

INVESTING IN THE BUSINESS AGAINST HUMAN  
TRAFFICKING:  
EMBRACING THE FOURTH “P” – PARTNERSHIPS

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*No man is an island entire of itself; every man  
is a piece of the continent, a part of the main.*

John Donne, MEDITATIONS 17 (1624)

*Introduction*

Slavery is not over. Far from it. Human trafficking is the modern-day form of slavery and the number of its victims are steadily increasing.<sup>1</sup> Human trafficking, whether known as

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<sup>1</sup> See generally CHRISTAL MOREHOUSE, COMBATING HUMAN TRAFFICKING: POLICY GAPS AND HIDDEN POLITICAL AGENDAS IN THE USA AND GERMANY 247-255 (2009) (analyzing empirical data to provide support for the theory - that increasing numbers in some of the top indicators of human trafficking, such as more documented cases of: labor exploitation, illegal prostitution; profits from traffickers; pedophilia or sex tourism, identification (ID) or travel document fraud,

trafficking in persons, or modern-day slavery are all different names for the same horrendous crime. Human trafficking does not differentiate or discriminate among its victims. While the “push” and “pull” factors<sup>2</sup> affecting victims of human trafficking may vary, the reality that human trafficking is one of our world’s current most heinous crimes is constant.<sup>3</sup> Some statistics estimate that there are a total of thirty million human trafficking victims worldwide, of which an estimated 700-800,000 persons are trafficked each year.<sup>4</sup>

confinement or servitude, and arranged or mail-order marriages are indicative of increasing occurrences of human trafficking).

<sup>2</sup> William Finnegan, *The Countertraffickers: Rescuing the Victims of the Global Sex Trade*, THE NEW YORKER, May 15, 2008. This article tells the story of an advocate worker from Moldova, Stella Rotaru, who works on behalf of human trafficking victims. The article chronicles Rotaru’s work with victims of human trafficking, highlighting several of the many push and pull factors related to human trafficking in Western Europe and several countries in the Middle East.

<sup>3</sup> See KEVIN BALES, DISPOSABLE PEOPLE: NEW SLAVERY IN THE GLOBAL ECONOMY 232 (1999). Anti-human trafficking advocate Kevin Bales credits three key factors that helped to create modern-day slavery differentiating it from the slavery of old. These three factors include the “population explosion” - increasing the number of poor and vulnerable people; the “revolution of economic globalization and modernized agriculture” - dispossessing poor farmers; and finally the “chaos of greed, violence, and corruption” in many developing countries; see also WILLIAM FRANK McDONALD, IMMIGRATION, CRIME AND JUSTICE 110 (2009) (discussing that the push and pull factors of human trafficking do vary, but the “greatest push factors are government corruption, the country’s infant mortality rate (an indication of population pressure), the proportion of the population below the age of 14, the country’s food production index (an indication of poverty), population density, and conflict and social unrest. Pull factors included variables indicating the economic well-being of a country - rates of infant mortality, energy consumption, and food production”).

<sup>4</sup> Trafficking Victims Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified as amended at 22 U.S.C. §7101-7112 (2000)) [hereinafter TVPA]. Human trafficking is often described as a hidden crime and as such, actual figures of the numbers of human trafficking victims are difficult to ascertain. See also U.N. Office on Drugs and Crime Report, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* 39 (2010), available at [http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA\\_Report\\_2010low\\_res.pdf](http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010low_res.pdf) [hereinafter UNODC Globalization Crime Report] (providing an estimate from the International Labour Organization (ILO), which cites that “at least 2,450,000 persons are currently being exploited as victims of human trafficking.”)

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Generally, a large majority of human trafficking victims fall within the 18-24 age bracket, with over one million children trafficked yearly.<sup>5</sup> Even with these statistics, there is some glimmer of hope, as more and more countries are developing domestic laws to combat the injustices of human trafficking. Thus far, just over 116 countries have already enacted anti-trafficking laws and legislation.<sup>6</sup> Despite existing anti-trafficking legislations, the fight to eradicate human trafficking is a complex one. For the past ten years, anti-trafficking stakeholders have presented different approaches to combat the phenomenon of human trafficking. One key approach has been the utilization of the *3P* paradigm of prevention, (criminal) prosecution, and (victim) protection.<sup>7</sup> Yet, as the detected incidences of human trafficking are increasing, it is clear that even with a number of approaches to end human trafficking, *more* is needed.

Figuring out what else is needed, though extremely daunting, is by no means an insurmountable task. The reality is that human trafficking is an extremely lucrative business endeavor where human dignity can be bought and sold at the whims of human trafficking perpetrators. Thus, the onus is on advocates engaged in the anti-trafficking fight against business-savvy traffickers to recognize the apparent irresistible financial lure for traffickers and craft business-minded anti-trafficking policies.<sup>8</sup> To achieve this, advocates,

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<sup>5</sup> U.N. Global Initiative to Fight Human Trafficking (U.N. GIFT) Report, *Human Trafficking the Facts, citing International Organization for Migration, Counter-Trafficking Database, 78 Countries, 1999-2006* (1999), available at [http://www.unglobalcompact.org/docs/issues\\_doc/labour/Forced\\_labour/HUMAN\\_TRAFFICKING\\_-\\_THE\\_FACTS\\_-\\_final.pdf](http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf).

<sup>6</sup> U.S. Dep't of State, *Trafficking in Persons Report 2* (2010) [hereinafter TIP Report 2010], available at [http://www.state.gov/documents/organization/1429\\_79.pdf](http://www.state.gov/documents/organization/1429_79.pdf).

<sup>7</sup> See generally Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, G.A. Res. 55/25, Annex II, U.N. Doc. A/RES/55/25 (Jan. 8, 2001) [hereinafter Palermo Protocol].

<sup>8</sup> The reach of traffickers and other persons involved in international and transnational crimes is extensive. "Transnational crime is undermining economic growth, posing an added challenge to the world's economies as they struggle to recover from the global fiscal crisis," Yury Fedotov, Executive Director of the

governments, and other parties involved need to aggressively invest in the business of anti-trafficking. This vital investment can occur through partnerships, the sometimes forgotten *fourth P* of the previously mentioned (former *3P*, now *4P*) paradigm. A focus on *partnerships*, specifically *public-private partnerships*, meaningful partnerships, involving all sectors of the community are essential to monitor, track, and ultimately end the cruel human trafficking cycle.

This article recognizes that the fight against human trafficking is a global one, with the business of human trafficking intersecting many legal and social constructs, and as such, it should be tackled with all available mechanisms — legal, social, moral, community, and religious. More importantly, the integration, communication, and involvement of government, non-government, private, faith-based, social, and civil sectors are critical elements to successfully combat this scourge against human dignity. Part I of this article will discuss the legal construct of partnerships and the dynamic of private-public partnerships. Part II will focus on the laws and provisions in domestic, international, and regional spheres advocating for collaborative efforts, and the use of partnerships in the fight to end human trafficking. Part III of the article addresses the missions and methodologies involved in implementing workable public-private partnerships to invest in the business of human trafficking. Part IV showcases several examples of working private-public relationships in the anti-trafficking field. Part V will make appraisals and recommendations to start the wheels of justice turning to end human trafficking. By the conclusion, I hope to show that putting more emphasis on the *fourth P* of the anti-trafficking paradigm is the next step to ensure that efforts to end human trafficking are successful in our lifetime.

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United Nations Office on Drugs and Crime (UNODC), Address at the annual gathering of the World Economic Forum (WEF) in Davos, Switzerland (Jan. 25-30, 2011), in Press Release, UNODC, *Globalization's sinister entrepreneurs hurt economic growth, says UNODC* (Jan. 27, 2011).

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*I. Partnerships and Public-Private Partnerships*

In a literal business sense, an official *partnership* is the “relation which subsists between persons carrying on a business in common with a view of partnership.”<sup>9</sup> Revised laws have defined a partnership as an “association of two or more persons to carry on as co-owners a business for profit formed under . . . predecessor law, or comparable law of another jurisdiction.”<sup>10</sup> Within the realm of human trafficking, the meaning of a *partnership* can be interpreted to be similar to the definition of a *partnership* as a strict business construct, as described above.<sup>11</sup> Human trafficking is a business with annual earnings of billions of U.S. dollars.<sup>12</sup> As a result, the significant financial considerations of human trafficking serve as tangible incentives for traffickers to escape the 3P efforts of anti-trafficking advocates. Under a business model, the traffickers and suppliers are the business owners; the supporters of trafficking represent the market players; and the victims/survivors are the products/commodities for sale. However, the model is incomplete, as investors are still needed. Advocates, civil society, governments, non-governmental organizations, and other private sector members can forge meaningful partnerships and become investors in the anti-trafficking business to fill this void.

*A. Defining a Public-Private Partnership*

In some circles, a public-private partnership (PPP) describes a government service or private business venture that is funded and operated through a partnership of government and one or more

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<sup>9</sup> LAWRENCE DUCKWORTH, *THE LAW OF PARTNERSHIP* 1 (1905) (interpreting the law of partnership under The 1890 Partnership Act).

<sup>10</sup> Unif. Partnership Act 1997 § 101(6).

<sup>11</sup> *See generally* DARRIN GRIMSEY, MERVYN LEWIS, *PUBLIC PRIVATE PARTNERSHIPS: THE WORLDWIDE REVOLUTION IN INFRASTRUCTURE PROVISION AND PROJECT FINANCE* 41-70 (2007).

