A Review of *Trafficking in Human Beings: Modern Slavery* by Silvia Scarpa*

*New York: Oxford University Press, 2008*

*Trafficking in Human Beings Modern Slavery* is a PhD thesis defended within the Faculty of Political Science of the Sant’Anna School of Advanced Study, an institution associated with the University of Pisa, Italy; Silvia Scarpa is now Lecturer in International Law at Tuscia University of Viterbo and Research Fellow at the Sant’Anna School.

*Trafficking in Human Beings: Modern Slavery* is a doctrinal study of the contemporary legal and institutional responses to human trafficking manifest in international protection standards for victims. The first chapter considers the definition of trafficking in persons; the second and third chapters, the response to trafficking by the United Nations and other intergovernmental organisations such as the UN High Commissioners for Refugees and the International Labour Organisation. The final two chapters, investigate the regional response to trafficking in Europe by examining the work of the Council of Europe and the European Union.

The thesis of *Trafficking in Human Beings* fundamentally fails to hold and shifts throughout. The author first states that trafficking is a ‘slavery-like practice’; then goes on to argue that trafficking in persons is a ‘new form of slavery’; later that trafficking equates to the slave trade; and finally moves to say that trafficking in persons amounts to slavery when it meets the definitional criteria of slavery. As a result, the thesis finally settles on the premise which is tantamount to saying: corporal punishment is torture (when it amounts to torture) or driving a car is terrorism (when it is packed with explosives and used in a terrorist attack).

In her introduction, Scarpa spells out the thesis of *Trafficking in Human Beings: Modern Slavery:*

While slavery and the slave trade were abolished long ago, new and more subtle forms of slavery-like practices are alarmingly on the rise in many

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parts of the world. Among them, in the last decades the international community has focused its attention on trafficking in persons, which must be one of the most worrying phenomena of the XXI century. This book reviews this crime in all its complexity and discusses the many and varied international responses to it since it first appeared as an issue of international concern. Many efforts have been made to fight against trafficking in persons; however, some gaps need to be filled and improvements to the international protection standards of trafficking victims need to be made [at 1].

In more simplified terms, Scarpa’s first chapter starts, “This chapter aims to review trafficking in persons as a slavery-like practice of our time” (at 3). The notion of ‘slavery-like practice’ is not defined by Scarpa, nor does it have much currency internationally, as it is not used in any substantive way, bar one instance, where during the 1990s, the United Nation Sub-Commission on Prevention of Discrimination and Protection of Minorities had a ‘Special Rapporteur on Systematic Rape, Sexual Slavery and Slavery-like Practices’. Where Scarpa, picks up the term, is from Weissbrodt and Anti-Slavery International’s 2002, *Abolishing Slavery and its Contemporary Forms*, a study prepared for the former UN Working Group on Contemporary Forms of Slavery, which uses the term ‘slavery-like practices’ to consider not only forms of servitude, but also sex tourism, mail-order brides, apartheid, colonialism, and incest.¹

Instead of providing a definition of the term, Scarpa gives examples of ‘slavery-like practices’, juxtaposing them with ‘traditional or chattel slavery’ saying that in “the last decades, […] the existence of a variety of new slavery-like practices has been proved [sic] as well; among the latter there are: forced labour, the bonded labour/debt bondage practice, forced prostitution and sex slavery, the worst forms of child labour, trafficking in persons, and early and forced marriage” (at 4). It is not clear why Scarpa has chosen these types of exploitation as, though she cites Weissbrodt, she fails to mention the other forms which are discussed in his study, nor does she go on to consider each of these so-called ‘slavery-like practices’. Instead, she is content to turn to ‘trafficking in persons’, not as a new ‘slavery-like practice’, but now as a ‘new form of slavery’ (at 4).

Her approach, rather than clarifying, confuses. In law, slavery is defined by the 1926 Slavery Convention as the ‘status or condition of a person over whom

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