

CONCEPTUALIZATION OF TRAFFICKING IN HUMAN BEINGS AS A GLOBAL PROBLEM

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Annotation. *The growing scale of the problem of human trafficking in the late twentieth - early twenty-first century. Although the study of combating trafficking in human beings, given its importance in the regional and global dimensions, is of considerable interest to scholars, the conceptual analysis of international policy frameworks and institutional mechanisms to combat the problem has not yet become the focus of political discourse. Scientists are mostly interested in certain aspects of the problem. In domestic scientific opinion, the problem of combating trafficking in human beings is mostly considered through the prism of criminal law and criminology. Therefore, the study of conceptual principles and institutional mechanisms to combat the global problem of human trafficking is an important area for political science.*

Keywords: *human trafficking, conceptual principles and institutional mechanisms for combating human trafficking, state policy in the field of combating human trafficking, National Institutional Mechanism.*

Formulation of the problem. Trafficking in human beings is an indisputable reality of the XXI century. It is a ruthless machine that is expanding more and more in global coordinates as it brings huge profits. Trafficking in human beings is one of the most serious violations of fundamental human rights, a serious crime committed in most cases by organized criminal groups. This problem is interstate in nature and has been at the center of discussions at the international level for more than a century.

Today, this phenomenon, despite the significant damage it causes not only to individuals but also to entire states, as a scientific problem is considered in world political thought mainly not in international politics, and not as a global problem that negatively affects the social order, economic and political stability of many states and entire international regions, and mainly at the national-state level of individual states in the context of law and order, health care and social security [1 - 5].

However, the problem of human trafficking at the global level has, of course, gone beyond the traditional social, criminological, legal, economic and medical issues, increasingly penetrating the sphere of international politics and becoming an urgent problem of bilateral and multilateral interstate relations. Traditional, legal and criminological analysis of the problem of human trafficking as a crime has failed to explain the true nature of such a complex, multifaceted phenomenon. Therefore, simplification, schematization of the causes, manifestations, features and consequences of human trafficking are the cause of significant shortcomings of many studies.

The aim of the article is to study the conceptual foundations and institutional mechanisms of combating human trafficking as one of the global problems of mankind.

Presenting main material. V. Glushkov, G. Kokhan, O. Removska, V. Rymarenko studied human trafficking as a modern form of slavery in domestic science from the standpoint of sociology, demography, and migration processes. [2, 3, 4] Therefore, today human trafficking is understood as a complex problem that combines a number of different factors. It is closely linked to other global problems, namely the intensification of uncontrolled migration processes, transnational crime, and the presence of a wide range of social problems. In particular, the complication of the demographic crisis.

Researcher G. Kohan, studying international legal cooperation in the fight against slavery and the slave trade, argues that the concept of "slavery" is compatible, generic with the concepts of "human trafficking" and "enslavement" [4, pp. 30-76]. This is the concept adopted by international organizations. According to it, trafficking in human beings is "the purpose of exploiting, transporting, transferring, concealing or obtaining persons by threatening or using force, or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or by bribery. in the form of payments or benefits, to obtain the consent of a person who controls another person. " In support of this approach, the UN High Commissioner for Human Rights recommended the use of the essentially neutral term "trafficking in human beings" and the broad concept of the slave trade, which would include all forms of forced labor.

Confirmation that human trafficking is a modern form of slavery is also a legal analysis of the very fact of illegal encroachment on human will, which is present in both cases. From a legal point of view, slavery is the status or position of a person to whom some or all of the acts inherent in property rights are applied. [13] The view that trafficking in human beings has all the hallmarks of slavery, although from a legal point of view it is a crime different from slavery, is shared by L. Lederer, a representative of J. Hopkins University (Washington) and L. Francois in "Prostitution ohne Grenzen"(Prostitution without borders). [13].

The process of transforming slavery into human trafficking took place along with historical changes, the evolution of human civilization and globalization. This is a kind of time challenge posed by history and globalization. This process is vividly described in S. Yu. Abramova's book "Four Centuries of the Slave Trade", as well as in L. Sergeeva's study "Historical Excursion to Human Trafficking: State-Legal Aspect". [53, C.125-130].

Today, everyone knows that human trafficking is the latest global problem of humanity. However, this generally accepted statement was preceded by lengthy research and the development of various classifications that would most accurately identify the location of each global problem and human trafficking in particular.

With the internationalization of production, economic and social progress increasingly depends on global problems. Their emergence of problems is an obvious manifestation of globalization, which takes place in a conflicting, contradictory form. Global problems of today are the challenges facing humanity in the second half of the XX century.

