

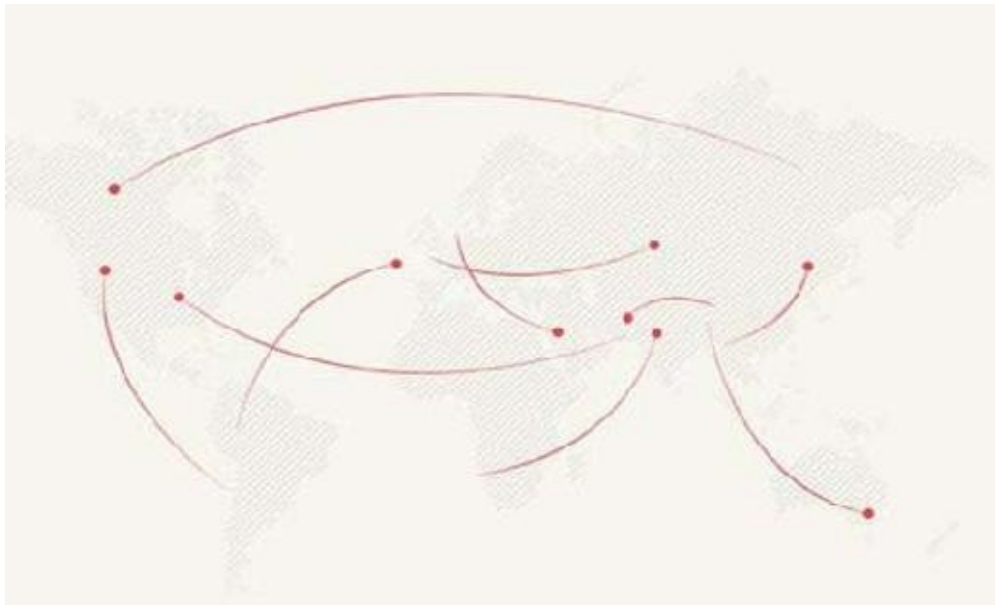


# **HUMAN** **TRAFFICKING**

INTERDISCIPLINARY PERSPECTIVES

**MARY C. BURKE**

ROUTLEDGE



# **HUMAN** **TRAFFICKING**

INTERDISCIPLINARY PERSPECTIVES

**MARY C. BURKE**



# Human Trafficking

*Human Trafficking* offers a much-needed, interdisciplinary contribution to the literature on contemporary human trafficking and abolition. The book would be ideal to use in an introductory course on the subject. Mary Burke should be commended for pulling together such a rich, truly transnational collection of essays. The variety of case studies from very different regions around the world is particularly welcome.

**Kari J. Winter**, Transnational Studies, SUNY at Buffalo

This collection of original chapters addresses many important issues that are rarely analyzed in other books on human trafficking including its historical precedents, the centrality of labor trafficking and the health consequences of human trafficking. It will help broaden the conceptualization of the problem, and provides a fine text to use in introductory courses on the subject.

**Louise Shelley**, Public Policy, George Mason University

Human trafficking is a complex global phenomenon that constitutes a crime against the state and a violation of fundamental human rights of vulnerable victims who suffer considerable harm. This work presents an in-depth interdisciplinary analysis of all these interrelated concepts in one fascinating volume that inquires into the causes of the problem and suggests the appropriate responses.

**Mohamed Y. Mattar, S.J.D.**, International Law, The Johns Hopkins University School of  
Advanced International Studies

The practice of one human being exploiting another in slavery-like conditions is not new. Today, it is called human trafficking. Social, political, and economic forces over the past 60 years have changed how and why this human rights abuse occurs. In order to solve this or any social problem, it is important that it is fully understood. With a range of contributing subject experts from different disciplines and professions, this text comprehensively explains human trafficking as it exists and is being addressed in the twenty first century. This book is intended for use in interdisciplinary introductory courses on human trafficking.