<sup>12</sup> UNODC Globalization Crime Report, *supra* note 4, at 39. In 2009, the ILO estimated the global economic costs suffered by human trafficking forced labour victims are U.S. \$21 million. Four years earlier, the total estimated profits from human trafficking was U.S. \$32 million.

private sector companies and/or NGOs.<sup>13</sup> In other circles, a PPP is a “term of art without a precise, much less generally accepted definition.”<sup>14</sup> In the discourse on PPPs, the term “public” can refer to the use of governmental resources, whether originating from “federal, state, or local” sources.<sup>15</sup> On the other hand, “private” can refer to any resources that originate from the private sector.<sup>16</sup> One origin of the public-private partnership structure in the United States is credited to failing economic times and mounting government debts in the 1970s and 1980s.<sup>17</sup> Due to these changes, governments began to explore other avenues to procure investments in certain infrastructure sectors. Governments then shifted the burden of costs to the private investors while maintaining accountability for the overall project.<sup>18</sup> One scholar credits an even earlier origin to the term “public-private” partnerships in the United States for funding educational programs and utilities since the 1950s, with the term coming into greater use when referring to urban renewal projects in the 1960s.<sup>19</sup> Other scholars highlight that public-private partnerships are not new concepts, but almost every industrialized nation use PPPs to “expedite policy, and they have done so since sixteenth-century mercantilism.”<sup>20</sup>

At the onset, some PPPs were created on an individual one-

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<sup>13</sup> The Action Group, *Recommendations for Fighting Human Trafficking in the United States and Abroad* 3 (2008).

<sup>14</sup> ALBERT N. LINK, *PUBLIC/PRIVATE PARTNERSHIPS: INNOVATION STRATEGIES AND POLICY ALTERNATIVES* 1 (2006).

<sup>15</sup> *Id.*

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

<sup>17</sup> E. R. YESCOMBE, *PUBLIC-PRIVATE PARTNERSHIPS: PRINCIPLES OF POLICY AND FINANCE* 2 (2007) [hereinafter YESCOMBE]. See also STEPHEN P. OSBORNE, *PUBLIC-PRIVATE PARTNERSHIPS: THEORY AND PRACTICE IN INTERNATIONAL PERSPECTIVES* 84 (2000) (discussing public-private partnerships as a governance strategy).

<sup>18</sup> See generally GRAME A HODGE, CARSTEN GREVE, ANTHONY E. BOARDMAN, *INTERNATIONAL HANDBOOK ON PUBLIC-PRIVATE PARTNERSHIPS* 43-66 (2011).

<sup>19</sup> YESCOMBE, *supra* note 17, at 2.

<sup>20</sup> JON PIERRE, *PARTNERSHIPS IN URBAN GOVERNANCE: EUROPEAN AND AMERICAN EXPERIENCE* 175(1998).

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on-one basis, but some have now developed into more organized consortium projects.<sup>21</sup> For example, large-scale PPP coalitions exist and have been formalized in a number of countries.<sup>22</sup> PPPs have emerged with private-sector financing in transportation sectors for “roads, bridges, tunnels, railways, ports, [and] airports;”<sup>23</sup> public utilities including “water supply, waste water treatment, [and] waste disposal;”<sup>24</sup> social infrastructure sectors for “hospitals, schools, prisons, [and] social housing;”<sup>25</sup> and other specialized services. Aside from the standard infrastructure development, PPPs also refer to social services provided by the non public sector that receives public funding, usually from the non/not for profit sectors.

Additionally, on the international sphere, PPPs can refer to “joint government, aid agenc[ies] and private-sector initiatives to combat diseases such as AIDS and malaria, introduce improvements in farming methods, or promote economic development generally.”<sup>26</sup> These latter examples of PPPs are distinct from the infrastructure or “‘project-based’ or ‘contract-based’”<sup>27</sup> partnerships and are known as either “‘policy-based’ or ‘programme-based PPPs.’”<sup>28</sup> Even with the involvement of the private sector, there is no doubt that the State, as the public half of the public-private partnership, has an ongoing role

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<sup>21</sup> See United Nations, Review of Developments in Transport in Asia and the Pacific 2007: Data and Trends 88(2007) (highlighting developments in using public-private partnerships for infrastructure development). The report concludes that “PPP’s are effective means to complement efforts of governments in the development and provision of infrastructure facilities and services.”

<sup>22</sup> Andrew S. Natsios, *Public/Private Alliances Transform Aid*, STAN. SOC. INNOVATION REV. 42-47 (2009) available at [http://www.usaid.gov/our\\_work/global\\_partnerships/gda/resources/SSIR\\_Article\\_on\\_GDA.pdf](http://www.usaid.gov/our_work/global_partnerships/gda/resources/SSIR_Article_on_GDA.pdf) (United States Agency for International Development (USAID) discussing that reaching out to corporations, nonprofits, and even private citizens to build alliances have made large-scale, long-term changes under the public-private partnership model, using Rwanda as a case-study).

<sup>23</sup> YESCOMBE, *supra* note 17, at xv.

<sup>24</sup> *Id.* at 2.

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

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

<sup>27</sup> *Id.* at 3.

<sup>28</sup> *Id.*

in providing services that impact public clients.<sup>29</sup> Another scholar highlights the integral relationship between public-private partnerships in specific circumstances especially where the “private sector cannot take account of ‘externalities’ – i.e. general economic and social benefits – and therefore public-sector intervention is required.”<sup>30</sup> In the current harsh economic climate, we see more somewhat symbiotic relationships forming between the public-private sectors in order to remain viable in delivering services and products.<sup>31</sup>

Accordingly, we are also noticing examples of more informal and deconstructed public-private partnerships especially in service-oriented fields. Regardless of the type of PPP, the considerations to ensure viability of the partnership remain the same. Essentially, public-private partnerships involve three main considerations: the mission, the method, and the money, comprising the three “M” paradigm.<sup>32</sup> The mission refers to the main goals of the public agency and the private entity – what is the desired end result? Then, there is the method – what ways can be used to achieve the identified goals? Finally, the last and sometimes the most important “m” is the

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<sup>29</sup> For a comprehensive discussion and analysis of some of the positive obligations of States related to the issue of human trafficking, see Roza Pati, *States’ Positive Obligations with Respect to Human Trafficking: The European Court of Human Rights Breaks New Ground in Rantsev v. Cyprus and Russia*, 29 B.U. INT’L L.J. 79 (2011).

<sup>30</sup> YESCOMBE, *supra* note 17, at 3.

<sup>31</sup> Several forms of PPPs exist including build/operate/transfer or build/transfer/operate PPPs; build/own/operate PPPs; contract services PPPs; lease/purchase PPPs; tax-exempt lease PPPs; design/build PPPs; design/build/operate PPPs; sale/leaseback PPPs; or turnkey PPPs. DAVID ANDREW SCHULTZ, *ENCYCLOPEDIA OF PUBLIC ADMINISTRATION AND PUBLIC POLICY* 351-352 (2004).

<sup>32</sup> In the business sphere, three main considerations of partnership included: “[T]he mode in which the Partnership is constituted...; the effect upon the partners during the existence of the Partnership (that is to say, the rights which the partners have against, and the duties which they owe to each other, and the outer world)..., and the dissolution of the partnership.” 14 *THE ACCOUNTANT: MEDIUM OF COMMUNICATION BETWEEN ACCOUNTANTS IN ALL PARTS OF THE UNITED KINGDOM* 59 (Lafferty Publications 1888).



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financial consideration or money. This triple structure is the basis of all partnerships and can serve as benchmark to ensure that the needs of all involved parties, whether public or private, are met.

*1. The Mission of PPPs*

A key component in promoting the use of PPPs is understanding the ultimate goal and purpose of the particular PPP. Why should a particular public-private partnership be formed?<sup>33</sup> PPPs, especially the policy or programme-based partnerships are often created when addressing complex, multi-disciplinary, and global issues affecting a significant number of people. Unfortunately, human trafficking meets these criteria and is a prime candidate for the integration and application of PPPs. The mission of any PPP in the human trafficking arena is to ultimately work towards ending the crisis. However, ending human trafficking is a considerably broad objective, which can be further broken down into several steps, with realistic timeframes. For example, one goal of a PPP may be to train local law enforcement in human trafficking awareness within a certain period of time. The second goal may be to train the legal community in human trafficking awareness, and so on. With this progressive (and realistic) approach, each step systematically builds on the overall objective in an organized, pragmatic, and manageable manner.

Next, another consideration that complements a clearly defined mission of a PPP is identifying the type of PPP that would be best suited to the goal. Is this a public-private partnership that has certain requirements, mandates, limitations, or time-constraints? How much decision-making control does each party wield? What resources would be available to allow for an efficient and effective partnership? These basic considerations are important, as both sectors, but mainly the public sector, will typically have a much higher accountability threshold to ensure that the appropriate services and protections are afforded to those under its care and jurisdiction.

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<sup>33</sup> SCHULTZ, *supra* note 31, at 351.

### 2. *The Method of PPPs*

The second component in understanding PPPs is identifying the ways that they can be used to achieve the identified goals. One of the reasons that PPPs are considered as alternate strategies is its access to various methodologies that crossover into multiple sectors. Abandoning the strict business concept of partnerships is critical in policy-based partnerships where the aim is to support and protect victims by supplementing the work of the government or State. Public-private partnerships work best when there is an identified issue that one sector cannot (or should not) tackle on its own. Human trafficking is such an issue that requires multiples levels of co-ordination.

### 3. *The Money Involved in PPPs*

A major role of the private sector is one as a financial investor. There is no doubt that human trafficking is a lucrative business. Traffickers are often associated with other forms of organized crimes allowing for a considerable financial advantage.<sup>34</sup> The involvement of the private sector can ease the financial burden on governments by providing much-needed services to the public. The economic crisis of the mid-2000s and continuing to present day provides a clear case study of the importance of the private sector to sustain, at times, basic government functions and services. For the most part, many service providers, non-governmental organizations and other groups rely heavily on private sector funding and other contributions to operate. In some cases, government funds are tied to strict requirements that fail to support, and often clash with the principles and mandates of service providers. Thus, the private sector and its financial investments play a key role in overcoming such hurdles.