Global issues have become the subject of research for many sciences, such as the world economy, sociology, law, biology, geography, ecology, etc., and the subject of scientific

debate. Scholars link the historical development of global problems with the gradual development of society. The peculiarity of global problems is their interdependence and interdependence. Trafficking in human beings, in particular, is closely linked to global issues such as resource security, poverty, health, spirituality, democracy, organized crime, uncontrolled migration, the complexity of the demographic and educational crisis, and a number of other global human problems. The problem of human trafficking has direct links with all groups of global problems, except the group of environmental problems, but the connection with them goes through other problems [1 - 5].

The UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings of 2000 at the international level demonstrated the existence of this problem as a modern form of slavery. In the early 80's of the twentieth century. Trafficking in human beings, as well as international terrorism, drug and arms trafficking (also known as mild security threats) are among the latest global (in particular, inter-social) problems. The basis for developing such an approach was the perception of scientists of the world as a socio-ecosystem.

Many researchers, in particular, A. Matsko, I. Lukashuk, A. Naumov, justify the need to separate the concept of slavery from the concept of human trafficking. Other scholars, such as J. Rassam, K. Stirman, D. Cagill, and L. Lederer, oppose this approach and argue that human trafficking is a modern form of slavery. Their allegations are based on the practice of keeping victims of human trafficking in slavery, as it is more financially advantageous for criminals. Researcher G. Kohan, studying international legal cooperation in the fight against slavery and the slave trade, argues that the concept of "slavery" is compatible, generic with the concepts of "human trafficking" and "enslavement" [4].

It is this concept that we follow in our study, and believe that human trafficking is a modern manifestation of slavery. Given the existing approaches to the definition of human trafficking and slavery, we can say that the difference between the two concepts is only in the attitude during specific historical periods to human trafficking [1 - 5].

Modern human trafficking is a complex process in which victims go through a number of different stages (recruitment, transportation, exploitation and disposal), possible in any country. The human trafficking process can be supported by legal organizations or private entrepreneurs who cooperate with business structures involved in human trafficking. Depending on the purpose, there are the following types of human trafficking:

- 1) trafficking in women and children for the purpose of using them for the production of pornographic materials or prostitution;
- 2) trafficking in human beings for the purpose of exploiting their labor;
- 3) trafficking in human beings for the purpose of involvement in debt bondage;
- 4) trafficking in human beings for the purpose of use in armed conflicts;
- 5) trade for the purpose of involvement in criminal activity;
- 6) trafficking in children for the purpose of adoption (adoption) for commercial purposes;

- 7) trafficking in human beings for the purpose of removing organs;
- 8) trafficking in human beings for the purpose of conducting experiments on a person without his consent;
- 9) forced pregnancy.

Depending on the method of coercion, illegal exploitation of people is divided into: physical coercion with the use of violence or with the use of powerful drugs, alcohol, drugs; economic coercion in the form of debt bondage or other material dependence; mental coercion through blackmail, deception, misleading or threatening to use violence; legal dependence in connection with adoption or guardianship or in connection with marriage without the purpose of starting a family; slavery or conditions similar to slavery [4, 5].

- According to the content of the activity of victims of human trafficking, criminal exploitation is divided into the following types: exploitation of labor in the sphere of everyday life; exploitation of labor in the field of production, agricultural work; exploitation in the sphere of criminal business (participation in armed formations, in the sphere of production of illegal products); exploitation of a person for the purpose of committing acts of a sexual nature; use of human physiological parameters for organ and tissue transplantation; use of women as surrogate mothers. There are the following systems of human trafficking: Albanian, Nigerian, Eastern, Latin American, Chinese and Asian. This problem is extremely relevant in the following regions: Central and South America, Central and West Africa, the Gulf of Guinea, North America, Southeast Asia. The problem of European and CIS countries has not escaped.

- Trafficking in human beings, depending on the region, has the following features [2]:

- in Central and South America and West and Central Africa, children and young women are trafficked within one country or sold abroad, where they work mainly in the domestic service or sex industry;

- men are mostly trafficked in South America and sold abroad for work in remote rural areas, in agriculture;

- South Asia is a region of transit and destination for victims of all ages. Their work is used in carpet and clothing factories, for street trade, for begging, on construction and tea plantations, in industrial production (for example, in brick factories);

- in the Middle East and North Africa, girls, women, forced to work in domestic services, and men of Asian descent are trafficked and used as construction workers;

- flows of victims of trafficking to Western Europe from Eastern Europe and Asia (often crossing the borders of Eastern Europe) consist of women and girls working in the sex industry and men and women sold for exploitation in agriculture and construction;

- Victims from Central Asia and the Caucasus are exploited mainly in the construction and agricultural (cotton) sectors, with Russia being one of the main destinations.

