

## HUMAN RIGHTS IN TIME OF GLOBAL ECONOMIC CRISIS AND ITS IMPACT ON TRAFFICKING OF HUMAN BEINGS

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### **Abstract**

*The article focuses on the issue of human rights in times of the global economic crisis and its impact on trafficking of human beings which is a very actual and interesting topic. This article provides an overview on the current and potential implications of the global financial crisis on essential human rights, such as, right to work, right to food, right to an adequate standard of living, the right to social security, right to education and it also highlights various types of obligations of states on protection of its people from the effects of crisis. At the same time, the article analyzes that how the violation of these rights affects the growth and occurrence of human trafficking and which measures can be taken by the states to prevent human trafficking and eliminate the negative impacts of crisis.*

**Keywords:** *Human rights, Global Economy, Economic crisis, Employment, Working conditions, Trafficking of Human Beings, THB.*

Global economic crisis poses a severe threat to the enjoyment of human rights. As the financial crisis has spilled over into the real economy, it has had, as we shall see, devastating effects on lives and livelihoods across the world, especially on the poorest people in the poorest countries, with women and children, migrants and minorities bearing the brunt. The economic crisis threatens the full range of human rights. It threatens not only economic, social and cultural rights, including the right to an adequate standard of living and the rights to health, housing, food and education, but also civil and political rights. [1, p.2] From an economic perspective, the harmful impacts of the crisis on human lives and dignity tend to be seen as tragic but inevitable consequences of unpredictable and uncontrollable market forces. [2]

In modern world, with the process of globalization, development of IT and communication technologies, the increasing power of the internet, the speediness of dissemination of information and data through the social networks, the economic imbalances and the worldwide migration movement coming from the war conflicts and the crises areas, global economic crisis have resulted in increasing the trafficking in human beings, both in perpetrators and victims and in occurrence of new phenomenological forms.

Trafficking in human beings is a human rights violation and a heinous crime. The classical forms of exploitation purposes, which are the sexual exploitation of woman and children, as main target groups that are usually marginalized even before becoming victims of trafficking have new and complex forms of means for recruitment [3]. In parallel, there is a trend of increasing of various forms of trafficking for labor purposes, as well as related crimes, such as domestic servitude, forced marriages, trafficking of human organs, mostly targeted at irregular migrants and misusing their vulnerability, and which forms have escalated in the most severe forms of human exploitation and resulted in revival of the modern slavery. These crimes are difficult for revealing, detecting and securing the evidences that impose more closely national and international cooperation, exchange of evidences, information and intelligence data towards detecting suspicious financial transaction that may be indicative for money laundering and human trafficking.

The international financial crisis and human trafficking has affected many countries, but its effects are different, depending on the conditions of each country, the strengths and weaknesses of local economies and how governments deal with them. The economic crisis has had a devastating effect in the right to work. It was clearly threatened by increasing unemployment in countries which already suffered from very high levels of unemployment and underemployment be-

fore the crisis. It is the world's poor and the marginalized, especially women, children, youth and minorities that are particularly vulnerable to the impact of the economic crisis. They are likely to suffer disproportionately from the increases in poverty, loss of jobs and access to social safety nets and services. [4] The global economic crisis also resulted in job losses due to downsizing or business closures and reduced the number of jobs available for the growing number of unemployed. A lack of decent work opportunities at an early age may permanently compromise the future employment prospects of youth. The relative disadvantage of young workers is even more pronounced in developing countries.

As a result of this process, human traffickers take advantage of the vulnerability of people and exploit them to take material benefits. The traffickers earn profits of roughly \$150 billion a year for the traffickers. The breakdown of profits by sector is as follows: \$99 billion from commercial sexual exploitation, \$34 billion are made in civil construction, manufacturing, mining and utilities, \$9 billion in agriculture, including forestry and fishing, \$8 billion dollars are saved annually by private households that employ domestic workers under conditions of forced labor. [5]

Foreign workers are affected by the crisis as are the rest of the workers, but with some other consequences, the most important being that in the case of sudden unemployment, since they depend on their residence and work permits, they may lose their papers and find themselves in an irregular situation (again). [6, p.44] Migrant workers, already vulnerable to abuse, become further subject to exploitation when they feel their jobs are at risk, including underpayment and nonpayment of wages, as well as physical and sexual abuse. Ordinary workers attempting to form labor unions or complain about working conditions are more at risk of reprisal. Women in all lines of work can expect greater discrimination than usual. [7]

As mentioned, women and girls are especially at risk for several reasons. The reason is that, Trafficking in human beings, when carried out for the purposes of sexual exploitation mainly concerns women, although women can also be trafficked for other purposes. They are the main target group of THB and they are often marginalized even before becoming victims of trafficking. Quite often, they are victims of poverty, unemployment and domestic violence and even sexual abuse in the family. Therefore, measures to protect and promote the rights of women victims of trafficking must take into account this double marginalization, both as women and as victims. Equality must be promoted by supporting specific policies for women, who are more likely to be exposed to practices which qualify as torture or inhuman or degrading treatment (physical violence, rape, genital and sexual mutilation, trafficking for the purpose of sexual exploitation).