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<sup>34</sup> See generally U.N. Office on Drugs and Crime, *Global Report on Trafficking in Persons* (2009). This report provides an overview of trafficking patterns; the legal steps taken in response; country-specific information on reported cases of trafficking in persons, victims, and prosecutions, and the relationship between trafficking and some forms of organized crime.

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*B. Accountability in Public-Private Partnerships*

Public-private partnerships can serve as alternate options where a government can escape from the production or provision of services entirely financed from its own coffers. As stakeholders, governments may benefit by reducing deficits while still providing an adequate level of public services, through partnerships with private involvement, and also promote efficiency in providing services. The private sector and civil society partners, as stakeholders, can gain community recognition and establish corporation goodwill based on their actions. Some advocates of PPPs highlight that partnerships “change the relationship between government and the private sector for the better, promoting collaboration rather than conflict.”<sup>35</sup> Moreover, PPP agreements, formalized or informal through detailed business contracts, allow each sector to maximize its own skills and assets, while sharing the risks, rewards, and outcomes of service delivery.

Not all advocates are fans of public-private partnerships, citing concerns with appropriate governance and accountability. Some argue that through PPPs, public agencies will transfer difficult or controversial tasks to the private sector “shifting revenue-generating duties to the private entities while leaving tasks that require subsidies to the public sector.”<sup>36</sup> Aside from this, other practical concerns abound where the differences between the public and private sector are highlighted. In the public sector, efforts to ensure accountability may be stalled because of mandatory bureaucratic policies, which the private sector may not be subject.<sup>37</sup> In these instances, the public sector may be dinged by the community for engaging in activities that may convey that the public sector is beholden to the private sector. Nonetheless, despite these varying stances on the issue of PPPs, the support for the use of partnerships in the public-private sphere with respect to human trafficking are

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<sup>35</sup> SCHULTZ, *supra* note 31, at 351.

<sup>36</sup> *Id.* at 352.

<sup>37</sup> *Id.*

encouraged in already existing laws on the domestic, international, and regional fronts which will be addressed next.

*II. A Look at Partnership Prescriptions in some Domestic, International, and Regional Anti-Trafficking Legislations*

The idea of collaborating through public-private partnerships is by no means a novel one. Instead, laws proscribing PPPs are already in place, some have been codified for years, but in many cases, a disconnect lies in the actual enforcement of these existing laws. There are specific anti-trafficking laws, which promote partnerships on the domestic, international, and regional levels. So while there is an undeniable need for anti-human trafficking laws in States where this gruesome crime is not even recognized as one; or in States which only recognize certain forms of human trafficking, while downplaying or deliberately disregarding other forms of trafficking; or States which target and criminalize the actions of victims of human trafficking without holding the traffickers accountable; or even States with comprehensive laws but menial penalties for traffickers - there is an equitable need to enforce existing laws requiring or recommending partnerships. On the international front, the United Nations has created a partnership initiative to aid in the anti-trafficking movement. So too, the United States' anti-trafficking laws have provisions that encourage the creation and use of partnerships. Furthermore, some regional bodies have also established direct mandates requiring cooperation through partnerships in the fight against human trafficking.

*A. Promoting Human Trafficking Partnerships on the International Front*

The international community has recognized the importance of partnerships in the fight against human trafficking. In 2008, the United Nations Deputy Secretary-General urged the General Assembly to expand the *3P* agenda of the U.N. anti-trafficking protocol of protection, prosecution, and prevention to include

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“partnerships.”<sup>38</sup> Officials have recognized that the existing *3P* structure is an interlocking one, and it is insufficient to prosecute traffickers without ensuring that the appropriate assistance is given to current and potential victims.<sup>39</sup> To accomplish an expansion of the *3P* framework, the United Nations created the Global Initiative to Fight Human Trafficking (GIFT) and it has been credited with “making a real difference in the lives of victims.”<sup>40</sup>

The U.N. Secretary-General affirmed that partnerships do in fact work because “we can only beat back this deadly illegal trade with a strong and broad coalition.”<sup>41</sup> To date, no country has implemented a significant and comprehensive response to end human trafficking. A working structure to capitalize on efforts to combat human trafficking involves integrating the existing *3Ps* of prevention, prosecution, and protection, with innovative partnerships. Fortunately, there has been significant progress to combat trafficking in the last ten years, with credit given to the “efforts and partnerships of governments, international organizations, NGOs, and trade unions.”<sup>42</sup> The GIFT initiative was created to increase awareness and stimulate global action to “prevent any more victims from having their dreams of a better future turn into nightmares of exploitation and servitude.”<sup>43</sup> From the onset, one of the major objectives of the GIFT was, and continues to be, to counter human trafficking, not on a singular one-dimensional plane, but in “partnership with different stakeholders including governments, the international community, non-governmental organizations and other elements of civil society

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<sup>38</sup> Asha-Rose Migiro, Deputy Secretary-General, Remarks, DSG/SM397, GA/10713, HR/4956, New York (June 3, 2008) [hereinafter Migiro Remarks].

<sup>39</sup> TIP Report 2010, *supra* note 6, at 5.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Organization for Security and Co-operation in Europe (OSCE), *Annual Report of the Special Representative and Coordinator for Combating Trafficking in Human Beings, Combating Trafficking as Modern-day Slavery: A Matter of Rights, Freedoms and Security* (2010).

<sup>43</sup> Kofi Annan, Former U.N. Secretary-General, Remarks to both Houses of Parliament in London (May 8, 2007).

and the media.”<sup>44</sup> The GIFT strategy seeks to encourage greater coordination among international organizations, and moreover foster and promote *innovative*, public-private partnerships.

In addition to the GIFT initiative, the United Nations has adopted an updated “Global Plan of Action against Human Trafficking.”<sup>45</sup> The Plan of Action seeks to strengthen the 3Ps and promotes the fourth critical “P” of partnership by focusing on the work of human rights and development. U.N. Secretary General Ban Ki-moon stressed that “[w]e must improve our knowledge and understanding of this crime, if we are to make good policy decisions and targeted interventions.”<sup>46</sup> Part of the Plan of Action is the creation of a United Nations Voluntary Trust Fund to “help governments, intergovernmental and non-governmental organizations provide these vulnerable people [those trafficked] with protection and support for their physical, psychological and social recovery. [So that,] after they have been exploited and abused, they should not be punished, too.”<sup>47</sup> For this fund, the Secretary-General encouraged governments, members of the private sector, and other philanthropists to make meaningful and generous contributions.<sup>48</sup>

Human trafficking is a crime that affects us all — victims/survivors, businesses, governments, organizations, and the community-at-large. As universal investors, all parties need to merge and invest in the anti-trafficking business, especially on the international scale.

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<sup>44</sup> U.N. GIFT, Progress Update, *Global Initiative to Fight Human Trafficking* (2009).

<sup>45</sup> Ban Ki-moon, U.N. Secretary-General, Remarks entitled *Secretary-General Tells General Assembly Human Trafficking ‘Slavery in the Modern Age’; Can Only Be Ended by Working in Partnership through Global Plan of Action*, SG/SM/13079 GA/10975, New York (Aug. 31, 2010) [hereinafter Plan of Action Remarks].

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

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*B. Partnership Provisions in Federal U.S. Human Trafficking Laws*

Some countries have codified national laws against human trafficking. In the United States, for example, the federal government and individual states have implemented legislations to address specific human trafficking issues endemic to their communities.<sup>49</sup> In 2000, the United States drafted the *Trafficking Victims Protection Act* (TVPA), enshrined in the *Victims of Trafficking and Violence Protection Act of 2000*<sup>50</sup> which focused significantly on sex and labor trafficking. Additionally, the TVPA highlights and defines these two forms of human trafficking as “severe forms.”<sup>51</sup> The TVPA’s purposes on its face are tri-fold, with the foremost consideration of “combat[ing] trafficking in persons,”<sup>52</sup> then “ensur[ing] just and effective punishment of traffickers,”<sup>53</sup> and also “protect[ing] their victims.”<sup>54</sup> The TVPA is comprehensive in the way it seeks to address the issue of human trafficking. The drafters of the TVPA included a number of provisions and set minimum standards for protecting victims, in addition to combating and preventing the crime of human trafficking. Yet, amidst the many detailed provisions of the TVPA, the legislation does not directly

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<sup>49</sup> “Forty-two states have enacted specific anti-trafficking statutes using varying definitions along with a range of penalties.” Notably, during this reporting period, “two states obtained their first convictions under anti-trafficking statutes passed in 2003 and 2007.” TIP Report 2010, *supra* note 6, at 339.

<sup>50</sup> Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (codified and amended at scattered sections of 8, 20, 22, 27, 28, and 42 U.S.C. [hereinafter VTVPA]).

<sup>51</sup> TVPA, at §103(8) (defining severe forms of trafficking as “(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”)

<sup>52</sup> TVPA, *supra* note 4, at §102(a).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

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address the issue of partnerships in its text.<sup>55</sup> Notwithstanding this textual oversight, it is reasonable to deduce from other provisions in the TVPA, that the overall purpose and intent of the TVPA clearly support partnership investment in the fight against trafficking in persons.