**Mary C. Burke** is an associate professor in the Department of Psychology and Counseling at Carlow University where she is the program director of the doctoral program in Counseling Psychology. She has been involved in anti-human trafficking efforts since 2004 and is the founder of the Project to End Human Trafficking ([www.endhumantrafficking.org](http://www.endhumantrafficking.org)).

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# **Human Trafficking**

# Interdisciplinary Perspectives

Edited by  
Mary C. Burke

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*Snapshot of International Efforts to End Trafficking*

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This chapter defines and provides an overview of human trafficking. Points addressed include underlying factors, forms of human trafficking, and prevalence.

---

#### 2 HISTORICAL PERSPECTIVE: SLAVERY OVER THE CENTURIES

BROOKE N. NEWMAN

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*Slavery in Ancient Societies*  
*Medieval and Early Modern Slavery*  
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This chapter provides a brief overview of the historical background to modern-day human trafficking. It covers aspects of human enslavement and trafficking present throughout documented history, focusing on examples ranging from the ancient world to the modern era and concluding with a discussion of antislavery efforts. The primary focus of the chapter is on the central characteristics associated with human bondage across time and space, and the contexts in which slavery, and the cross-cultural trafficking of men, women, and children, has both persisted and flourished. Particular attention is paid to the importance of gender—and the unique experiences of women and girls—in the history of human enslavement and trafficking.

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*Macrosociological Approach*

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This chapter utilizes theory and research from sociology to better understand the complex ways that political, economic, and other sociocultural factors interact within and across country borders to cause human trafficking. First, the authors discuss how sociologists approach the study of social problems and phenomena using a sociological imagination, and macrosociological and microsociological perspectives. The authors then illustrate how using one's sociological imagination, and the macro-

and microsociological perspectives can inform an understanding of human trafficking. Using these analytical approaches, the authors present key sociological terms and apply these terms to the phenomenon of trafficking. Finally, the authors provide an illustration of how applying sociological knowledge to trafficking can inform policies and practices established to eradicate this horrible crime.

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Human trafficking is a major concern for those studying human rights and human security, population and migration, economics, politics, and international relations. This chapter examines the extent of the problem as assessed through the discipline of human security and development studies, including different types of threats against society.

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#### 5 FEAR, FRAUD, AND FRANK COMPLEXITIES: THE INFLUENCE OF GENDER ON HUMAN TRAFFICKING

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It is well documented that women are more likely to be victims of human trafficking than men. As such, this chapter investigates *how* women become victims; under what social, economic, and political conditions are women targeted for trafficking? To answer this question, this chapter examines the relationship between gender, work, and trafficking. It introduces and explains three forms of oppression: violence against women, commercialized intimacy, and the feminization of immigration to help analyze why women are targeted for human trafficking and why they may be more at risk than men. Transnational feminist theories are also explained to demonstrate how women's and gender studies scholars and activists inform trafficking policy and advocate for victims. This chapter is illustrated through the film *Trading Women* (2002), which is a documentary film that chronicles the relationship between the Thai sex industry and the destruction of Thai agricultural economies due to the spread of Western capital and associated ideologies. The reader will learn the following concepts in the order they appear in the text: oppression, social construct, gendered ideology, gendered institution, gendered interaction, violence against women, commercialized intimacy, feminization of immigration, transnational feminist theory, and intersectionality.

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This chapter looks at the relationship between human trafficking and what is often called “the world of work.” It aims to help readers to understand that at the end of most trafficking chains there is a situation of exploitative labor and that, in many ways, human trafficking is a corrupt form of labor migration. The chapter first establishes labor and labor migration as fundamental rights, enshrined in human rights law and at the heart of every person’s desire to earn a living that will enable them to survive and promote the well-being of their family. It underlines that, when people are deprived of the right to move to seek work, for whatever reason, they may seek out alternative avenues to legal channels, and that this puts them at high risk of falling into the hands of traffickers. The international definition of trafficking is explained in the context of trafficking for labor exploitation, and there is a brief exploration of where “demand” for exploited labor occurs. The chapter emphasizes the fundamental difference between forced labor and trafficking for labor exploitation. It emphasizes the imperative to differentiate between the two both in programming terms and in responses to the needs of victims. Finally, the chapter considers briefly how trafficking into sexual exploitation relates to the labor trafficking context and outlines some ways in which so-called “labor actors” can contribute to ending this heinous denial of human rights.

