights Violations

Economic violations occur more subtly than civil and cultural rights violations, as exhibited in the United States when legislatures demonstrate a reluctance to draft laws to ensure adequate living wages. Conservatives, for example, assert wage increases compounded with reduced corporate margins will result in occupational layoffs. In 2015, the United States Census Bureau indicated

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58 Id.; e.g., Jeremy Diamond, Trump’s Latest Executive Order: Banning People from 7 Countries and More, CNN (Jan. 29, 2017), http://www.cnn.com/2017/01/27/politics/donald-trump-refugees-executive-order; On February 9, 2017, the 9th Circuit of the United States Court of Appeals struck down President Trump’s Executive Order because the administration did not provide any evidence of how it would administer the Order. Moreover, because of the Order’s ambiguity, its travel prohibition harms the states, specially “university employees and students, separated families, and stranded the States’ residents abroad.” Washington v. Trump, No. 17-35105, slip op. at 28–29 (9th Cir. Feb. 9, 2017).

59 Office of the Press Sec’y, supra, ¶ 8.


43.1 million people were in poverty. The poverty level in 2015 revealed a decreased of 3.5 million individuals compared to 2014. Despite the decline, it is concerning that a substantial number of individuals are in poverty. Moreover, it is speculative to definitively conclude that the level of poverty will continue to decline. The truism is that wages remain stagnant and the cost of living through inflation continues to rise.

Financial hardships affect various areas of human life: it correlates with health care, housing, consumption, child rearing, and even criminality. Persons and families that are financially distressed experience difficulties acquiring basic commodities and services. Ultimately, the totality of events shortens one’s life expectancy because of the lack of adequate care and resources. It is shameful and unfathomable to perceive that lawmakers will compromise the wellbeing of their constituents in exchange for appeasing corporations. Granted these corporations may provide considerable contributions to political campaign, as lawmakers, politicians should be bound to implement laws that benefit society. Selfish motives undermine the fundamental reason for becoming a public servant, i.e., to promote equality, strengthen individual rights, and to enhance the quality of life for others, among other things.

4. Social Rights Violations

Similar to civil rights violations, social rights violations involve harm to a group of individuals. Recently, the most egregious case of a social rights violation occurred in Flint, Michigan. Since 2012, Flint experienced water contamination issues when its government pursued cost-cutting measures to secure a new contract for another water source for the city. By 2014, Flint’s water supply

63 Id.
64 “On March 22, 2012, Genesee County announces a new pipeline is being designed to deliver water from Lake Huron to Flint. The plan is to reduce costs by switching the city’s water supplier from Detroit Water and Sewerage Department
contained fecal coliform bacterium and lead. In 2015, the Detroit Water and Sewerage Department (DWSD) offered to reconnect the city’s water supply to Lake Huron, the city’s prior water source. But city officials declined to pursue this option to avoid an estimated $12 million annual increase in water rates. Consequently, Flint’s water inevitably became discolored and polluted. Despite the level of toxicity in Flint’s water, Emergency Manager Jerry Ambrose overruled the City Council’s affirmative vote to use Detroit’s water, “calling it ‘incomprehensible’ because costs would skyrocket and ‘water from Detroit is no safer than water from Flint.’” Ambrose’s claim was untrue as researchers at Virginia Tech discovered Flint’s water is 19 times more corrosive than Lake Huron’s water (Detroit’s water source).

Again, we see government abuse harming the public. One may argue that lawmakers’ behavior is indicative of nonfeasance or malfeasance at best. Lawmakers and public officials are more concerned about preserving financial cost at the expense of the public’s wellbeing. Flint residents endured this unfortunate and inhumane experience for years before mitigating tactics were implemented, solely due to receiving national media coverage. At its apex, Flint’s water supply was so toxic the state advised residents not to consume the water nor use it to cook. Since the debacle, Flint has received aid from the federal government, private entities, and charitable organizations.

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65 The Environmental Protection Agency (EPA) detected high levels of lead at the home of a Flint resident. Id.
66 Id.
67 Id.
68 Id.
70 CNN, supra note 64, ¶ 35.
5. Political Rights Violations

Although the abovementioned examples demonstrated domestic violations in the United States, foreign nations engage in more nefarious political transgressions. For instance, in 2003, the government of Sudan was at war with the Sudan People’s Liberation Movement. In the war, the government armed over 20,000 militiamen in Darfur and ordered them to “kill[ ], loot[ ] and destroy[ ] ethnic African communities.” In said raids, the militia engaged in mass tortures and rapes of African ethnic groups to degrade the inhabitants. The United States Department of Justice indicates nearly 700,000 Sudan citizens fled their villages to escape the militia.