Though not explicitly stated, one key example supporting the notion of partnerships in the TVPA is clearly described in Section 106 of the Act. Sections 106(a)-(b) of the TVPA are expressly conditioned by the requirement in section 207(c) that the “[P]resident shall consult with appropriate nongovernmental organizations” to establish: (1) economic alternatives to prevent and deter trafficking, and (2) public awareness and information.<sup>56</sup> Another example of the TVPA’s support of partnership involvement is the requirement that victims are provided with assistance and services.<sup>57</sup> The TVPA mandates that in human trafficking cases of an international character, U.S. agencies must *partner* with the “appropriate nongovernmental organizations” to ensure that victims are safely integrated, reintegrated, or resettled as needed.<sup>58</sup> Moreover, Section 105 of the TVPA mandates (what can be viewed as the epitome of a partnership) that the government establishes a formal interagency task to monitor and combat trafficking. By its nature, an interagency collaboration is a direct partnership with other departments and agencies assigned to address some element of the human trafficking business.

Next, three years after the U.S. enacted the TVPA, a reauthorization act was adopted - the *Trafficking Victims Protection Reauthorization Act of 2003* (2003 TVPRA).<sup>59</sup> Under the 2003

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<sup>55</sup> The only direct mention of the term “partnership” is buried in another section of the *Victims of Trafficking and Violence Protection Act of 2000* of which the TVPA is one division. See 27 USC 122a. Sec. 2(a)(3) Injunctive Relief in Federal District Court – “the term ‘person’ means any individual and any partnership....”

<sup>56</sup> TVPA, *supra* note 4, at §§106 (a)-(c).

<sup>57</sup> See generally TVPA, *supra* note 4, at §107.

<sup>58</sup> *Id.* at §107(a)(1).

<sup>59</sup> Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193, 117 Stat. 2875 (codified as amended in scattered sections of 8, 18, 22 U.S.C.) (amending the TVPA and appropriating funds for 2004 and 2005)



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TVPRA, the U.S. government renewed its commitment to identify and assist human trafficking victims.<sup>60</sup> The U.S. government thereby invested more than \$200 million in the anti-trafficking business.<sup>61</sup> The TVPRA reaffirmed the U.S. government's commitment to combat human trafficking and showed its support through increased financial allotments to the cause. Aside from the financial investments, there is only one direct mention of the term partnerships in the 2003 TVPRA. The TVPRA commissioned a feasibility report six months after its enactment to analyze the viability of "government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations."<sup>62</sup> The purpose of this report was to enhance the prevention of human trafficking, with special attention given to combating international sex tourism, one of the major emerging forms of trafficking.

Furthermore, the *Trafficking Victims Protection Reauthorization Act of 2005* (2005 TVPRA)<sup>63</sup> mandates several instances of partnerships through collaborations with various entities. The 2005 TVPRA addresses ways to enhance state and local efforts to combat trafficking.<sup>64</sup> Finally, the most recent anti-trafficking legislation, the *Trafficking Victims Protection Reauthorization Act of 2008*, also known as the *William Wilberforce Act*,<sup>65</sup> accepts the importance of partnerships as it requires:

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[hereinafter TVPRA 2003].

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at §3(e)(3)

<sup>63</sup> The Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109-164, 119 Stat. 3558 (2006) (codified in scattered sections of 18, 22, and 42 U.S.C.) [hereinafter TVPRA 2005]. See also Angela D. Giampolo, *The Trafficking Victims Protection Reauthorization Act of 2005: The Latest Weapon in the Fight Against Human Trafficking*, 16 TEMP. POL. & CIV. RTS. L. REV. 195, 196-97 (2006) (critiquing the TVPRA as the latest anti-trafficking tool at that time in combating human trafficking in the U.S. and abroad, and analyzing how the legislation fits into the anti-trafficking arena).

<sup>64</sup> TVPRA 2005, *supra* note 63, at §204 (a)(2)(b)

<sup>65</sup> William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No. 110-147, 122 Stat. 5044 (codified in scattered sections of 6, 8, 18, 22, 28, 42 U.S.C.) [hereinafter Wilberforce Act].

The Director, in *coordination and cooperation* [*emphasis added*] with other officials at the Department of State involved in corporate responsibility ... shall promote, build, and sustain partnerships between the United States Government and private entities (including foundations, universities, corporations, community-based organizations, and other nongovernmental organizations) to ensure that – “(i) United States citizens do not use any item, product, or material produced or extracted with the use of labor from victims of severe forms of trafficking;” and “(ii) such entities do not contribute to trafficking in persons involving sexual exploitation.”<sup>66</sup>

When the Wilberforce Act was being debated, house representatives Berman and Conyers issued an explanatory statement reiterating that section 102 of the Act provided “more targeted amendments”<sup>67</sup> to section 105 of the TVPA. Berman clarified that the same objectives of the TVPA existed under the Office to Monitor and Combat Trafficking to promote “public-private partnerships to end trafficking.”<sup>68</sup> By enacting the TVPA, and its subsequent amendments, the U.S. has already taken the first step, by providing legal prescriptions promoting partnerships.

### *C. Partnership Provisions in European Human Trafficking Legislation*

Another consideration of partnerships is explored under the rubric of the regional European system of human rights. Many countries on the European continent serve as countries of origin, transit, and destination of human trafficking.<sup>69</sup> On the human rights

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<sup>66</sup> Wilberforce Act, *supra* note 65, at §102(2)(a).

<sup>67</sup> Travaux Préparatoires, William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, H.R. 7311, 110th Cong. 2d Sess. (2008) (statement of Reps. Berman, Member, House Comm. on the Judiciary and Conyers, Chairman Comm. on the Judiciary).

<sup>68</sup> *Id.*

<sup>69</sup> The European continent is not alone in having very high reported

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front, Europe's main body of law pertaining to human trafficking has an express provision promoting co-operation with civil society. Article 35 of the Council of Europe Convention on Action against Trafficking in Human Beings states that "[e]ach Party shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic *partnerships* (emphasis added) with the aim of achieving the purpose of this Convention."<sup>70</sup> Although article 35 is the only provision directly mentioning partnership involvement, the European Convention against Trafficking is liberally littered with references advocating for other private-public partnership efforts.

One such reference is found in Article 5, which focuses generally on provisions for the prevention of human trafficking. Article 5(6) recognizes the importance of partnerships and requires that preventative human trafficking measures include involvement by "non-governmental organisations, other relevant organisations and other elements of civil society."<sup>71</sup> Another example of the requirement to work with private-public actors is in the area of curbing the overall demand for forms of exploitation leading to human trafficking. Article 6 tasks Parties to use measures to discourage the demand of human traffickers by "raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking in human beings."<sup>72</sup> By so doing, partnerships with civil society can aid in strengthening legislative, educational, social, and cultural measures in the anti-human trafficking business. Similarly, article 12, which touches on measures best suited to assisting human trafficking victims also calls for civil society involvement. Article 12

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incidences of human trafficking. Some origin countries that have significant reported incidences of human trafficking include "Albania, Belarus, Bulgaria, China, Lithuania, Moldova, Nigeria, Romania, Russia, Thailand, and Ukraine." KATHRYN CULLEN-DUPONT, HUMAN TRAFFICKING 23 (2009).

<sup>70</sup> The Council of Europe Convention on Action against Trafficking in Human Beings, art. 35 (2009) [hereinafter European Convention].

<sup>71</sup> *Id.* art. 5(6).

<sup>72</sup> *Id.* art. 6(b).

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deals with provisions mandating that Parties provide assistance to victims to secure their “physical, psychological and social recovery.”<sup>73</sup> An additional requirement in article 12 is for civil society, non-governmental organizations, and other relevant groups to get engaged in bringing an end to human trafficking.<sup>74</sup>

Another provision promoting public-private partnerships is found in article 10, which focuses on measures to protect and promote the rights of victim, especially in the critical identification stage. Article 10(1) mandates that “different authorities *collaborate* [*emphasis added*] with each other as well as with relevant support organizations”<sup>75</sup> in identifying and helping victims. Here, instructions are given that keen attention must attach to the sensitive nature of the offense and to the “special situation of women and child victims.”<sup>76</sup> Furthermore, Article 10(2) reiterates the need for collaborative partnering with “parties and relevant support organizations”<sup>77</sup> when enacting legislation or any measures necessary for victim identification.

Notably, provisions requiring Parties to comply in partnership activities to end human trafficking are not limited to the domestic level. Article 32 and article 35 fall under Chapter VI,<sup>78</sup> which covers international cooperation and cooperation with civil society. Article 32 highlights the *3P* paradigm, along with the added “P” of partnership. Article 32 requires Parties to co-operate with each other with all relevant laws (local, regional, and international) in “preventing and combating” human trafficking; “protecting and providing” assistance and services to victims; and “investigations or proceedings [prosecuting]” concerning human trafficking and related criminal offences.

The European system of human rights, specifically the

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<sup>73</sup> *Id.* art. 12(1).

<sup>74</sup> *Id.* art. 12(5).

<sup>75</sup> *Id.* art. 10(1).

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* art. 10(2).

<sup>78</sup> *See generally* European Convention, *supra* note 70.

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Council of Europe's Convention against Human Trafficking, appears well-equipped to support the engagement of partnerships in the anti-trafficking movement. The provisions in the European Convention arguably lay a solid legal foundation for the expansion of the *3P* model to that of the *4P* partnership structure. Typically, the European system of human rights, whether because of its longstanding nature, is renowned for its cadre of prosecutions and involvement in human rights cases. As such, the resultant body of civil law and legislations, including the European Convention are important precedents in the field of human rights.

Overall, why are these existing laws promoting partnerships important? One reason is to highlight that human trafficking is a business, a very profitable business for the traffickers. As such, old legal constructs which excluded partnership provisions should be revisited, and current laws that require partnerships need to be enforced. Some statistics estimate that more people are being sold now, than in the entire 300-year-history of the Atlantic slave trade.<sup>79</sup> Another reason is that codified or formalized legislations offer, at least in theory, a tangible form of redress and protection for victims and survivors. Existing laws, promoting the use of partnerships, is definitely a first step in the right direction. The second step is understanding the roles of the different sectors, how they intersect, how they work together so that a cohesive investment is made in the anti-human trafficking movement. The third step, or rather a simultaneous step, is effective enforcement or greater encouragement in applying collaborative public-private ventures to help end trafficking. The investment roles of public-private partners will be discussed below.