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Across the nations and throughout a variety of cultures is the criminal activity of human trafficking. Victims of human trafficking include men, women, and children. These victims are deceived, coerced, and abused—all for profit. This chapter recognizes human trafficking as a transnational criminal enterprise as it reaches far beyond geographic boundaries and flourishes from the victimization of individuals for profit. This chapter provides an overview of human trafficking, to discuss some of the causes, victims, and offenders of sex trafficking, and to explain some of the reasons human trafficking continues to thrive. Through this chapter, readers will become more aware of the problem of human trafficking and the issues surrounding sex trafficking.

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This chapter focuses on aspects that make children different from adults in trafficking situations. It starts out by briefly presenting three academic debates that are central in contemporary child research, and explains their relevance to the analysis of child trafficking situations. These are: childhood as a social construct, child agency, and inter-generational contracts. The second section looks at definitions of relationships of

dominance. When is power exercised over a child? How is child slavery different from child trafficking? And what indeed constitutes child trafficking according to international conventions? The third section introduces the empirical setting of West Africa. According to international definitions the two core indicators of child trafficking are the mobility and the labor exploitation of the child. West Africa is a region where child mobility is extensive and child labor endemic. Over the past decade international agencies have struggled to sort out which parts of this labor-related mobility can be said to constitute child trafficking. The author argues that they have largely failed due to overly simplistic definitions, and that this failure has had some undesirable consequences. The further empirical examples focus on trafficking to domestic servitude, mainly because similar academic approaches to the other large issue in the region—trafficking to farm work—are excellently explored in other academic contributions (Castle and Diarra, 2002; de Lange, 2006; Hashim and Thorsen, 2011; Akresh, 2009). The fourth section suggests expressing the various factors in a relationship of exploitation (the central term in defining child trafficking) into a social equation. How best express the complexities of rights and duties, the benefits and the costs of the two parties tied together in an exploitative relationship in a given social setting? Exploitation would assume that this relationship—this equation—is seriously out of balance. The chapter concludes with a concrete example from Benin, some future considerations, and discussion questions.

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Human trafficking is a crime that has gone largely unnoticed and unreported in the United States. Within the last 10 years efforts by federal, state and local law enforcement have increased, and resources have been concentrated on understanding, identifying, and developing significant intelligence bases and robust investigative programs. Efforts are being made to combat this issue, which threatens communities in the United States and the world. This chapter focuses on law enforcement considerations to be aware of when investigating human trafficking organizations or attempting to identify a victim. It is incumbent that law enforcement authorities recognize indicators of human trafficking and coordinate intelligence-gathering efforts with local and national groups already established and referenced in previous chapters. This collective approach will enhance the ability to identify the affected communities that may be more susceptible and vulnerable to human trafficking.

---

## 10 VICTIM PROTECTION POLICY IN A LOCAL CONTEXT: A CASE STUDY

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This chapter focuses on anti-trafficking policies by presenting a case study of the ways in which grass-roots organizations and NGOs play a role within specific local contexts where anti-trafficking law is applied. The case study is Italy and Article 18 of the Italian immigration law passed in 1998, which grants migrant women who are identified as “victims of trafficking” a residence permit if they enter specific social protection programmes

established through the same law. The importance of this case study consists in the fact that Article 18 has provided Italy with an anti-trafficking policy that gives central importance to the protection of victims, as a social aspect to be treated independently from juridical considerations, such as the value of victims as witnesses to prosecute traffickers. Particular attention is paid to the institutional process and aspects of the law related to the meaning of “slavery” and its applicability to migrant women engaged in prostitution, and to the selective criteria operating within the protection system in order to distinguish between victims and nonvictims. The chapter will critically assess the working of victim protection as an instrument for re-gaining citizenship rights.