Unlike the United States, democracy is not always practiced in foreign nations. Impoverished countries, such as Cuba and Sudan, tend to govern their nations under dictatorships. Authoritarian governments are all powerful and do not serve the people. Rather, the people are subservient to the government. Any opposition against the government is met with heinous attacks instead of diplomacy.

II. DREAMS OF GRANDEUR

It would be inaccurate to make a broad statement about the quality of life for international citizens as a whole; nevertheless, many may agree that life for some—particularly in the most oppressive nations—can be arduous. Women are deprived of fundamental liberties, and men are earning meager wages to provide for their families.

Two events, for example, that exemplify the intolerable, oppressive laws against women occurred in Afghanistan and Saudi Arabia. The first story involves a 16-year-old rape survivor in

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72 Id.
73 Id.
74 Id.
Afghanistan who was persecuted for being a rape victim. In 2015, CNN reported a story involving a woman, known only as “Gulnaz,” who was a victim of sexual assault. Gulnaz’s cousin’s husband was the assailant. Rather than coming to her aid, the Afghan government imprisoned Gulnaz for adultery. Gulnaz was later released from jail by way of a presidential decree once opposition became apprised of the occurrence. The story worsens. The government exacerbated the situation when officials pressured the teen to marry her attacker after her release, which she acquiesced. Today, Gulnaz is raising three children fathered by her attacker.

The second story mirrors the first, in that it involves another unfathomable outcome involving a rape survivor. The victim, whose name is unknown, was raped in Saudi Arabia. This victim, too, was sentenced to jail, specifically a six-month incarceratory term, and ordered to receive corporal punishment in the form of 200 whip lashings. Prior to the assault, the victim was in a former boyfriend’s vehicle and alleged to be attempting to retrieve photographs depicting herself because she was soon to be married. While in the vehicle, seven men attacked, kidnapped, and raped the couple. The female victim was penalized for the attack because Saudi laws prohibit women from being secluded with men other than their husband. Interestingly, the victim was initially sentenced to receive 90 lashes, then the court more than doubled the number when the

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76 Id.
77 Id.
78 Id.
79 Id.
80 Id.
82 Id.
83 Id.
84 Id.
victim’s attorney argued the sentence against his client was too severe.\textsuperscript{85}

The above stories are just two examples, among a myriad of instances, of the oppressive, illogical, and unethical conduct occurring overseas. One may reasonably conceive the reasons why international citizens are fleeing their countries. The United States tends to be one of the most appealing countries for foreigners to immigrate for three reasons: (1) capitalism, (2) freedom, and (3) human rights.

\section{A. Capitalism}

Capitalism is an economic ideology. Its origin commenced centuries ago when merchant capitalists purchased items at low costs and later sold said items at a higher value.\textsuperscript{86} The ideology became pervasive as the number of capitalists and wage laborers increased.\textsuperscript{87}

Capitalism is an admirable principle to many individuals, including foreigners, because it bolsters freedom and financial autonomy, allowing one to thrive as much as one desires. The quintessential vision of capitalism are the images of free trade and the exchange of currency. Theoretically, the possibility of success is limitless in capitalistic societies. For example, some of the most affluent individuals in the United States acquired success in different ways: some individuals possess brilliant, financial minds and create global commercial firms,\textsuperscript{88} others successes include college dropouts that become wealthy businessmen by modifying the characteristics of an established industry, such as social media, and flourishing.\textsuperscript{89} The spectrum varies and the possibility to thrive in a capitalistic market is limitless.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{85} \textit{Id.}
\item \textsuperscript{86} \textsc{David Coates}, \textit{Capitalism: The Basics} 8 (2015).
\item \textsuperscript{87} \textit{Id.}
\item \textsuperscript{89} Facebook co-founder and CEO Mark Zuckerberg created Facebook by incorporating features of a program called Harvard Connection. Presently, Facebook’s
\end{itemize}
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Capitalism can be characterized in a litany of words: free trade, competitive markets, “private property, contractual freedom, wage labor, profit seeking, invested surpluses,” etc. Capitalism derives from the principle of laissez-faire, an economic principle meaning “leave alone.” Essentially, under the laissez-faire philosophy, the government has little involvement in private actions. In other word, the people are free to engage in transactions without unwanted government intervention. It is the concept of freedom that is most alluring.