### *III. Partners and the Roles They Play*

Partnerships are vital in curtailing and eventually ending human trafficking, and truly the "only way to end human trafficking is by working together, in partnerships between States and within

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<sup>79</sup> TIP Report 2010, *supra* note 6, at 55 (statistical information taken from a poster ad campaign by the non-profit, Not For Sale, to raise awareness of human trafficking).

regions. . . and in public-private partnerships.”<sup>80</sup> Statistics show that the reported cases of human trafficking are still increasing each year, and by correlation, so too are the unidentified cases. Therefore, increased actions to implement existing laws, modify the laws, and draft new laws should be explored and can be best affected by engaging the local communities. The necessary steps should be taken to incorporate anti-trafficking measures across educational, social, religious, and economic sectors.

#### *A. The Role of the Private Sector*

We have recognized that human trafficking is a complex global phenomenon, as human trafficking impacts various areas including labor, employment, immigration, law enforcement, human rights, and of course, business. Thus, society must employ comprehensive, multi-faceted, and multi-disciplinary approaches to address the human trafficking dilemma. Traditionally, criminal justice policies and societal laws geared at combating human trafficking focused on the *3P* approach only, that is, prevention, prosecution, and protection. Yet, the fourth, sometimes forgotten “P” is partnerships, which is a fundamental component to ensure that the *3P* paradigm is adopted, is efficient, and is implemented.

In addressing public-private partnerships, we still need to explore several issues where a key query is: what role can the private sector play in the anti-trafficking fight? Well, the fight against modern-day slavery “. . . is everyone’s responsibility. Businesses that knowingly profit or exhibit reckless disregard about their supply chains, governments that turn a blind eye, or do not devote serious resources to addressing the problem, all of us have a responsibility to speak out and act forcefully.”<sup>81</sup> Traditional roles that have typically

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<sup>80</sup> Plan of Action Remarks, *supra* note 45. On May 18, 2011, I attended a conference, Building Bridges of Freedom: Public-Private Partnerships to End Modern Day Slavery co-sponsored by St. Thomas University, Miami Florida and the U.S. Embassy to the Holy See, in Rome, Italy. This conference brought together numerous experts, and public-private partners focused solely on sharing best practices and discussing effective solutions to end human trafficking.

<sup>81</sup> Hillary Rodham Clinton, U.S. Sec’y of State, Remarks on the release of

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been ascribed to governments are being transferred to other entities for a number of reasons, including financial considerations, and efficient provision of services. Thus, engaging in public-private partnerships to combat trafficking are viable options to explore.

### *1. The Mission: Involving the Private Sector*

The idea of partnerships involves the cooperation of traditional partners, mainly government, law enforcement, and direct service providers, engaged on the frontlines of the anti-trafficking movement. However, because the numbers of human trafficking victims are clearly increasing, the old traditional notions of partnerships should be revised. Revisions of the previous approaches to partnerships should now heavily involve private sectors. The private sector should step in and become engaged in order to adequately work to end human trafficking, under the rubric of the *fourth P*. Thus, the role of the private sector is a familiar four-part one of prevention, protection, prosecution, and partnership to work towards breaking the human trafficking supply chain. Human trafficking, because it is a highly profitable economic activity, it may be common for governments, corporations, and other private businesses to engineer lucrative deals (knowingly or not) that may hinge on some element of human trafficking. Many companies profit from the work of slaves, of victims of human trafficking, as forced labor practices are prevalent in many of the world's agriculture, produce, mining, manufacturing, and service industries.<sup>82</sup>

### *2. The Method: Applying the 4P Paradigm to the Private Sector*

First, the private sector can help in preventing human trafficking by incorporating basic corporate social responsibility and

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the 10<sup>th</sup> annual Trafficking in Persons Report (June 14, 2010), *available at* [http://blogs.state.gov/index.php/site/entry/clinton\\_2010\\_tip\\_report](http://blogs.state.gov/index.php/site/entry/clinton_2010_tip_report).

<sup>82</sup> See generally U.S. Dep't of Labor's List of Goods Produced by Child Labor or Forced Labor 2010, for a list of goods produced by child labor or forced labor. This list is based on a report mandated by the Trafficking Victims Protection Reauthorization Act of 2005.

accountability standards to ensure that fair labor practices are being followed. Moreover, some companies may be inadvertently profiting from human trafficking when at least one part of their business supply chain is compromised. Second, the private sector can help protect both identified and unidentified victims by being vigilant and ensuring that its workers abide by minimum fair labor practices. Companies can have mechanisms in place to effectively monitor business practicing from beginning to end to ensure that no violations of human trafficking occur, or even any form of human rights violations. Third, the private sector can aid in the prosecution of traffickers. Human trafficking is indeed a crime and companies may lack traditional legal, prosecutorial, and enforcement powers. However, not all is lost, as companies can still sanction, fire, suspend, or invoke a number of other penalties to send a powerful message that human trafficking violations will not be tolerated in the workplaces. Finally, the private sector can engage in meaningful public-private partnerships, working assiduously towards fulfilling the tenets of the prevention, protection, and prosecution trafficking module. Thus, the private sector, with its resources and backing can play an influential and much needed role in the existing *3Ps* and the emerging *fourth P* concept.

### *3. The Money: Financial Investments*

An important role of the private sector is to provide financial support for anti-trafficking efforts. Of note in the anti-trafficking movement are sometimes limitations, or strict restrictions on funding. Some countries, including the U.S. have a strict bright line rule separating the entanglement of church and state.<sup>83</sup> Some of the federal U.S. laws specify that certain programs and issues faced by

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<sup>83</sup> The Establishment Clause of the First Amendment provides a basic understanding of the separation of church and state in the Constitution of the United States. The First Amendment states “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . .” *U.S. Const. amend I*. Additionally, Article VI provides that “no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.” *U.S. Const. art. VI, §3*.



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many rescued victims cannot be covered under federally funded programs.<sup>84</sup> Under the 2003 TVPRA, the U.S. government designated funds for anti-trafficking, subject to restrictions.<sup>85</sup> Typically, these entanglement concerns would not be a factor if funding came from private sector members.

*B. The Role of Civil Society as Investors in the Human  
Trafficking Business*

Commentators declare that “sustainable human trafficking interventions depend on the robust engagement of civil society with government.”<sup>86</sup> Civil society and related organizations are invaluable resources in anti-trafficking campaigns, and they have an important role to play in the fight against human trafficking, as they constitute the driving forces behind numerous activities, campaigns, and initiatives. Civil society stands at the forefront for advocating, lobbying, and providing services to support victims. Civil society undeniably supports the *3P* paradigm serving as partners in prevention, protection, and prosecution endeavors.

Realistically, members of civil society can be typically involved in cases of human trafficking from the moment victims are identified; throughout court and criminal proceedings to provide services and support; and in the final successful stages of reintegration, repatriation, or whatever resolution deemed best for the survivor. Civil society investors in the fight to end human trafficking are as diverse as can be. Yet, the ultimate mission would remain the same, that is, to implement measures to assist in realizing a permanent end to the buying, selling, and exploiting of human beings. The gamut of civil society investors spans an expressive range from protection services, educational components, service providers, and faith-based communities. Accordingly, each civil

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<sup>84</sup> *Id.*

<sup>85</sup> TVPRA 2003, *supra* note 59, at 22 U.S.C. §§ 7101-7110 (providing that that “[n]o funds [...] may be used to promote, support, or advocate the legalization or practice of prostitution”).

<sup>86</sup> TIP Report 2010, *supra* note 6, at 35.

society sector may need to apply a specific method to best address its respective mandates.

### *1. Faith-Based Communities*

In the United States and other nations, there are ongoing dividing lines between church and state. In some instances, the division between church and state is a theoretical one as many social and legal actions can be subconsciously influenced by religious beliefs and moral or ethical, values. While the government must create laws in an organized society, there are still other informal laws that may control. Some of these informal, yet powerful laws can be seen in faith-based communities, guided by beliefs in age-old traditional religious principles.

The respect for the dignity of the human person should be recognized by all; this utopia is a concept frequently preached and encouraged by religious communities. Many religious leaders, groups, and individuals promote the ideal that no one has the right to buy, own, or exploit someone else, in any form, especially the vulnerable members of society, which human traffickers are apt to do.

For example, leading members of the Catholic community have long since championed the anti-trafficking cause by emphasizing its Catholic social teachings, especially its condemnation of any form of slavery. In 2002, Pope John Paul II recognized that the “trade in human persons constitutes a shocking offense against human dignity and a grave violation of fundamental human rights.”<sup>87</sup> Even greater, “such situations are an affront to fundamental values, which are shared by all cultures and peoples, values rooted in the very nature of the human person.”<sup>88</sup> Pope John Paul II recognized that the “alarming increase in the trade in human

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<sup>87</sup> Letter from John Paul II, Pope, to Jean-Louis Tauran, Archbishop, on the occasion of the International Conference on the theme: “Twenty-First Century Slavery - The Human Rights Dimension to Trafficking in Human Beings” ¶ 2 (May 15, 2002).