In addition, the transit region is considered to be Central and East Asia; - In China, many young women and girls are victims of labor and sexual exploitation as a result of mass internal rural to urban areas. Many Chinese are smuggled and sold to ethnic business enclaves in Europe and North America to work in restaurants and home services [2, 4].

Mechanisms implemented at the international level are considered to be the most effective, as global problems also require global solutions. To do this, it is necessary to expand international cooperation and coordinate the efforts of all mankind. There is a need to improve the global institutional mechanism for combating global problems, which means the set of links between formal and informal institutions, as well as organizations that promote the principles of combating trafficking in human beings, the principles of democratic governance and sustainable development; ensure the coordination and adjustment of the interests of various social groups, coordination of activities to combat trafficking in human beings. Even before the establishment of the UN, a number of conventions aimed at ending slavery and trafficking in women were adopted [3 - 5].

Today, the governments of many countries and the international community in general are interested in solving and overcoming the problem. The phenomenon of trafficking in human beings was first declared at the international level at the International Congress on Combating Trafficking in Women in London in 1899. and punishment for it, which complements the UN Convention.

At the present stage, the fight against human trafficking takes place at all levels: global (UN and its structures, INTERPOL), regional (OSCE, Council of Europe, EU), and state (state countermeasures). The cooperation of international organizations in combating human trafficking is coordinated by the UN. The Council of Europe's activities in the field of prevention of trafficking in human beings are mainly of a recommendatory nature. The current EU Institutional Mechanism for Combating Trafficking in Human Beings is a system of EU bodies, as well as acts adopted by these bodies. It is designed to realize the values of the EU, to pursue its goals, to serve its interests, as well as the interests of its citizens and Member States, to ensure the consistency, effectiveness and continuity of its policies and actions (Article 13 TEU).

The EU institutional mechanism for combating trafficking in human beings has a complex structure, its organizational structure is based on the European Parliament, the European Council, the Council, the Commission, the European Anti-Trafficking Coordinator, the EU Expert Group on Trafficking in Human Beings, Europol, Eurojust, the European Judicial Network and Eurojust. . The EU has significantly stepped up its activities in the field of prevention of human trafficking. The integration processes taking place in the EU encourage its institutions to focus their efforts on developing effective mechanisms to prevent and combat trafficking in human beings, as well as to create a positive climate for in-depth study of this problem [1 - 5].

Signed on 13 December 2007, the Lisbon Treaty on the Principles of the Functioning of the European Union contains important new provisions that strengthen the EU in the fight against international cross-border crime and, in particular, trafficking in human beings. makes initiatives in this area. The activities of non-governmental organizations and the media as channels through which society receives information about the problem are effective in combating human trafficking.

In general, the global anti-trafficking mechanism is of fundamental political importance. Attempts by individual countries to combat human trafficking on their own

are ineffective without a coordinated international effort. As the problem has reached a global scale, all countries involved must work together in a concerted effort. After all, the current counteraction mechanism has many shortcomings. In addition to the imperfection of the legal framework for combating trafficking in human beings, and in some countries - its complete absence, there are several international political factors of low efficiency of the anti-trafficking mechanism.

It was found that no unified approach to solving the problem has been developed at the international level. We consider interstate cooperation to be insufficiently effective, first of all in relation to the protection of victims. Joint activities (for example, between the police of Poland and Germany, Austria and the Czech Republic) are mostly based on personal connections. Efforts are not coordinated at either the global or national levels. Only a few countries have interagency bodies that make recommendations for changes in existing legislation, as well as coordinate between law enforcement, migration, employment, social services and foreign ministries.

The activities of non-governmental organizations and the media, through which society receives relevant information, are effective in combating human trafficking. However, public awareness of the problem of human trafficking is still low. The extradition programs and procedures for the extradition of victims of trafficking in human beings require coordinated action, as today the case is mostly completed by their arrest and deportation. There is a lack of skilled workers in the system of law enforcement agencies, migration services and other institutions, which are responsible for combating trafficking in human beings and providing assistance to victims of this crime.

So human trafficking is a global phenomenon that has reached our country as well. Trafficking in human beings has existed on the territory of Ukraine since ancient times, from the times when Ukrainian lands were exhausted by Mongol-Tatar raids. During the XV - XVII centuries. Ukrainians were the main commodity in the Turkish slave markets in the Crimea. The current problem of human trafficking in Ukraine is significantly different from that of the past. The current circumstances that cause human trafficking in Ukraine are: the difficult socio-economic situation in the country; low moral level of the population; inconsistency of the legislation of Ukraine with the provisions of international legal norms; imperfection of the mechanism of registration of documents for departure abroad; provocative behavior of victims.