B. Freedom

Freedom is a desirable quality that attracts foreigners to the United States because this concept is impermissible many countries. Unlike the earlier instances of foreign injustices, citizens and residents of the United States are afforded freedom. Although the United States’ history is sullied as earlier mentioned, the country has taken great strides to improve its flaws as lawmakers and courts enforce laws that promote equality.

Most importantly, the United States allows dissatisfied parties to protest various interests, including the condemnation of the government and political officials. This option is forbidden and punishable by death in some countries.
Lastly, human rights play a significant role in America’s appeal. Human rights are a critical facet of the United States’ values and identity, and sometimes Americans take their rights for granted. The United States positioned itself not only as a superpower and world leader, but also as a human rights role model for other nations. Residents within the United States are granted the right to free speech, equal protection, and due process of law, among a plethora of other fundamental liberties. Additionally, women are granted the right of suffrage and the same liberties as men. Women are acknowledged in the United States, as they are an essential part of the fabric of society. Moreover, individuals are granted the right to freely exercise their religious beliefs, a deeply-rooted and cherished value.

For the above reasons, many foreigners will go to all lengths to acquire access to democratic nations, such as the United States—even if it requires them to be voluntarily trafficked.

III. BROKEN PROMISES AND DREAMS

Human trafficking is generally perceived as a modern form of slavery, whether voluntarily or involuntarily. It often occurs when foreigners do not have the resources to leave their countries and legally immigrate to other countries. As such, they rely on trafficking networks to logistically schedule their transport. Congress indicates that at least 700,000 people are trafficked annually. **Approximately 50,000 women and children are trafficked into the United States**.
Humans trafficking often entails long voyages. Traffickers obtain false documents from illicit resources and coordinate with other transnational entities to transport parties.100 Traffickers are not exclusive to the traditional criminal. “The professions of traffickers are diverse. They include ... military, security, and law enforcement personnel.”101 Traffickers speak about the promising future awaiting the trafficked party’s destination, knowing this will incentivize many people to voluntarily leave their home.102 Unfortunately, many foreigners believe these fables, and they are soon exposed to the horrors and misrepresentations of the trafficking life upon arrival at their destination.103

A. Threats and Ultimatums

Exploiters are generally direct in conveying their intentions with trafficked parties when they arrive at their destinations. The promising dreams of opportunity fade and threats and ultimatums commence.104 The underlying characteristic of human trafficking is to have complete control over the trafficked person. According to Bales and Soodalter, “Th[e] first beating goes a long way toward

99 Id.
100 LOUISE SHELLEY, HUMAN TRAFFICKING 83–84 (2010).
101 “In Bangladesh[,] within two years in the mid-2000s, Bangladesh charged eight security officials for complicity in trafficking. In 2006, ‘the former Deputy Director of the Police Anti-Human Trafficking and Juvenile Protection Department in Cambodia was convicted for involvement in trafficking and sentenced to five years imprisonment.’ Law enforcement officials in Latin America and West Africa are also implicated in human smuggling and trafficking . . . .” Id. at 85–86.
102 Traffickers can actively recruit transportees during economic crises, natural disasters, and conflicts. Id. at 94.
103 “Some women trafficked into prostitution return to their home communities with tales of their superior earnings . . . . The recruiters talk their friends and acquaintances into joining them or sending their children by lying about the conditions of the work and the amounts to be derived from employment aboard.” Id. at 97.
104 BALES & SOODALTER, supra note 44, at 79.
keeping an enslaved domestic in line."\textsuperscript{105} Subsequently, the exploitation commences.

B. Exploitations

There are numerous reasons why victims yielding to their assailants. First, victims are commonly stranded in a foreign territory, alone and vulnerable. The victim, who usually speaks a foreign dialect, is dependent on his or her exploiters to provide basic necessities, such as housing, clothing, and food. Second, victims acquiesce to exploiters because the victims intend to provide financial support to their families at home. Finally, victims are coerced into various trafficking industries through physical violence, also known as involuntary servitude.\textsuperscript{106} Three industries that thrive on human trafficking are corporate entities, sex service industries, and medical facilities.