<sup>88</sup> *Id.*

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beings is one of the pressing political, social and economic problems associated with the process of globalization; it presents a serious threat to the security of individual nations and a question of international justice, which cannot be deferred.”<sup>89</sup> This recognition of human dignity and call for action is not exclusive to one particular faith-based denomination, but similar sentiments are echoed throughout such communities. Thus, it is not uncommon for many diverse faith-based communities to partner with each other in the fight against modern-day slavery.<sup>90</sup>

Generally, members of faith-based communities, inspired to act in keeping with their religious tenets, moral or ethical convictions, disfavor human trafficking practices. Faith-based communities motivated by some form of “religious *opinio juris*” are integral investors in the anti-trafficking movement. This staunch support and advocacy by faith-based communities is critical, as we surely need as much intervention as possible in the anti-trafficking movement, whether earthly or divine intervention.

## 2. Community-Based and Grassroots Movements

Ending human trafficking cannot be achieved only through

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<sup>89</sup> *Id.* at ¶ 3.

<sup>90</sup> For further views on the issue of human trafficking and religion, see generally, Carrie Pemberton, *For God's Sake Not for Sale: Trafficking and the Church in Europe* 14(3) WORKING WITH FAITH-BASED COMMUNITIES 399-408 (2006), and see also World Faith Development Dialogue, Country Report, *Faith-Inspired Organization & Development in Cambodia* 126-133 (2010), available at <http://repository.berkleycenter.georgetown.edu/101209CambodiaReport.pdf> (highlighting that human trafficking, although not a specific Millennium Development Goal, as designated by the United Nations, is still “particularly important to faith-inspired and secular organizations alike). On May 18, 2011, over 250 participants gathered at the conference, *Building Bridges of Freedom: Public-Private Partnerships to End Modern-Day Slavery* in Rome, Italy, including panelists discussing public-private partnerships in faith-based organizations. Represented faith-based organizations included: Talitha Kum, an International Network of Consecrated Life Against Trafficking in Persons, Rabbis for Human Rights North America, and the Interfaith Center on Corporate Responsibility. More information on the conference, available at <http://vatican.usembassy.gov/tip-conference-2011.html>.

the power of governments or collaborative efforts by international bodies, like the United Nations and its many organs. Instead, human trafficking activist Kevin Bales theorizes that while governments may have been the most powerful forces against slavery in the past, this is not true today.<sup>91</sup> Bales credits the “conscious collective decision”<sup>92</sup> of the community as the most efficient mechanism for not only freeing slaves, but also keeping them free. This is a seemingly simple concept, but the idea of conscious and collective decision-making is not limited to local communities, but is best encapsulated by a wider category of partnerships. Thus, to achieve a global end to the problem of human trafficking and slavery, another method, aside from government intervention through laws, should be explored.

Neighborhood watches, community groups, and other organizations nestled in a community are essential investors in the human trafficking business. Advocacy in community groups typically work, as they exist in a contained geographic location with many like-minded individuals, often with similar interests and values. In considering effective community partnerships, we must first identify the major community partners working to eradicate human trafficking. Four major partners that generally work together on human trafficking cases include law enforcement, social service providers, service and business organizations,<sup>93</sup> and the media industry.

### *3. Law Enforcement*

Law enforcement is a critical component in any criminal activity, and especially so in the anti-trafficking fight. For some, a law enforcement based approach is criticized because it can “run the risk of failing to address victims’ needs. . . [and] fall[s] short of achieving even its own primary goals – holding accountable those who violate the law and deterring those who contemplate breaking

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<sup>91</sup> KEVIN BALES, *ENDING SLAVERY: HOW WE FREE SLAVES TODAY* 82 (2007) [hereinafter Bales].

<sup>92</sup> *Id.*

<sup>93</sup> *See supra* Part II.A.

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the law.”<sup>94</sup> Notwithstanding these valid concerns, law enforcement plays a crucial role as it is often the first line of defense for a trafficking victim, once identified. However, care must still be taken in a victim-centered approach to human trafficking to recognize that the involvement of law enforcement may be traumatic to victims.

Professor Terry Coonan recounts the role of law enforcement in the *United States v. Melchor*<sup>95</sup> human trafficking case in Florida. In *Melchor*, the local Tallahassee police were the first responders, after two trafficking victims escaped to a neighboring house. The two female victims were afraid and “initially did not want to cooperate in an investigation.”<sup>96</sup> Coonan describes the victims’ reluctance to participate in investigative activities as a typical stage in a human trafficking case. Coonan recalls:

This phase of a human trafficking case is one of the most difficult times for victims: deeply traumatized by what has been done to them, they are nonetheless expected to fully comply with the demands inherent in a law enforcement investigation. This phase of the case is also arguably the most difficult for investigators: their entire case hinges upon the cooperation of the victim-witnesses, who are often the only witnesses to the crime.<sup>97</sup>

Overcoming this difficult phase of involvement with law enforcement can never be a rushed endeavor; instead, this is where the early stages of cooperation can begin to emerge. Here, law enforcement can work with other partners, especially those trained in the social services field to carefully extract the cooperation of victims, especially when many of the subsequent legal protections, including U.S. visa requirements,<sup>98</sup> are hinged on victims’ cooperation.

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<sup>94</sup> Jonathan Todres, *Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking*, 89 N.C. L. Rev. 459 (2011).

<sup>95</sup> *United States v. Melchor*, No. 4:07cr14-SMP (N.D. Fla. May 15, 2007).

<sup>96</sup> Terry Coonan, *Anatomy of a Sex Trafficking Case*, 5 INTERCULTURAL HUM. RTS. L. REV. 325 (2010) [hereinafter Coonan].

<sup>97</sup> *Id.* at 325-326.

<sup>98</sup> The United States offers two special nonimmigrant visas, commonly

#### 4. *Social Service Providers*

To survive in today's disruptive economic climate, many governments have contracted out a number of social services to private entities. So, while the government still has the responsibility to ensure that the appropriate services are in place, they sell the opportunity to provide these services to other private sector organizations.<sup>99</sup> Typically, in the case of human trafficking, social service providers are introduced in the early stages, as a survivor has immediate needs, including food, shelter, clothing, and health care. As the case progresses, additional long-term services may be needed, including employment, therapeutic services, legal guidance, among others, in order to transition out of the previous world of captivity. With this in mind, the public sector must ensure that private entities receive the appropriate trainings on human trafficking (including sensitivity, cultural, diversity, and confidentiality), to ensure that no re-victimization occurs during the transition processes for human trafficking survivors.

#### 5. *The Media Industry*

An undeniable revolutionary invention of the twenty-first century is the advent of the social media network, whether Facebook, Twitter, MySpace, YouTube, or any related variation. News reports that were only available in print, typically a day after an event occurred, are now instantaneously accessible on computers, phones,

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known as the "T" and "U" visas created by Congress with the passing of the Victims of the Trafficking Protection Act. The "T" visa was created to provide immigration protection for human trafficking victims. On the other hand, the "U" visa was created to assist victims of certain crimes who suffered physical or mental abuse and who are willing to aid law enforcement and government officials in investigating the related criminal activity. *See* TVPA 2000, *supra* note 4.

<sup>99</sup> In some instances, public-private partnerships can be mistaken for privatization arrangements. Scholar Stephen P. Osborne notes the distinction between partnerships and privatization where in contracting out arrangements the "public principal is able to specify the service that should be delivered by private enterprises and also to define the desired output." STEPHEN P. OSBORNE, *PUBLIC-PRIVATE PARTNERSHIPS: THEORY AND PRACTICE IN INTERNATIONAL PERSPECTIVE* 84-85 (2000).

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and other electronic gadgets. Viral campaigns are coveted, and promotions to get as many “hits” as possible are extremely popular. In 2009, a study by the United Nations Office on Drugs and Crime based on information provided by 155 Member States, found that “two out of every five countries covered by the report have yet to convict anyone on trafficking charges.”<sup>100</sup> Even further, while approximately two million people become modern-day slaves each year, “only one victim out of every 100 trafficking cases is rescued, and at present there are 22,500 cases of people being recovered worldwide.”<sup>101</sup> The human rights field as a whole has benefited from the upsurge in technological media advances, but with figures such as those described above, we need to do more.

The Time-Warner subsidiary, and one of the world’s leading news network, CNN, launched the “CNN Freedom Project: Ending Modern-Day Slavery”<sup>102</sup> in March 2011. This project serves to educate, highlight, and raise awareness of the push and pull factors of human trafficking; the forms of trafficking; the extent of this plight; showcase heroes and advocates; provide a forum to promote advocacy; and demonstrate ways to help in the movement to end the trafficking of persons. CNN has committed to shining the spotlight on the horrors of modern-day slavery, and may serve as a model for other media organizations to follow. Tony Maddox, executive vice president and managing director of CNN International shared at the launch of the project that:

It’s our journalism-based assertion that this is the greatest uncovered breaking news story of today, and CNN plans to rip the lid off. The inhumanity of those who trade humans is truly shocking and should be stopped. Our coverage will spotlight not just those responsible, but the many courageous groups and individuals on the frontlines doing

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<sup>100</sup> *Oscar-winning actress named new UN Goodwill Ambassador for human trafficking*, Feb. 12, 2009, U.N. NEWS CENTRE, <http://www.un.org/apps/news/story.asp?NewsID=29890&Cr=human+trafficking&Cr1=slavery> [hereinafter Sorvino].

<sup>101</sup> *Id.*

<sup>102</sup> The CNN Freedom Project, <http://cnnpressroom.blogs.cnn.com/2011/03/07/the-cnn-freedom-project>.

genuinely admirable work.<sup>103</sup>

The media industry involves not just news carriers, but also entertainment and sporting stars serving as ambassadors, who give voices to the often-voiceless victims of human trafficking. The anti-trafficking movement is on-board in identifying ambassadors, but there is still some work to do, especially to encourage the every-day person to be an advocate and ambassador against human trafficking in their own way, within their own communities and networks. The movement is not above using star power to promote awareness and encourage advocacy in the area of human trafficking.<sup>104</sup> These “superstars” have already-established fan bases that can be tapped into to expose the needs and plights of human trafficking victims and survivors, and further increase awareness of the issue.