At the same time, the crisis and its consequences (unemployment and social unrest) can result in greater violence against women. Women lead in many export industries that have been hardest hit by the global economic crisis. By losing their financial independence women can face sexual violence at home or be fall into sexual exploitation or slavery or other slave-type labor by trafficking. Human trafficking is one of the escalating powers as the economic crisis fuels poverty and unemployment. [8, p.458]

At the 1996 World Food Summit, governments reaffirmed the right to food and committed themselves to half the number of hungry and malnourished from 840 to 420 million by 2015. However, the number has increased over the past years, reaching an infamous record in 2009 of more than 1 billion undernourished people worldwide. Furthermore, the number of people who suffer from hidden hunger - micronutrient deficiencies that may cause stunted bodily and intellectual growth in children - amounts to over 2 billion people worldwide. [9]

The other right is the right to an adequate standard of living. It contains adequate food, clothing, and housing. The percentage of those who do not have adequate food, clothing and housing will go up because of decreasing household incomes. The global economic crisis will increase the number of squatter settlements and slums, which is already a big concern for the population living in slums. Those people suffer from inadequate housing. Global crisis is one of

the reasons why greater poverty, and the hunger that it brings, will threaten the right to health, and even to life, of many of the poor, including even children.

The other important issue is the right to social security which includes the rights of the people to have protection against the risks of sickness, disability, maternity, employment injury, unemployment and old age. As well as, it includes an adequate support both for families and for those without families. Although, they are more needed than ever now, the global economic crisis could further decrease the possibility that countries will create social protection programs and safety nets, and will go on to leave the poor and vulnerable to suffer the effects of the crisis without help.

The next right is the right to education and it may be affected if families do not take their children in school or they are forced to withdraw them from school because they are not able pay school fees or cover other costs, such as materials and clothing, or need their children to work or otherwise help support the family. [10, p.3] The quality of education may be affected by budget cuts. This process will be disproportionately experienced by the poorest and most marginalized in society, including migrants, women and girls and other vulnerable populations.

The global economic crisis may also exacerbate social frustration, as people feel a loss of control over their lives and cannot understand or challenge the reasoning behind policy responses. This risk is heightened where governments do not respect civil and political rights such as the rights to information and to participation in government policy decisions about the crisis and may result in social unrest and violence. [11]

Human rights set out various types of obligations of states. These include the duty to take positive measures to fulfill human rights, as well as the duty to respect human rights (by refraining from deliberate infringement of those rights), and to protect people against abuses of human rights by corporate or other private actors (including by regulating the activities of private actors and ensuring justice and redress to victims of abuses). [12, p.5] While the global economic crisis seriously threatens human rights, at the same time, in their responses to the crisis, governments have the opportunity to increase their commitment to fulfilling their human rights obligations. In the resolution adopted on 23 February 2009, the Human Rights Council stressed that the global economic and financial crises did not diminish the responsibility of national authorities in the realization of human rights. It called upon States, notwithstanding any possible impact of the global economic and financial crises, to respect their human rights obligations and to continue their efforts towards the universal realization and effective enjoyment of all human rights, particularly by assisting the most vulnerable, and in this context urged the international community to support national efforts to, inter alia, establish and preserve social safety nets for the protection of the most vulnerable segments of their societies. The Council reaffirmed that an open, equitable, predictable and non-discriminatory multilateral trading system could substantially stimulate development worldwide, benefiting all countries, particularly developing countries, and thereby contributing to the universal realization and effective enjoyment of all human rights. [13]

States, as primary duty-bearers of human rights obligations, are called on under international law to respect, protect and fulfill human rights as a matter of priority in their public and economic policy. The obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of human rights at home or abroad. The obligation to protect requires States to prevent human rights abuses by third parties - be they individuals, businesses, banks, hedge funds or other non-state actors. It also means States must hold those responsible for human rights abuses to account and ensure accessible and effective remedies and reparations for those adversely affected. The obligation to fulfill requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realization of human rights. This involves using the maximum of available resources to create the conditions under which all people living under their jurisdiction can exercise their full range of economic and social rights. Even during a crisis, governments must do all they can to avert retrogression in

the realization of socioeconomic rights, and governments must immediately avoid discrimination in their economic policy. [14]