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VERONICA M. LUGRIS

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Victims of human trafficking may struggle with a wide range of psychological problems consequent to the poor treatment endured during enslavement. According to the *Diagnostic and Statistical Manual of Mental Disorders IV-TR* (American Psychiatric Association, 2005), a traumatic event is one that involves “actual or threatened death or serious injury, or a threat to the physical integrity of self or others” and one in which “the person’s response involved intense fear, helplessness, or horror” (pp. 218–219). This chapter will explain trauma, its psychological sequel, and treatment considerations for the trafficking survivor.

---

## 12 HUMAN TRAFFICKING AND ITS CONTRIBUTION TO THE GLOBALIZATION OF INFECTIOUS DISEASES: IMPLICATIONS FOR VICTIMS AND HEALTH CARE PROVIDERS

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Human trafficking is a global public health issue. Poor living and work conditions faced by trafficking victims often combine to create or exacerbate serious health problems and in some situations, the spread of infectious disease. This chapter will address human trafficking as a public health concern and will include considerations for those working in health care settings with this population.

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**13 ADDRESSING THE PROBLEM: COMMUNITY-BASED RESPONSES AND  
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While governments have made great strides in addressing the issue of human trafficking, immediate response in prevention and service provision to victims has largely been a community-based or “grass-roots” effort. The necessity of community organizing and the critical role of citizens and social service agencies will be described.

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# PREFACE

The purpose of this text is to comprehensively present the issue of human trafficking to the reader. While it is intended for upper-level undergraduate and graduate students in a variety of disciplines, professionals working in any number of fields, including law enforcement, human services, and health care, will find it informative and useful as well. In addition, the book is a “must read” for concerned citizens interested in human rights and how to make a difference in their communities.

The book is divided into three sections, each of which addresses different aspects of human trafficking. The two chapters in the first section provide an overview of the issue and contextualize it within a human rights and historical framework. The second section comprises six chapters and provides the reader with more detailed information about trafficking from a variety of academic disciplines. The third section focuses on the antitrafficking movement and addresses international responses to the problem, as well as considerations for working with victims. Also in the final section is a chapter written from the perspective of the United States Federal Bureau of Investigation, which is geared toward training law enforcement. Finally, the text closes with a chapter about how trafficking is being addressed and how individuals, larger social groups, and organizations can get involved in putting an end to the crime and to helping survivors. Chapters begin with learning objectives and most chapters conclude with discussion questions to stimulate student thinking. In addition, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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# ABBREVIATIONS

AIDS	acquired immunodeficiency syndrome
ASEAN	Association of Southeast Asian Nations
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CRC	UN Convention on the Rights of the Child
CSEC	commercial sexual exploitation of children
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes
EU	European Union
HIV	human immunodeficiency virus
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	ILO's International Programme on the Elimination of Child Labour
MoU	memorandum of understanding
NGO	non-governmental organization
NPA	national plan of action
NRM	national referral mechanism
OAS	Organization of American States
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-Operation in Europe
RCM	regional conference on migration
TIP	US government's annual Trafficking in Persons Report
TVPA	Victims of Trafficking and Violence Protection Act (commonly known as Trafficking Victims Protection Act)
TVPRA	Trafficking Victims Protection Reauthorization Act
UK	United Kingdom

UN	United Nations
UNESCO	UN Educational, Scientific and Cultural Organization
UN.GIFT	UN Global Initiative to Fight Human Trafficking
UNICEF	UN Children's Fund
UNODC	UN Office on Drugs and Crime
UNOHCHR	UN Office of the High Commissioner for Human Rights
US	United States of America
USAID	US Agency for International Development
US GAO	US Government Accountability Office
YPP	Youth Partnership Project for Child Survivors of Commercial Sexual Exploitation in South Asia