#### *6. Academic and Educational Institutions*

At the forefront of many civil societies are academic institutions, which serve as learning and informational portals on topical issues. Partnerships can exist in a number of avenues and cross-disciplines within academia. Unlike the roles of the private sector, or other civil society members, the academic community’s role is sometimes primarily research or education based. Whether in the United States, or abroad, educational institutions serve various purposes. Yet, a common theme in many institutions is its role as bridge to the community, serving as a think tank, a clinic or research

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<sup>103</sup> The CNN Freedom Project: Ending Modern-Day Slavery, <http://cnnpressroom.blogs.cnn.com/2011/03/07/the-cnn-freedom-project>, Mar. 7, 2011.

<sup>104</sup> Some of the notable goodwill ambassadors include Academy Award-winning American actress Mira Sorvino, singer Ricky Martin, artist Ross Bleckner, actor Nicolas Cage, actress Julia Ormond, celebrity couple Ashton Kutcher and Demi Moore and Maiti Nepal’s Prabal Gurung. Press Release – Media Advisory, U.N. Office on Drugs and Crime, Demi Moore and Ashton Kutcher to kick off 4 November Launch of UN trust Fund for Victims of Human Trafficking (Nov. 4, 2010), <http://www.unodc.org/documents/human-trafficking/GPA-TF-Moore-Kutcher-UNODC-Media-Advisory-fin.pdf>, and *see* Sorvino, *supra* note 100.



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based facility, or as an incubator of ideas and development. Some institutions have developed curricula and modules focused on human trafficking, specifically structured to address the particular needs of the educational levels that they serve. Other academic communities, including a select number of law schools, host human trafficking clinics; organize symposia, events, conferences, and lectures on the topic of human trafficking; and develop human trafficking academies to train and educate the community on the extent of human trafficking in local communities, and elsewhere.

*C. The Role of NGOs*

Human trafficking strips its victims of rights, dignity, and in some instances, life. Investing in an effective system of victim protection is an integral component in the business of human trafficking. Once a human trafficking victim is identified, the stages of investment in making the victim whole are still yet to follow. Basic considerations for the victim, and in many instances their families, must be addressed, and include “safety planning, secure housing, possibly witness protection, health services, and legal services.”<sup>105</sup> Even further, the victim then has to be reintroduced to the community of a “normal” non-trafficking society, where other services may be required, such as “physical rehabilitation, if needed; culturally appropriate mental health services; and stabilization of legal status.”<sup>106</sup>

Realistically, on a basic level, the mission of an NGO will depend on the type of NGO that exists. The mission of the NGO can also vary based on funding mandates, and/or other grant considerations. Thus, NGOs in the field should be supported through private-public partnerships.<sup>107</sup> This is of paramount importance especially in a financial context where federal laws mandate that

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<sup>105</sup> Franklyn M. Casale, *International Trafficking in Persons: Suggested Responses to a Scourge of Humankind*, 3 INTERCULTURAL HUM. RTS. L. REV. 343, 366 (2008) [hereinafter Casale].

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

NGOs receive federal anti-trafficking funds to adopt an organization-wide policy opposing prostitution and sex trafficking. As previously mentioned, U.S. federal law specifies that “[n]o funds [. . .] may be used to implement any program [. . .] through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution.”<sup>108</sup> Accordingly, NGOs not subject to strict restrictions tied to federal funding, or any type of funding for that matter, can address concerns of their choosing, and thus provide a wider variety of support and services for human trafficking victims.

In addition to a support role, many NGOs in the human rights field are essential whistle-blowers, drawing attention to the injustices and atrocities committed across the globe, and without them, many horrendous human rights violations would be unreported and undetected.

#### *IV. Examples of Investments in the Anti-Trafficking Movement Across the Private Sector*

Today, slavery is illegal in nearly every country. Yet, 600,000 to 2,000,000 people are trafficked across international borders annually and millions more are trafficked within borders.

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<sup>108</sup> TVPRA 2003, *supra* note 59, at 22 U.S.C. §§ 7101-7110. In May 2010, a human rights NGO based in Minnesota declined a \$25,000 donation from Craigslist, the leading online forum for classified advertisements. The NGO’s executive director returned the generous contribution citing, “they [Craigslist] know what’s going on with their site, and they are allowing it to continue. Making contributions doesn’t make up for facilitating human sex trafficking, and it doesn’t begin to repair the damage.” Sharon Schmickle, *Advocates for Human Rights declines donation from Craigslist Fund over sex ads*, May 5, 2010, available at [http://www.minnpost.com/stories/2010/05/05/17923/advocates\\_for\\_human\\_rights\\_declines\\_donation\\_from\\_craigslist\\_fund\\_over\\_sex\\_ads](http://www.minnpost.com/stories/2010/05/05/17923/advocates_for_human_rights_declines_donation_from_craigslist_fund_over_sex_ads). See also Brad Stone, *Sex Ads Seen Adding Revenue to Craigslist*, Apr. 25, 2010, available at <http://www.nytimes.com/2010/04/26/technology/26craigslist.html> (discussing Craigslist’s projected revenue increases and financial success that is “is reviving scrutiny from law-enforcement officials who say the ads are still being used for illegal ends. The ads, many of which blatantly advertise prostitution, are expected to bring \$36 million this year, according to a new projection of Craigslist’s income.”)

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An estimated 27 million people toil under conditions of personal servitude around the world.<sup>109</sup> Human trafficking has become the third-largest source of profits for organized crime, generating billions of dollars each year.<sup>110</sup> Thankfully, throughout the global anti-trafficking fight, examples are emerging of the pertinent roles that the private and civil society sectors can play and contribute, through public-private partnerships.

Fulfilling the *fourth P* of the anti-trafficking principles requires coordination. Easier said than done. A 2009 U.N. report on anti-trafficking efforts revealed that “co-ordination is often lacking among various law enforcement agencies, such as immigration, workplace inspectors and police authorities.”<sup>111</sup> The result of such an important breakdown in coordination efforts can lead to a waste of resources, duplicity and inefficiency in work practices, and “agencies working at cross-purposes.”<sup>112</sup> The lack of coordinated efforts does not exist solely in government agencies, but also involves “law enforcement and criminal justice service providers, on the one hand, and victim service providers, including NGOs on the other.”<sup>113</sup> Despite these coordination hurdles, throughout the globe, examples abound where governments, legislators, faith and community based groups, law enforcement personnel, private sector representatives, numerous advocacy organizations, groups, and institutions have worked on multiple levels to help eradicate human trafficking.

Perhaps, one of the leading examples of public-private partnerships in the United States for anti-trafficking is in the operation of the National Human Trafficking Resource Center (NHTRC), a national, toll free hotline to answer calls and tips on

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<sup>109</sup> The Miami Declaration of Principles on Human Trafficking, 1 INTERCULTURAL HUM. RTS. L. REV. 11 (2006).

<sup>110</sup> *Id.*

<sup>111</sup> U.N. Secretary-General, *Improving the Coordination of Efforts Against Trafficking in Persons: Background Paper* 12 (2009), available at <http://www.un.org/ga/president/63/letters/SGbackgroundpaper.pdf>.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

human trafficking.<sup>114</sup> The NHTRC is organized under the non-profit organization, Polaris Project, and through formal and informal public-private partnerships, the NHTRC relays information to government and service providers to assist victims of human trafficking, whether for prosecution and capture of traffickers, or in the provisions of services.<sup>115</sup> Additionally, one notable example of a civic society partnership is the “Predator Project,” started in the United States.<sup>116</sup> Former Congresswoman Linda Smith<sup>117</sup> developed the “Predator Project” which focused on profiling and punishing those who preyed on and/or profited from exploiting victims of human trafficking.<sup>118</sup> An important factor surrounding this project was the effort involving “local law enforcement, government officials, and the public by disclosure of information.”<sup>119</sup> Notably, this non-profit organization uses the *fourth P* of partnership to supplement its protection efforts by “partnering with local non-government organizations” to boost their capacity to provide aid to victims of trafficking.<sup>120</sup>

Another example of an effective anti-human trafficking partnership involves the private sector and a human trafficking NGO. In 2009, LexisNexis and Polaris Project, one of the largest anti-trafficking organizations, forged a viable public-private partnership to create a comprehensive national database on human trafficking. Both parties applauded the partnership as a much-needed venture.

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<sup>114</sup> The Polaris Project, *available at* <http://www.polarisproject.org>.

<sup>115</sup> *Id.*

<sup>116</sup> Linda Smith, Former Member U.S. Congress and Founder, Shared Hope International, Remarks at the Helsinki Commission Hearing; United States Commission on Security and Cooperation in Europe (Sept. 27, 2006), *available at* [http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewWitness&ContentRecord\\_id=772&ContentType=D&ContentRecordType=D&ParentType=H&CFID=13219371&CFTOKEN=59314632](http://csce.gov/index.cfm?FuseAction=ContentRecords.ViewWitness&ContentRecord_id=772&ContentType=D&ContentRecordType=D&ParentType=H&CFID=13219371&CFTOKEN=59314632).

<sup>117</sup> LINDA SMITH, *FROM CONGRESS TO THE BROTHEL: A JOURNEY OF HOPE, HEALING, AND RESTORATION* 71 (2007) [hereinafter SMITH].

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at 71-72.

