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10. HUMAN TRAFFICKING IN THE CARIBBEAN AND THE HUMAN RIGHTS OF MIGRANTS

Elizabeth Thomas-Hope

I. INTRODUCTION

Within the overall global context of current migration trends, the Caribbean demonstrates the particular ways in which globalization and international capital impacts upon human migration. International capital has always played an important role in the movement of Caribbean people.

With a high propensity for movement away from the sugar plantation systems of the islands after Emancipation during the nineteenth century, and with opportunities for migration in the sugar and industrial activities in the wider Caribbean based on North American and European capital investments, significant movements took place to those locations as well as to the metropolises themselves. People moved readily, even though they often engaged in work similar to that in which they had been engaged prior to migrating. Caribbean populations became and remained highly mobile and, by the middle of the twentieth century, a culture had evolved in which migration had become the acknowledged means not only of expanding the opportunities of limited island environments, but also the means relied upon to circumvent virtually any negative circumstance that existed in the home country.

Such a strong culture of migration developed in the Caribbean that the propensity for movement continued throughout the twentieth century and down to the present times. People have been prepared to move whenever and wherever opportunities have arisen. Within this general context, and especially in those Caribbean countries which continue to experience high levels of poverty, many sectors of the population have remained available or ready to seek out migration opportunities, whether these occur within or outside the legal immigration framework. This renders them highly vulnerable to the risk of being misled by false information regarding the means of migrating, as well as the nature and conditions of work abroad.

II. CARIBBEAN ISSUES WITH REGARD TO THE RIGHTS OF MIGRANTS AND TRAFFICKING IN PERSONS

The groups of migrants currently causing concern in the Caribbean within the context of trafficking and human rights are:

- Irregular Migrants, including those women and girls who are the subjects of trafficking to destinations as commercial sex workers.
- ‘Deportees’, including regular and irregular migrants involuntarily repatriated to the Caribbean (termed) following a conviction of criminal or civil offense.

III. IRREGULAR MIGRANTS

Wherever irregular movements occur, the migrants are at risk of abuse from various agents. These include the official agents of the state and employers at the destinations, as well as the many migra-

tion operators and traffickers that are active at every stage of the migration process.

The current sources of irregular migration are chiefly the countries with persistently low economic levels and large disparities in the distribution of wealth. In addition, proximity to the United States makes Caribbean countries strategic transit points both for the international narcotics trade and also for irregular migrants en route to the United States from locations within and outside of the region.

Irregular flows include:

- Those movements that take place illegally across borders, including asylum seekers who are not deemed to be ‘genuine refugees’.¹
- Those who enter legally but over-extend their stay beyond the limits of their visas.
- Persons whose residency or citizenship status is altered through changes in the laws and regulations governing the criteria for legal status.

Irregular migration with regard to the Caribbean includes a number of different types of movement. One is the illegal entry into the Caribbean of persons from other regions. Such immigrants are chiefly from China, entering Caribbean countries with the intention of moving on to the United States. A second type of irregular migrant leaves from Caribbean countries direct to destinations outside of the region, mainly the United States, Canada and countries in Europe. Finally, a third type of irregular migrant originates in the Caribbean and moves to other locations within the region itself. Thus irregular migrations affecting the Caribbean

¹ Castles and Miller, 1998, p. 289.

are both immigrant and emigrant, and both intra- and extra-regional in terms of sources and destinations.²

Currently, the main issue relating to irregular migration in the Caribbean, chiefly on account of the great volume of flow, are those migrants attempting to enter the U.S. or another Caribbean country as a transit point, by boat. The boats are undocumented and in many cases operated by smuggling rings. Large boats are usually used if travel direct to the U.S. is intended, but to reduce the risk of being observed and intercepted by the U.S. Coastguard, small boats are used for the final leg of the journey — usually from one of the islands of the Bahamian or Turks and Caicos archipelagos. Much smaller numbers of Haitians and Cubans travel by sea to Jamaica or Cayman and attempt to move on later to the U.S. Likewise, in the southern Caribbean, there are movements chiefly from Guyana, of persons who transit through Trinidad and Tobago intending to move on to the United States.

The volume of the movements of irregular migrants is not known but indication is given by the large numbers interdicted at sea or apprehended after landing. The data demonstrate the dominance of Haitians in the overall numbers of irregular migrants from 1982 to 1994. Thereafter, there was a dramatic increase in persons interdicted from the Dominican Republic and they greatly exceeded those of the Haitians from 1990 to 1997 (Table 1).