# INTRODUCTION

**Mary C. Burke**

Perhaps no other milestone in the pursuit of human rights and dignity stands out as greatly as the Universal Declaration of Human Rights (UDHR). The Declaration was introduced by the United Nations General Assembly in December 1948 as a “common standard of achievements for all peoples and all nations.” It was the first internationally recognized instrument to articulate fundamental human rights that are to be universally protected. Contained within the Declaration is the statement: “*No one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms.*” Despite the prominence of this statement in our Universal Declaration, human rights violations are perpetrated daily, including the exploitation of those forced to work in slave-like conditions in most countries in the world.

While the practice of one human being exploiting another as in the situation of human trafficking is not new, social and economic changes over the past 50 years have contributed to an alarming growth in the extent to which it happens today (Bales, 2004). Some contributing factors include population growth (especially in regions of the world where there are limited resources to support such population expansion), globalization (including the push in more advanced market economies for inexpensive labor and goods), and widespread corruption in governments and law enforcement communities worldwide. Those most vulnerable to being trafficked are those living in regions characterized by extreme poverty, and it is believed that women and children comprise 80 percent of this number, with 50 percent of those victims under the age of eighteen (United States Department of State, 2009; United Nations Office on Drugs and Crime, 2009).

The problem of human trafficking has received increased attention from both the media and law enforcement over recent years; however this is not enough. It is necessary to increase the understanding of human trafficking and how this problem is addressed, and for those with experience in the field to make their expertise available to others. This textbook is intended to do just that with its wide range of chapter authors from a variety of academic disciplines and professions, all of whom have extensive knowledge and ideas about this important issue.

# **SECTION I**

# **HUMAN TRAFFICKING EXPLAINED**

# **INTRODUCTION TO HUMAN TRAFFICKING**

## ***DEFINITIONS AND PREVALENCE***

**Mary C. Burke**

The purpose of this chapter is to introduce the reader to the complex issue of human trafficking. A definition is offered and trafficking in its various forms is explained. Characteristics of victims are described, and the right to work is provided as a context in which to understand the relationships between poverty, migration and trafficking in persons. The extent to which human trafficking occurs is discussed as well as some of the limitations related to relevant data. The process of trafficking people is reviewed and the chapter closes with an introduction to the issue as it exists in the United States.

---

# CHAPTER LEARNING OBJECTIVES

- Be able to define human trafficking according to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the United Nations Convention against Transnational Organized Crime and the US Trafficking Victims Protection Act of 2000 (TVPA).
- Understand the differences between human trafficking and other related phenomena such as immigration, emigration, and smuggling.
- Understand the underlying causes of human trafficking.
- Understand the ways in which human trafficking constitutes a violation of fundamental human rights.
- Understand the difference in viewing human trafficking as an issue of human rights, crime, migration, and labor.

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Human trafficking has received increased attention over the past 10 to 15 years, both in political and public arenas. “Human trafficking” or “trafficking in persons” and “modern slavery” are terms often used interchangeably to refer to a variety of crimes associated with the economic exploitation of people. Human trafficking has been associated with transnational organized crime groups, small, more loosely organized criminal networks and local gangs, violations of labor and immigration laws, and government corruption (Richard, 1999; US Government Accountability Office, 2006; Vayrynen, 2003). At the international level, the United Nations Convention against Transnational Organized Crime, which was adopted by UN General Assembly resolution 55/25, is the primary legal instrument used to combat transnational organized crime.<sup>1</sup> The Convention is supplemented by three Protocols, each of which focuses on specific types of organized crime and are as follows: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines human trafficking as follows:

Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or

receipt of persons, by means of the threat or force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

(Europol, 2005, p. 10)

The definition of trafficking noted above was intended to facilitate convergence in approaches to the issue by member states of the United Nations around the world. The hope was to enhance international cooperation in addressing trafficking in a manner that would support the end goal of the protocol: to end human trafficking as it exists today. While there have been disagreements about and variations on the definition of human trafficking among practitioners, scholars, activists and politicians (Laczko and Gramegna, 2003; Richard, 1999), this definition is commonly used and has indeed provided the foundation for a legal framework for dealing with the issue. For the purpose of this text the definition above will be used.