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Ambassador Mark Lagon, executive director of Polaris Project affirmed that “[f]ighting human trafficking is all about protection for the victims and accountability for those enslaving them.”<sup>121</sup> Accordingly, with this collaborative project, LexisNexis and Polaris Project are “advancing the Rule of Law in the name of the most disempowered.”<sup>122</sup> Moreover, the concept of corporate social responsibility is at the forefront of many global companies and LexisNexis is no exception. The company’s senior vice president of corporate responsibility shared that LexisNexis was proud of its “public-private partnership with Polaris Project as efforts to end human trafficking hinge on the ability of corporations, governments and NGOs to effectively work together in creative ways . . . We believe this partnership can serve as a model for other business, government, and non-governmental sector partnerships.”<sup>123</sup>

One leading example of public-private partnerships in the agricultural field exists in the cocoa industry. In the early twenty-first century, reports began to emerge of human trafficking and questionable child labor practices in the lucrative chocolate industries. Investigations showed that a significant number of children, predominantly young boys between the ages of twelve and sixteen were trafficked from several northern and western African countries to cocoa harvesting countries, especially Côte d’Ivoire.

The international community, legislators, organizations, trade unions, activists, and the chocolate manufacturing companies took a stand in September 2001, and a basic agreement was formed. The purpose of this agreement, the Harkin-Engel Protocol,<sup>124</sup> widely

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<sup>121</sup> *Polaris Project and LexisNexis Form Public-Private Partnership to Fight Human Trafficking*, BUSINESS WIRE, May 27, 2009 [hereinafter Polaris and LexisNexis].

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*; Polaris and LexisNexis (statement of Elizabeth Rector, Senior Vice-president of Corporate Responsibility for LexisNexis).

<sup>124</sup> For a copy of the Harkin-Engel Protocol, *see* Chocolate Manufacturers Association, Protocol for the growing and processing of cocoa beans and their derivative products in a manner that complies with ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor,” *available at* <http://harkin.senate.gov/documents/pdf/Harkin>

referred to as the Cocoa Protocol, is to address the worst forms of child labor, and forced labor in the production of chocolate. Actions were not just taken by the private sector, but also included continued campaigns led by faith-based communities. One example of this investment by the faith-based community is on the African continent with the Christian Council of Ghana. This group works to enforce provisions of the Human Trafficking Act, 2005 (Act 694) so that the “recruitment of children from Ghana to work in cocoa farms in the Ivory Coast under conditions that may be described as one of the worst forms of child labour may stop.”<sup>125</sup>

The migrant population is another identified vulnerable group in society subject to the unscrupulous whims of traffickers.<sup>126</sup> One organization that has been a stalwart and stellar exemplar of engaging in best practices of anti-trafficking, and migrant workers partnerships is the Coalition of Immokalee Workers (CIW).<sup>127</sup> The CIW is a Florida community-based worker organization, with nationwide student/farmworker alliances comprised largely of

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EngelProtocol.pdf. The Cocoa Protocol was a commitment by chocolate industry groups, government representatives from the U.S. and Côte d’Ivoire, trade union personnel, human rights activists, and organizations. Press Release, Tom Harkin, Senator, Harkin, Engel: Final Report Shows that Work must Continue to Eradicate Child Labor in the Cocoa Supply Chain (Apr. 4, 2011), available at <http://harkin.senate.gov/press/release.cfm?i=332330>. See generally *Child Labor in the Cocoa Sector in Côte d’Ivoire and Ghana*, Tulane Univ., available at <http://www.childlabor-payson.org/harkin-engel.html> (providing a comprehensive listing of the Harkin-Engel Protocol and subsequent official releases related to the Protocol).

<sup>125</sup> RAYMOND A. ATUGUBA, HUMAN RIGHTS AND THE LIMITS OF PUBLIC INTEREST LAW: GHANA’S REACTION TO A MESSY WORLD PHENOMENON (2008).

<sup>126</sup> Dina Francesca Haynes, *Exploitation Nation: The Thin and Grey Legal Lines between Trafficked Persons and Abused Migrant Laborers*, 23 NOTRE DAME J. L. ETHICS & PUB. POL’Y 1, 67 (2009). The author focuses on the specific relationships between migration, labor trafficking and exploitation. The author recommends bringing “labor out of the private sphere and into the public discourse, granting all laborers rights and a voice, [so that] our nation and the economies of the world will [not] continue to thrive on the backs, sweat, and pain of the exploited.”

<sup>127</sup> Coalition of Immokalee Workers, [www.ciw-online.org](http://www.ciw-online.org).

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Latino, Haitian, and Mayan Indian immigrants working low-wage, mostly agricultural jobs throughout the state of Florida.<sup>128</sup> The CIW is a constant resource devoted to uncovering, documenting, and assisting in the federal prosecution of human trafficking cases in the agricultural industry. To achieve success, the CIW has developed close partnerships with federal and local law enforcement, where some CIW workers have gone undercover to assist in investigations. The relationship has been so effective that they have been instrumental in yielding convictions on slavery and related charges in seven federal cases since 1997.<sup>129</sup>

It is important to mention that public-private partnerships are not always positive. One example of a public-private relationship allegedly promoting human trafficking is in the country of Burma. Burma is alleged to engage in the widespread capture and enslavement of individuals by the government and the government military.<sup>130</sup> In one instance, a major project involving a partnership between the Burma government, a U.S. oil company, a French oil company, and a Thai company, partly government-owned is alleged to have “thousands of enslaved workers, including old men, pregnant, and children, [who] are forced at gunpoint to clear land and build a railway next to the pipeline.”<sup>131</sup> If this report is true, the partnerships evident in Burma supporting trafficking are not the envisioned ideal partnerships that we are hoping for. Often, companies involved in international and global mutual investment use slave labor for economic gain.<sup>132</sup> Thus, the interlocking relationship between the *3P* module and partnerships in the private sector is undeniable, and the instances of collaborative efforts and viable partnerships are positive signs.

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<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> BALES, *supra* note 91 at 21.

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

*V. Appraisal and Recommendations*

Reducing the numbers of people susceptible to human trafficking is truly a comprehensive endeavor. Realistically, no country is immune from the far-reaching effects of human trafficking. Many of these countries, governments, organizations, members of the private sector, and civil society have engaged in the anti-trafficking movement in their respective capacities. However, the investment by the traffickers who profit from the sale of others is still too great, and thus matching investments against the traffickers is one way to surge ahead in favor of ending modern-day slavery. To achieve this goal, a bit more of everything is needed: awareness, data, research, tracking, creative tactics, funding, interest, defective laws, enforcement of laws, training, leading back to the *fourth P* of partnerships.

The victims and survivors of modern-day slavery have many faces. They are men and women, adults and children, all denied basic human dignity and freedoms. Victims can be abused in their own countries, or find themselves far from home and vulnerable. Whether they are trapped in forced labor, or sexual exploitation situations, human trafficking victims cannot walk away as they (and sometimes family members) are held in service through force, threats, and fear. All too often, these individuals suffer horrible physical, emotional, and mental abuses, and it can be hard for them to imagine that there might be a place of refuge, or an end to their trafficking and torture. As anti-human trafficking investors, we must join resources to provide safe havens to protect victims, prosecute traffickers, and prevent trafficking from the onset. With improved victim identifications, medical and social services, training for first responders, and increased public awareness – the men, women, and children who have suffered this scourge can overcome the bonds of modern slavery, receive protection and justice, and successfully reclaim their rightful independence.

As any savvy investor, whether in business or in specific social causes such as human trafficking, returns are expected and great dividends are always welcome. My top five investment goals



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with respect to human trafficking are:

Increased awareness of the extent, severity, and forms of human trafficking existing in radii close to our homes, families, and communities,

Increased comprehensive laws by governments, not only criminalizing human trafficking (all forms, and not a select few), but also providing accessible and effective rehabilitative services for survivors,

Increased training for all cross-sectors involved in human trafficking cases, from first presentment to the end, especially law enforcement and the legal community; and for members of the every-day community who can help in identifying factors attributable to human trafficking,

Increased partnerships, regardless of the sector involved - whether public or private, and

Increased reports of steadily declining numbers of human trafficking as the first four investment goals are realized.

Overall, the final recommendation is a simple one. The Mid-Atlantic Slave trade took many years to abolish, aided by the involvement of many parties – the slaves, some owners, government, religious and social groups, and the every-day person. At stake, is the creation of a “world in which every man, woman, and child, is safe from the hands of traffickers and can realize their God-given potential.”<sup>133</sup> This attainable utopia can only be achieved by working with civil society, government and non-government industries, and the corporate sector through private-public partnerships. Reasonably, I foresee that this formal discussion of integrating partnerships, whether public or private, will no longer be necessary, as collaborative efforts will be done automatically to ensure the maximum protection of human trafficking survivors.

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<sup>133</sup> Hilary Rodham Clinton, U.S. Sec’y of State, *in* TIP Report 2010, *supra* note 6, at 1.

*Conclusion*

The question was asked whether, with significant increases in the occurrences of reported human trafficking cases in over 175 countries, the *3P* approach is sufficient. Clearly, it is not, since human trafficking still exists, plaguing and shaming us all. Therefore, we can reasonably conclude that the prevention, protection, and prosecution steps are just pieces of a larger puzzle. All stakeholders now need to invest in the *fourth P* – partnerships, and work together to bring an end to human trafficking in this decade, or as soon as possible. Human trafficking is often a hidden crime; effective private-public partnerships can shed much needed light on the phenomenon and can bring a powerful momentum to the anti-trafficking fight. At the end of it all, through investments in effective *partnerships* – especially public-private partnerships – many hands can indeed make light and quick work to end human trafficking. Some of us readily invest in a myriad of business opportunities, risky or otherwise, daring technological advances, and other concepts, why not invest in ourselves and our fellow human beings – in ultimately promoting the dignity of the human person.