Between 1991 and 1994 the numbers of Cubans interdicted were also much higher than were previously recorded. The Ministry of Foreign Affairs of the Bahamas and the authorities in the Turks and Caicos Islands also record the numbers of irregular migrants apprehended by their security forces. The former reported that 4 879 Haitians were apprehended in 2000, this increased to

² Elizabeth Thomas-Hope, “Irregular Migration and Asylum Seekers in the Caribbean”, *Paper for the UNU/WIDER Conference on Poverty, International Migration and Asylum*, Helsinki, 27-28, September, 2002.

6 253 in 2001, while for the first eight months of this current year, 4 077 Haitians have been detained.³

Currently, the main issue relating to irregular migration in the Caribbean, chiefly on account of the great volume of flow, are those migrants attempting to enter the US or another Caribbean country as a transit point, by boat. The boats are undocumented and in many cases operated by smuggling rings. Large boats are usually used if travel direct to the US is intended, but to reduce the risk of being observed and intercepted by the US Coastguard, small boats are used for the final leg of the journey — usually from one of the islands of the Bahamian or Turks and Caicos archipelagos. Much smaller numbers of Haitians and Cubans travel by sea to Jamaica or Cayman and attempt to move on later to the U.S. Likewise, in the southern Caribbean, there are movements chiefly from Guyana, of persons who transit through Trinidad and Tobago intending to move on to the United States.

On the basis that Haitians do not meet the criteria for being considered refugees, in 1992 President Bush issued Executive Order 12 807 directing the Coast Guard to enforce the suspension of the entry of undocumented migrants by interdicting them at sea, and returning them to their country of origin or departure. (Alien Migration Interdiction, updated January 2002). In 1993, Operation Able Manner was launched. The approach was to concentrate Coastguard patrols in the Windward Passage (between Haiti and Cuba) in order to interdict Haitian migrants. This continued until there was a new government in Haiti in 1994. In that year, the Coastguard was involved in a massive operation responding to the movements first from Haiti and then Cuba. Over 63 000 migrants were interdicted. At its height, the Operation involved 17 US Coastguard vessels patrolling the coast of Haiti while Op-

³ Bahamian Ministry of Foreign Affairs, unpublished data, 2002.

Table 1. Migrants Interdicted at Sea Calendar Year 1982-1991

<i>Countries</i>	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
Haiti	193	762	2 942	2 411	3 388	3 541	4 614	3 737	1 124	10 087
Dominican Republic	0	76	146	123	166	71	400	701	1 246	1 455
Cuba	0	47	23	37	27	44	63	368	430	1 936
People's Republic of China	0	0	0	12	11	0	0	5	0	138
Mexico	0	2	0	1	1	11	30	1	0	0
Ecuador	0	0	0	0	0	0	0	0	0	0
Other	5	37	177	74	38	13	5	95	58	174
Total	198	924	3 288	2 658	3 631	3 680	5 112	4 907	2 858	13 790

Migrants Interdicted at Sea Calendar Year 1992-2002

<i>Countries</i>	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Haiti	31 438	2 404	25 069	2 336	733	774	1 437	480	1 394	1 956	628
Dominican Republic	436	600	810	4 047	5 430	1 143	831	531	781	279	53
Cuba	2 336	3 687	37 191	617	391	394	1 118	1 463	928	777	419
People's Republic of China	181	2 511	353	447	189	112	212	1 351	2	64	69
Mexico	0	0	0	0	0	0	57	166	37	7	32
Ecuador	0	0	0	2	0	0	0	513	1 029	1 020	1 377
Other	48	58	3	51	37	28	42	19	46	33	43
Total	34 439	9 260	6 3426	7 500	6 780	2 451	3 697	4 523	4 217	4 136	2 621

eration Able Vigil involved 38 Coastguard vessels patrolling the Straits of Florida.

The US response to the refugee crisis in the region has been the most visible, but the rest of the Caribbean has responded in a similarly negative way within their various capabilities. The US Coastguard assists by interdicting migrants in the territorial waters of Caribbean sovereign states (as agreed under the terms of the Ship Rider Agreement).⁴ In particular, the Bahamas and the Turks and Caicos Islands, which are the principal Caribbean destinations of Haitian irregular migrants, offer no asylum. The authorities of these countries, the former an independent state, the latter, a Dependent Territory of the United Kingdom, interdict those that they can at sea, round-up in police raids those that they can on land, detain and later repatriate them.