The definition comprises three essential parts: recruitment, movement, and exploitation, all of which point to critical aspects of the trafficking process. It is important to note that it is not necessary for “movement” to include crossing from one country into another; an individual can be trafficked within the borders of her or his own country or town and can even be trafficked from the home in which she or he lives, in which case movement is not even relevant. As an example of an in-country situation, it is not uncommon for a girl or woman to be trafficked from the rural areas of Costa Rica to the coastal regions where the commercial sex industry is thriving. Also critical to understanding human trafficking is understanding what is meant by **coercion**. The term “coercion” in this context specifically refers to (a) threats of harm to or physical restraint against any person; (b) any scheme intended to cause a person to believe that failure to perform an act will result in harm or physical restraint against any person; or (c) the abuse or threatened abuse of the legal process. However, it is essential to take other factors into consideration with regard to coercion, in particular when working with victims of sex trafficking and prostitution, such as whether the individual had any legitimate alternatives to support her basic needs (Hernandez, 2001) when approached by the pimp (trafficker). If not, then the thinking is that desperation to perform responsibilities such as support a child, and feed and keep one’s self safe, can be a form of coercion.

Technically, people are trafficked into a slavery-like situation, however, that distinction is not often made in reference to these terms, meaning the terms human trafficking and slavery are sometimes used interchangeably. This leads to an incomplete and therefore inaccurate representation of human trafficking. Coercive and sometimes forcible exploitation of one human over another has occurred in a variety of forms throughout history, as you will learn more about in [Chapter 2](#) of this text. The primary characteristics of this phenomenon have remained the same over time and include one person exercising fear and sometimes violence based control over another for economic gain. What is typically different in the twenty-first century is that it is far less expensive to purchase or otherwise secure a person today than previously. For example, costs as low as 10 US dollars have been reported in places like South East Asia, with the average cost for a person being 90 US dollars (Free the Slaves, 2010). A second difference is that the relationship between the trafficker and the victim is shorter in duration. This is primarily a consequence of the large number of individuals vulnerable to trafficking (i.e., available to be exploited) and the care and health care costs associated with a lifelong or longer-term relationship (i.e., it's easy and less costly to find a healthy replacement). A trafficker would rather purchase another person for 90 US dollars than invest hundreds or thousands of dollars into maintaining the health and profitability of a victim.



## Forms of Human Trafficking

Categorization of trafficking by the nature of the work performed is a common although misleading practice. Categories of labor and sex trafficking are most often used, however concerns have been raised that this separation may serve to make invisible the sexual exploitation that occurs for most women in this situation, even if they are involved in what might be described as a labor trafficking situation. In other words, a woman may be trafficked primarily for domestic servitude, however it is likely that she will be forced to engage in sex acts as well. This speaks to the unique vulnerabilities of women and girls, which [Chapter 5](#) explores in more detail.

While the type of labor performed by victims is varied (both with regard to labor and sex trafficking), some of the most common *forms* of human trafficking are noted below.

**Bonded labor** or **debt bondage** is a form of human trafficking that most closely parallels slavery, in which a person takes or is tricked into taking a loan. The person must then work to repay the loan; however, the nature of the work and the amount of time necessary to repay the loan are undefined and often remain that way. Individuals in debt bondage may receive food and shelter as “payment” for work, and in some cases victims will not be paid monetarily at all and their debt may increase to account for costs associated with food and shelter. A debt can be passed down for generations, which means that the child or grandchild of the person originally taking the loan is left to pay off the debt. It is important to note that not all instances of work-based debt are human trafficking, as someone may willingly enter into this type of arrangement and actually be fairly compensated for her or his labor.