Given the seriousness of the crisis that we face, it is crucial that States ensure respect for those rights that are essential for the survival of the poor - including the rights to access to social security, water and sanitation, housing and education. States must also guarantee access to work and they must respect labor rights and ensure decent working conditions". The right to engage in work is a fundamental right protected under Article 15 of the EU Charter for Fundamental Rights. In order to respect and protect this right, steps need to be taken to help people back into work as quickly as possible, particularly given the range of adverse side effects of unemployment on physical and mental health. In this regard, the target set by the European Council in its July 2008 Employment Guidelines, part of the Integrated Guidelines for 2008-2010, was that first "every unemployed person is offered a job, apprenticeship, additional training or other employability measure; in the case of young persons who have left school within no more than 4 months by 2010 and in the case of adults within no more than 12 months", and, second, that "25 % of long-term unemployment should participate by 2010 in an active measure in the form of training, retraining, work practice, or other employability measure, with the aim of achieving the average of the three most advanced Member States." The economic crisis made these targets particularly hard to reach, but also highlighted the need for urgent measures to address rising unemployment. [15, p.21]

Social protection is a fundamental right protected under Article 34 of the EU Charter for Fundamental Rights. In order to respect and adequately protect this right through a downturn, social protection systems should seek to continue to provide support at a satisfactory or adequate level "in accordance with national laws and practices" (Article 34.1), so as to fulfill the requirement of Article 34.3 of the EU Charter of Fundamental Rights for social assistance that can provide a "decent existence".

The rights of the child, which are protected under Article 24 of the EU Charter for Fundamental Rights, can also be affected by the economic crisis. Fiscal consolidation measures may lead to budget cuts in services that are important for children, as well as governmental and non-governmental initiatives in regard to, for example, early childhood development, grants or school fee waivers, but also action targeting the most vulnerable children, such as street-children initiatives, action against child abuse and exploitation, and youth programs to avoid marginalization. EU Member States have tried to maintain the level of social benefits at pre-existing levels prior to the crisis.

States must provide certain programs at the minimum essential level to protect vulnerable parts of society to relieve poverty, hunger and homelessness; and protect budgets for the provision of essential goods and services, including those necessary to prevent maternal and child mortality and ensure the completion of primary school education. Another measure that states can take is adopted and implements certain policies in order to promote non-discrimination regarding most vulnerable rights. These measures mainly include the rights of women, children, migrants, minorities and other groups particularly threatened in this crisis. Also it is made to ensure that economic stimulus packages and economic policies (in countries where they are possible) concentrate on limiting the worst human consequences and prioritize the most vulnerable and marginalized in the distribution of resources; compensate for the disproportionate effects of the crisis on different groups to ensure substantive and formal equality. It also must be noted that the states should respect human rights principles and standards in their policy and outcomes and these policies must be compatible with the international principles such as the principles of participation, transparency, accountability and redress into policy and program responses. Another obligation of states is to refrain from violating civil and political rights, including the rights to freedom of expression, freedom of association and the right to information. States should minimize harms caused by economic measures which mean that they recognize their obligation to meet human rights principles. The last stage is to implement human rights principles into natio-

nal economic policymaking, including establishing processes that are participatory and transparent and instituting mechanisms for accountability and redress.

And donor governments must not use the economic crisis as an excuse for reducing international assistance, and that those most responsible for the crisis have a special responsibility to support policy decisions that do not only aim to alleviate adverse effects of the economic crisis, but are founded in human rights principles.

Complexity of the Trafficking in Human Beings (THB) requires different approaches that include holistic, human rights and gender- based approach to victim protection and assistance, increase of successful prosecutions, adequate sentencing of the perpetrators, and ensuring proper and timely compensating of the victims, but in parallel to increase of successful prosecutions, adequate sentencing of the perpetrators and to integrate the fight against trafficking into the broader efforts against transnational organized crime.

Member States are encouraged to continue strengthening and prioritizing their efforts to implement comprehensive policies to combat trafficking in persons and smuggling of migrants while ensuring the rights of trafficked victims and of smuggled migrants are strengthened in the context of wider development policies. Special vulnerabilities of child and women migrants need to be given due attention. Monitoring and research of the effects of the crisis on vulnerability would need to be carried out on a systematic basis.

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