1. Corporate Exploitation

Corporations exploit trafficked parties for low wage labor. Businesses are concerned about increasing revenue and reducing expenses to raise profit margins. Employee salaries are usually the second highest expenses on a company’s balance sheet, the first being capital expenses. As such, corporations hire undocumented workers that are more than willing to receive wages that are a fraction of those a documented worker would receive.\textsuperscript{107}

The hospitality and construction industries are two primary examples of employers for undocumented workers.\textsuperscript{108} Both industries require laborious duties, which is a common characteristic for

\textsuperscript{105} Id. at 18.
\textsuperscript{106} Id.; 22 U.S.C. § 7102(6).
occupations with high numbers of undocumented workers. Undocumented workers are most sought after in occupations that are not appealing to citizens. Companies perceive undocumented workers as ideal employees because they are unregistered, meaning they do not share the same federal, state, and local protections as citizens. Additionally, corporations understand that undocumented workers are eager to work long hours to provide for themselves and their families. As such, corporations that choose to partake in employing undocumented workers enjoy the benefits of hiring overworked and underpaid personnel, maximizing a segment of their business model.

2. Sexual Exploitation

Sex trafficking is a global phenomenon in black markets, and it is in high demand. Sex trafficking is assumed to be the second most lucrative illicit trade. Thousands of women and children are trafficked into prostitutions. The United States is a large hub for sex trafficking. Bales and Soodalter illustrate a story involving a girl named Maria, a trafficked victim whose tale is similar to many trafficked persons. Maria lived in Guatemala with her family. Maria’s family was poor and unable to provide adequate resources to sustain the family’s need. To exacerbate the matter, Maria’s uncle sexually abused her, and her family did not believe her accounts of the abuse. One day, a trafficker approached the family and told them about a lucrative modelling opportunity awaiting Maria in the


111 BALES & SOODALTER, supra note 44, at 78.

112 Id.
United States. Maria wanted to pursue this opportunity to assist her family. Also, Maria found the trafficker charming. The family trusted the trafficker and bade Maria farewell. Throughout the transport, Maria was repeatedly raped, forced to prostitute herself, and told she would be arrested for being in the United States illegally if she ever reported the abuse.

American citizens are also victims of sex trafficking. It is a misnomer to believe human trafficking is exclusively reserved to foreigners. Sex traffickers commonly target men, women, and children in the United States to engage in prostitution. Targets are generally young, impressionable, and easily manipulated. Domestic traffickers, routinely referred to as pimps, are generally older individuals that are skilled at exploiting a person’s insecurities. Pimps utilize various techniques to oppress their targets, including violence and the use of narcotics to ensure dependency. The unfortunate truth is that sex trafficking will persist as long as the demand for sex continues.

3. Organ Trafficking

Another and unusual form of human trafficking that is surging globally is organ trafficking. Organ trafficking, also known as organ harvesting, involves the transport of human organs in the black market. This practice is unusual because organs are extracted from living persons. Organs are in high demand as many ill patients are placed on long waiting lists to receive organ transplants. The grim reality is that in many instances individuals who

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113 Id.
114 Id.
115 See generally id. at 84; "Traffickers primarily target women and girls, who are disproportionately affected by poverty, the lack of access to education, chronic unemployment, discrimination, and the lack of economic opportunities in countries of origin. 22 U.S.C. § 7101(b)(4).
116 BALES & SOODALTER, supra note 44, at 85.
117 Id. at 82, 91.
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are already victims of trafficking are murdered during transport as a means to extract vital organs to fulfill medical demands.\textsuperscript{119}

IV. U.S. ANTI-HUMAN TRAFFICKING AND HUMAN RIGHTS INITIATIVES

Human rights violations cannot be completely eliminated, but the United States is pursuing affirmative tactics to combat human trafficking. Last year, the United States convened the first U.S. Advisory Council on Human Trafficking.\textsuperscript{120} The council is composed of public officials and eleven human trafficking survivors, who seek to ground legislation in the real-world experiences of trafficking victims.\textsuperscript{121} Additionally, the United States government, under the Obama administration, “initiated over 6,000 human trafficking cases and secured over 4,000 convictions” as of 2016\textsuperscript{122} The U.S. Department of Homeland Security (DHS) has also initiated the Blue Campaign, a program that raises awareness and training to law enforcement about signals of human trafficking.\textsuperscript{123}

In addition to the DHS’s efforts to prevent human trafficking, the Federal Bureau of Investigations (FBI), with the assistance of local, state, and federal partners, has organized human trafficking


\textsuperscript{121} Id.


task forces.124 The task forces’ objective is to recover trafficking victims and investigate traffickers at the state and federal level.125 Additionally, prior to the Obama administrations’ recent efforts to prevent human trafficking, the United States Congress ratified the Trafficking Victims Protection Act of 2000 (TVPA).126 The TPVA Act authorizes law enforcement to protect international victims of human trafficking through immigration relief methods, such as issuing T-visas to grant temporary legal status in the United States.127

The above initiatives encapsulate a fragment of the government’s efforts to combat trafficking. Although the examples are not exhaustive, one may surmise the United States government is working vigorously in its fight against human trafficking.