**Chattel slavery** is characterized by ownership of one person by another and individuals in this form of slavery are bought and sold as commodities. It is the least common form of human trafficking today; however, it was the most prevalent in the United States until the 1865 passage of the Thirteenth Amendment to the United States Constitution.

**Early and forced marriage** primarily affects girls and women who are married to men without any choice. They then live as servants to the men and often experience physical and/or sexual violence in the home environment.

**Forced labor** is characterized by an individual being forced to work against her

or his will, without compensation, with restrictions on freedom, and under violence or its threat. This term is also sometimes used in reference to all forms of human trafficking.

**Involuntary domestic servitude** is a form of forced labor in which an individual performs work within a residence such as cooking, cleaning, childcare and other household tasks. This becomes trafficking when the employer uses force, fraud and/or coercion to maintain control over the individual and to cause the worker to believe that she or he has no other options but to continue in the position. This type of environment puts the individual at increased risk because she or he is isolated and authorities are not able to easily gain access to inspect the workplace.

**Sex trafficking** is an extremely traumatic form of human trafficking in which a commercial sex act is induced by force, fraud, or coercion; or a sex act in which the person induced to perform is under 18 years of age. Victims of sex trafficking can be girls, boys, women, or men—although the majority are girls and women. It is not uncommon for traffickers to employ debt bondage as an attempt to legitimize their confiscation of the victim’s earnings. Sex traffickers use a variety of methods to control and “break-in” victims, including confinement, physical abuse, rape, threats of violence to the victim’s family, forced drug use and more. Victims of this form of trafficking face numerous psychological and physical health risks, which are covered in depth in later chapters.

**Slavery by descent** occurs when individuals are born into a socially constructed class or ethnic group that is relegated to slave status.

**Child trafficking** involves displacing a child for the purpose of economic exploitation. In the case of children, force, fraud and coercion do not need to be demonstrated. It is estimated that 1.2 million children are trafficked each year (ILO, 2002).<sup>2</sup> Like adults, children are trafficked for the purpose of labor and sexual exploitation.

**Worst forms of child labor** is a term that refers to child work that is seen as harmful to the physical and psychological health and welfare of the child. The International Labour Conference in 1999 adopted Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The sale and trafficking of children is noted in this convention as one of the “unconditional” worst forms of child labor.

Other unconditional worst forms noted in the Convention include “the use,

procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances” and “the use, procuring or offering of a child for illicit activities.”

**Child soldiering** is a form of human trafficking that involves the use of children as combatants; it may also involve children forced into labor or sexual exploitation by armed forces. In this case, traffickers may be government military forces, paramilitary organizations, or rebel groups. In addition to being used directly in armed conflict, children may be used for sexual purposes or forced to work as servants, cooks, guards, messengers, or spies.

# The Trafficked Person

In popular stereotypes victims of human trafficking are often portrayed as innocent young girls who are lured or kidnapped from their home countries and forced into the commercial sex industry (Bruckert and Parent, 2002). While this is not necessarily an erroneous depiction, girls are by no means the only victims of trafficking. Women, men, and children of all ages can be trafficked for sex and labor. Those at risk of trafficking most often come from vulnerable populations including undocumented migrants, runaways and at-risk youth, females and members of other oppressed or marginalized groups, and the poor. Traffickers target individuals in these populations because they have few resources and work options. This makes them easier to recruit through deception or force and they tend to be easier to control.

At-risk youth and runaways are targeted by traffickers and by pimps for labor exploitation, begging, and very often for commercial sex (Finkelhor and Ormrod, 2004). Pimps and sex traffickers manipulate child victims and are known to make use of a combination of violence and affection in an effort to cultivate loyalty in the victim, which can result in **Stockholm syndrome**, a psychological phenomenon wherein hostages experience and express empathy and positive feelings for their captors. This is more likely to develop with children than with adults. This psychological manipulation reduces the victim's likelihood of acting out against the trafficker.