IV. THE STATUS OF IRREGULAR MIGRANTS AND THE NEXT GENERATION

The status of migrants is largely determined by the mode of entry and policies relating to asylum, residency and citizenship. As a consequence of changes in laws and regulations governing citizenship and rights to work and residence, the status of persons can suddenly change without the individual departing or entering the country. Usually persons obtain citizenship in the country in which they were born, but this varies from one country to another based on the regulations governing the rights of either a father or mother

⁴ Ship Rider Agreement was a series of bilateral treaties signed in 1996-97 between the US and various Caribbean governments (including Jamaica, Trinidad and Tobago, Barbados, British Virgin Islands), which permitted the US to stop and search ships in the territorial waters of those Caribbean states in order to fight drug trafficking.

to transfer citizenship to their children. The problem of stateless children has arisen in recent years in some Caribbean territories.

Irregular migrants may regularise their residency in a country in various ways including: application for and receiving asylum; being granted a work permit; and obtaining rights to apply for citizenship through marriage with a national.

These regulations can be changed at any time by the host government. Work permits and their annual renewal can cost quite significant amounts of money in relation to the low level jobs that irregular migrants have. Furthermore, there is no transparency in the process so that work permits can be denied on any grounds without recourse to impartial investigation. Citizenship status likewise, once applied for can be denied or finally granted after a protracted period of several years.

V. HUMAN RIGHTS OF THE MIGRANTS

The irregular migrants find themselves in situations in which they become victims of both physical and emotional abuse. In all respects the migrants are highly vulnerable to the risk of official sanction (deportation or detention) as well as the risk of extortion and violence at the hands of the smugglers and other agents of the movement with whom they enter into negotiations. Opportunists prey upon the vulnerable migrants, transporting them in ill-equipped vessels, and to locations that are neither safe havens nor necessarily even the countries that the migrants believe them to be. Besides, the circumstance of Haitians has not permitted them to be considered eligible for refugee status.

The illegality of the migrants' presence at a destination inevitably contributes to poor or non-access to services, in particular medical services. Illegal migrants 'live rough' under conditions without proper sanitation or clean water and adequate food. The

conditions under which illegal migrants must live lead to increased health risks among the group especially with regard to infectious and sexually transmitted diseases. Furthermore, the knowledge that an immigrant seeking a work permit would be deported if found to be infected with HIV, tuberculosis or any other disease, serves to drive such persons 'underground'. They therefore remain untreated and likely to pose an even greater health risk in the society than if the matter were to be dealt with openly. The living conditions of the irregular migrants at their destination usually results in their becoming the victims of negative societal images and this contributes to the further development of the downward spiral of events.

As discussed by Marmora,⁵ the xenophobic image with respect to foreigners is no new phenomenon. The underlying fears sometimes lead to latent covert prejudice. Such feelings are based on cultural, religious or ethnic differences within a society and only become evident in behaviour under conditions of stress for example as occurs with competition or perceived competition for jobs or services or the view of their not being welcomed as part of the society. The negative manifestations of this become part of the normal behaviour of one sector of the society towards another and is generally tolerated by all sectors. It may be based on negative feelings towards the 'outsider' and exacerbates latent racist feelings. Xenophobic images of migrant groups can easily become institutionalized in the host society's effort to 'manage' the migrants and establish policies to control their numbers and their privileges. Of all the countries in the Caribbean, Haiti is the most impoverished economically, politically and environmentally, and the irony is that because of this, it is also the country with the fewest opportunities for legal or formal migration.

⁵ Lelio Marmora, *International Migration Policies and Programmes*, Geneva, International Organization for Migration, 1999.

VI. COMMERCIAL SEX WORKERS

Internationally organized commercial sex operators are responsible for the trafficking in young persons, especially women and girls to tourism destinations within the region, as well as to the major cities of Europe and North America.

At the present time, trafficking in persons in the Caribbean is chiefly from the Dominican Republic to the major tourist centres of the region, especially the former Netherlands Antilles-Aruba, San Martin, Curacao.⁶ A study conducted by the OAS and reported by Gladys Rodriguez in the *Nacional* (Dominican Republic) indicated that Dominican women are also trafficked in significant numbers to Costa Rica and Panama then on to various other destinations, especially in Western Europe. It is estimated that there are currently over one thousand Dominicans in Spain and 3 675 in Switzerland, as commercial sex workers. In addition, in a number of countries of Central America and the Caribbean women are lured with false promises of employment and are then sold by the trafficking gangs.