V. PITFALLS OF THE TRAFFICKING VICTIMS PROTECTION ACT AND PROSPECTIVE AMENDMENTS

Although the TPVA has made significant contributions to curb human trafficking and assisting victims in recovery, the TVPA remains feeble in many respects. For instance, the TVPA states “appropriate personnel of the Department of State, the Department of Homeland Security, the Department of Health and Human Services, and the Department of Justice shall be trained in identifying victims of severe forms of trafficking.”128

The unfortunate reality is that not all DHS official receive training to detect trafficking victims. This is especially worrisome because most travelers encounter DHS officers when entering the country, particularly officers employed by U.S. Customs and Border Protection (CBP) and the Transportation Security Administration

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125 Id.
Travelers encounter CBP officers north and south of the U.S. border, while TSA officers secure all airports and airline gates. These ports are the principal areas that traffickers and victims will utilize to enter the country. As such, Congress must amend the TVPA mandating all personnel in the abovementioned agencies to receive formal detection training to enhance anti-trafficking efforts.

Another method to strengthen the TVPA would be to insert additional relief provisions for trafficking victims. Trafficking victims should receive extended federal, state, and local entitlements—beyond the current benefits—conditioned on the victim’s pursuit of an education and U.S. citizenship. This initiative coincides with the victim’s initial desire to achieve success in the United States. By investing in an education and citizenship, critics could not (or at least be less able to) push the argument that foreigners are looting the country’s resources. Moreover, granting citizenship, instead of pursuing deportation, prevents retaliatory actions by the hands of traffickers upon the victim’s returning to his or her country of origin.

Congress should also pass additional statutory provisions to directly combat human trafficking. Namely, Congress should insert a clause authorizing law enforcement to grant immunity to trafficking victims to aid in prosecuting traffickers. It is odd to envision immunity applicable to a victim because the victim is the harmed party. However, not all victims are innocent actors. If you recall, some trafficking victims assist in recruiting other victims. This provision will, in some instances, act as the functional equivalent of immunity granted to government informants in criminal proceedings. Providing immunity will incentivize accomplice victims to cooperate with the U.S. government. In exchange, the United States government may assist in expediting visa applications and/or possible citizenship—depending on the scope of assistance and size of the criminal organization.

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Finally, the last critique and implementation needed to bolster the TVPA relates to international sanctions. Nowhere in the TVPA is the mention of international sanctions for territories that are involve in illicit conduct. \(^{131}\) We know government officials from various territories are involving in human trafficking. \(^{132}\) Therefore, the TVPA needs to incorporate a clause permitting financial sanctions against nations that assist or participate in human trafficking. The United States, through the TVPA, may insert a conditional provision articulating the abstention of imposing financial sanctions to nations that appropriately reprimand traffickers and their affiliates. There will be critics that oppose this specific provision because it requires the United States to “meddle in other countries’ affairs.” However, as the leading superpower, the United States has the obligation to set moral standards in the international community.

**CONCLUSION**

Human trafficking is an immoral epidemic. The genesis of trafficking is unknown. However, empirical evidence proves it has existed for centuries. Although it is nearly impossible to eliminate this unsavory and repulsive practice, we must all contribute to reduce the quantity of victims through preventative measures. We must educate children and adults about trafficking \(^{133}\) and the horrific tales of victims. We must also advocate for international democracy and human rights to put an end to oppressive regimes in order to reduce the allure of false narratives, the broken promises, overseas. Additionally, we must implement policies that allow oppressive communities to find refuge in other countries as a means to escape heinous abuses. Finally, the international community must work collectively to renounce human exploitation. It is then that there will be a substantial decline in human trafficking.


\(^{132}\) Shelle, supra note 100, at 85–86.

\(^{133}\) Communities, including law enforcement, need to be trained to identify signs and behaviors that are indicative of human trafficking.