The National Institutional Mechanism for Combating Trafficking in Human Beings includes the Ministry of Social Policy, the Interdepartmental Council on Family, Gender Equality, Demographic Development and Combating Trafficking in Human Beings, the Expert Working Group on Prevention of Domestic Violence and Combating Trafficking in Human Beings, Regional Councils, Ministry Of Ukraine for Family, Youth and Sports, State Social Service for Family, Children and Youth, State Department for Adoption and Protection of the Rights of the Child, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, General Prosecutor's Office of Ukraine, Supreme Court of Ukraine and the judiciary, the State Employment Service of Ukraine, educational institutions and bodies of education. Each of the above institutions in its activities implements

appropriate tools to combat trafficking in human beings. These are various forums, decisions, programs, regulations, strategies, seminars, etc. 178 The problem of human trafficking does not exist in isolation from other threats to national security and national interests in the domestic and foreign policy spheres.

Today, Ukraine is experiencing serious political, social and economic problems that have negative consequences for combating human trafficking. The current situation in Ukraine, given the annexation of Crimea by the Russian Federation and the ongoing armed conflict in the East, remains volatile. The negative effects of the current crisis in Ukraine on anti-trafficking activities are the growing number of internal migrants, including women, children and people with disabilities, who are vulnerable to trafficking.

The media report on the rape of women and girls, the forcing of civilians, especially men, to join illegal military formations, the exploitation of their labor at checkpoints, the removal and illegal transplantation of human organs. Ukraine (both internationally and nationally) takes a multi-vector approach to combating trafficking. As a rule, this is manifested in a combination of strategies to combat trafficking in women as such, to combat illegal migration and to combat international organized crime. However, reports of international organizations, observations of experts give grounds to recognize the effectiveness of combating human trafficking in Ukraine as low. In particular, due to the inefficient work of the judiciary, and the unsatisfactory state of assistance to victims of trafficking.

Given that human trafficking is a global international problem, it cannot be solved by one state alone, and both governmental and non-governmental organizations must join in finding effective ways to combat this phenomenon. Anti-trafficking is understood as a system of measures aimed at combating trafficking in human beings by preventing and combating it and providing assistance and protection to victims of this crime.

Conclusions. In view of this, the conceptual framework for combating it serves as a basis for measures to combat trafficking in human beings. In outlining the conceptual framework for combating trafficking in human beings, the UN Protocol to Prevent and Suppress Trafficking in Human Beings is basic, and the principles set out in it are grouped into three blocks: prevention of and fight against trafficking in human beings; protection and assistance to victims of trafficking; encouraging cooperation between States Parties. It should be noted that the concept of "conceptual principles of anti-trafficking policy" is used in relation to an individual state.

The Law of Ukraine on Combating Trafficking in Human Beings defines the following principles: - prevention of trafficking in human beings by raising public awareness, preventive work, reducing the level of vulnerability of the population, overcoming demand; - combating crime related to trafficking in human beings by identifying crimes of trafficking in human beings, persons involved in the commission of a crime, bringing them to justice; - providing assistance and protection to victims of trafficking in human beings by improving the system of restoration of their rights, providing a range of services, introducing a mechanism for cooperation of actors in the field of combating trafficking in human beings. international organizations.

Thus, today the international community is faced with the challenge of combating human trafficking as a global problem of today, which creates transnational threats that need to be addressed within a comprehensive, coordinated mechanism of cooperation between government agencies, NGOs and international organizations. This mechanism should combine a system of measures such as the prevention or prevention of trafficking in human beings; protection of victims and witnesses, prosecution of criminals; punishment and criminal liability for such activities; partnership and cooperation at all levels - from local to global.

References:

1. Izrail peretvoryvsia na svitovyi tsentr torhivli liudmy [Elektronnyi resurs]. – Rezhym dostupu: <http://www.kavkazcenter.com/ukr/content/2007/11/09/2154.shtml>
2. Kontsepsiia Derzhavnoi sotsialnoi prohramy protydii torhivli liudmy na period do 2020 roku [Elektronnyi resurs] – Rezhym dostupu : <http://www.kmu.gou.ua/control/uk/cardnpd?docid=248548935>.
3. Kostiuchek M.F. Stanovlennia ta rozvytok mizhnarodnoi systemy protydii torhivli liudmy / M. F. Kostiuchek // Visnyk LNU imeni Tarasa Shevchenka. – 2010. – № 9 (196). – S. 27–28.
4. Kokhan H. Mizhnarodno-pravove spivrobotnytstvo v borotbi z rabstvom i rabotorhivleiu : dys. ... kand. yuryd. nauk : 12.00.11 / H. Kokhan. - Kh., 2002. – 176 s.
5. Kraievska O.A. Mihnratsiina polityka Yevropeiskoho Soiuzu: polityko-pravovyi aspekt / O.A. Kraievska // Hrani. – 2011. – № 5 (79). – Veresen-zhovten. – S. 143 – 147.