While efforts are made to break into the current syndicates, it is important that Caribbean countries not yet involved as sources of international prostitution should be vigilant, since all the countries, especially those with ongoing high propensities for emigration, widespread poverty and reduced opportunities for employment, are at risk of becoming targeted in the future.

⁶ Kamala Kempadoo [ed.], *Sun, Sex and Gold: Tourism and Sex Work in the Caribbean*, New York, Rowman and Littlefield, 1999.

VII. TRAFFICKING IN CARIBBEAN WOMEN DEPORTEES

Between 1994 and 1998, a reported 22 397 persons were deported to the Caribbean from the United States, Canada and the United Kingdom (unpublished data). Of this number, 16 135 (72%) were deported for criminal activities while 6 262 (28%) were deported for non-criminal activities.

With respect to deportees from the U.S., nationals of the Dominican Republic accounted for 45% of the total number repatriated to the Caribbean over the five-year period, 199 498. Jamaicans accounted for 30%, Haitians for 8%, Trinidadians for 4.3% and Guyana and the remaining countries for 12.5% (unpublished data).

There was evidence of a significant increase in the number of deportees from 3 194 in 1994 to 5 822 in 1997. Furthermore, they accounted for a substantial proportion of the total number of persons entering the region. In the case of Jamaica over the period 199 698, the number of deportees was 5 625, as compared with 8 329 foreign immigrants issued with work permits and 6 235 voluntary returning residents (Bank of Jamaica, unpublished data). It is known that a number of the deportees had left their country of birth many years before their repatriation and in many cases, as young children. Having resided in the migration country for most of their lives, their forced return takes place without close relatives or other community framework to which they can return and be re-absorbed. Although the available data do not permit any detailed assessment of the nature of the problems surrounding deportations in such cases, it is known that the absence of any rehabilitation procedures have led to deprivation of basic needs as well as significant psychological disturbance.

VIII. THE WIDER ISSUES

As in many other parts of the world, irregular migration is increasing in the Caribbean. 'Migrant' communities have already been established at the destinations of earlier movements and these provide the means for re-unification of families and the support needed to survive on arrival in the destination country. This creates an important aspect of the dynamic that perpetuates the migration process — regular and irregular. Under these circumstances, and while the legal channels for entry into the potential immigration countries (especially those in North America and Europe) remain selective on grounds of nationality, education and occupational status, then there is likely to be a continuing flow of migrants attempting to circumvent the restrictions of the formal channels by resort to informal ones.

The means for migrating outside of the official system vary but unfortunately, many migrants, whether inadvertently or knowingly, become caught up in the web of trafficking and smuggling rings that operate within the region. This brings irregular migration into a complex system of illegal activity with implications extending beyond the specific issue of migration.

In addition to persons with criminal records, who are automatically excluded from entry, those populations whose countries are stigmatised or regarded as low priority sources of entrants to North America, Europe or even other neighbouring Caribbean countries, generally fall below the requirements of selection for formal entry and landed immigrant status. The countries in the categories with the lowest priority for immigration of nationals are invariably the poorest and within those countries the poorest and least educated persons are in the lowest priority groups. It is precisely from these countries that the motivation to emigrate is greatest. The stigma of which they are victims is based on a number of images generally associated with race and/or poverty. The

negative image is also conditioned by the very occurrence of irregular movement itself. Thus, where people cross national borders outside the control of the authorities, and outside the formal socio-economic system or in excess of the environmental carrying capacity, then increased resistance on the part of the receiving countries develops in response.

Figures for Gross Domestic Product (GDP) for a selection of Caribbean countries demonstrate the large discrepancy in GDP between countries. The Bahamas, Turks and Caicos Islands, the US Virgin Islands and Barbados are the countries receiving the greatest volumes of both regular and irregular migrants. The main sources of both regular and irregular migrants are Haiti, the Dominican Republic, Jamaica and Guyana. Whereas in 1998 the GDP per capita for the Bahamas was US\$14 614, in the Dominican Republic the figure was \$4 597, in Jamaica and Guyana below \$4 000 and in Haiti below \$2 000 (Table 2). The discrepancy in GDP rates had increased progressively over the preceding twenty-five years between some Caribbean countries, for example, the Bahamas and others, such as Haiti, the Dominican Republic and Jamaica. Thus, the contrast between the economic levels of the major countries of emigration (regular and irregular) and immigration within the Caribbean is very great.

Other indicators of the disparities between countries in their material living standards are the measures of Human Poverty (Table 3). Haiti is the worse off by far with a Poverty Index in excess of 46 and ranking 71st in the global rank order. Even in Caribbean terms this is alarming since the next highest Poverty Index is recorded for the Dominican Republic at a value of 20% and a rank position of 20 in the worldwide rank order.

Access to basic human goods such as safe water, health services and sanitation reflect the poor situation of the Dominican Republic and Jamaica. The situation is similar for Guyana and some of the Eastern Caribbean countries such as Grenada, St. Vincent and

Table 2. GDP (per capita) Selected Countries

<i>Year</i>	<i>Bahamas</i>	<i>Guyana</i>	<i>Jamaica</i>	<i>Haiti</i>	<i>Dominican Republic</i>
1975	3 822.88	1 473.96	1 641.35	776.77	1 244.85
1980	8 735.99	1 951.29	1 880.00	1 339.76	1 990.20
1985	10 937.83	1 819.56	2 051.76	1 388.86	2 386.42
1990	14 225.94	2 036.97	3 166.71	1 603.40	3 122.04
1995	14 638.68	3 163.01	3 619.18	1 409.78	3 997.77
1998	14 614.10	3 402.94	3 388.88	1 383.25	4 597.50

Source: World Bank, 2000.

Table 3. Select Indicators of Poverty

<i>Country</i>	<i>Human Poverty Index</i>		<i>Adult Illiteracy rate</i>	<i>Population without access</i>			<i>Population below poverty line (%)</i>	
	<i>Value (%)</i>	<i>% age 15 and above</i>		<i>To Safe Water (%) 1990-1998b</i>	<i>To Health Services (%) 1981-1993b</i>	<i>To Sanitation (%) 1990-1998b</i>	<i>\$ 1 a day (1993 PPP US\$)</i>	<i>1987-1997b</i>
Barbados	—	—	—	0	0	0	—	—
Bahamas	—	—	4.5	6	0	18	—	—
Cuba	3	4.6	3.4	7	0	34	—	—
Jamaica	16	13.4	14	14	—	11	3.2	34.2
Dominican Republic	20	20	17.2	21	—	15	3.2	20.6
Haiti	71	45.2	26.5	63	55	75	—	65

Source: UNDP Human Development Report 2000.

Dominica. Above all, these figures seem to confirm the particular plight of Haiti. The demographic trends produce an average annual population growth of 1.6% (the highest on the region) and a young population (only 3.6% of the population was 65 and over in 1998) who will continue to reinforce the size of the potential and actual streams of irregular emigrants from that country for many years to come. In addition, there is the current rampant nature of recruitment into international prostitution from the Dominican Republic that has to be addressed. Also of concern with regard to future movements is the vulnerability of Jamaica and Guyana.

IX. CONCLUSION

In general the large volume of irregular migration and human trafficking that currently occurs in the Caribbean reflects the high propensity for movement, especially to North America and Western Europe. As a consequence, there is a high level of susceptibility to believing the false promises of employment and safe passage presented by the various agents operating informally and illegally in the human trafficking operations. Widespread poverty and the poor prospects for sustained economic growth of some Caribbean states, continue to exacerbate the reliance that is placed on migration as an alternative livelihood strategy for those who go and a source of income from remittances for those who remain behind.

While it is true that there is a large supply of potential migrants in many Caribbean countries, it is also true that the trafficking would not occur without a demand for their services. Part of the dynamic and the irony of irregular migration is the need for cheap, unskilled labour in countries experiencing periods of economic growth. Despite the claims of governments to be committed to stopping these movements, many of the factors that influence movement are to be found in the very relations and nego-

tiations that take place between various sectors in the countries of both immigration and emigration. In addition, the demand for sex workers, especially in the Caribbean tourist industry as well as in the major cities of Europe, provides the basis for the profitability of the activities of criminal syndicates and traffickers of all kinds.

The factors that combine to support the current practices of human trafficking in the Caribbean and the inevitable vulnerability to abuse of the migrants' human rights, are:

- a) those relating to the systemic issues of poverty in the región.
- b) the demand for irregular migrants at the destinations and the formal and informal negotiations that mobilize the work force.
- c) the agents and syndicates that capitalize on the vulnerability of certain population sectors.

It is important that policies developed to improve the management of irregular migration generally and trafficking in particular, should be directed at all of these major contributing factors. Without a holistic approach, it is unlikely that any sustained impact can be made.

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