A combination of factors make undocumented immigrants extremely vulnerable to being trafficked (Human Rights Watch, 2012). Some of these factors include lack of legal status and related protections, poverty, few employment options, immigration-related debt, limited language skills and social isolation. It is not uncommon for undocumented immigrants to be trafficked by those from a similar ethnic or national background, which may play into the victims trust in a way that makes her or him more easily deceived.

Regions impacted by political instability and war create an environment that fosters trafficking. In particular, long-term military occupation as well as the presence of "peace keepers" feed the commercial sex industry in these areas and facilitate the sex trafficking of women and girls (Mendelson, 2005). Another situation that promotes trafficking is that of natural disaster. Natural disasters can destroy communities in a matter of minutes and create physical and economic insecurity. Children can be separated from their caregivers, making

them prime targets for traffickers. The December 2004 Indian Ocean earthquake and ensuing tsunami is an example of one such natural disaster, where the lives of close to a million children were placed in jeopardy. In this situation, seemingly for the first time, a concerted effort was made to stop human trafficking before it could begin. Another example, although with a bleaker outcome, is the 2007 severe drought in Swaziland during which ECPAT International (End Child Prostitution and Trafficking) found increases in trafficking of children; specifically there were reports of parents trading the bodies of their children for food and water. Natural disasters not only impact children, they increase adult vulnerability to trafficking as well. The kind of devastation imposed by disasters of this type can create extreme poverty and make it very difficult to meet basic needs. This, for example, may lead to immigration that, as demonstrated above, can lead to victimization at the hands of a trafficker.

# Globalization, the Right to Work, and Human Trafficking

Globalization has had an enormous impact on the trade in people, widening the gap between rich and poor and making it easier for traffickers to recruit and move victims. In fact, it can be said that those involved in transnational crime have benefited significantly from globalization. Current global conditions have created increased demand for cheap labor, thereby increasing migration and consequently human trafficking and smuggling (Naim, 2006). Increased supply of individuals vulnerable to exploitation is present because globalization has contributed to an increase in economic disparities between more developed and developing countries. Tourism has also grown because of globalization, which made it easier for consumers of the sex industry to travel and engage in sex tourism.

**The right to work** is the concept that every human has the right to work and to be fairly compensated. The term was coined by French socialist leader Louis Blanc in the early nineteenth century. The right to work is articulated in the Universal Declaration of Human Rights (1948) and elaborated upon in the International Covenant on Economic, Social and Cultural Rights (1976). The right to work is also recognized in international human rights law. Article 23.1 of the Universal Declaration of Human Rights states: *“Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.”*

Despite Article 23.1 in the Declaration, millions of people around the world work in inhumane conditions for little or no compensation. Corporations from countries with more developed economies intentionally produce goods in countries with fewer resources because it’s better for their bottom line. Products that are commonly used, ranging in value from goods such as coffee and chocolate to cell phones and televisions, are too often made by people who are struggling to survive. By utilizing these workers, corporations are exploiting the low cost of labor and lack of environmental and community protections that are characteristic of developing countries. Workers, including children, pay the price by toiling long hours, often in unsafe environments, for wages that barely afford the basic necessities, or in slavery conditions for no compensation at all. The result is corporations and consumers who reap the benefits of this unlawful “employment.”

The disproportionate availability of resources worldwide creates conditions of vulnerability to labor exploitation and slavery. Before addressing this issue, it is important to understand the nuances of the different terms involved. The term **migration** is used to describe the movement of people from one country to another. **Immigration** is when a person moves *to* a country and **emigration** is when a person *moves from* a country. The primary reasons for immigration remain constant—immigration is typically fueled by the need to escape poverty, political instability, or warfare. The possibility of finding work that will better enable one to be self-sufficient and meet the basic needs of family members is also a driving force. Human smuggling is one method by which a person may immigrate to a country. According to the US Department of State (2006), **human smuggling** is the facilitation, transportation, attempted transportation, or illegal entry of a person across an international border. This usually refers to crossing an international border either secretly, such as crossing at unauthorized locations; or deceptively, such as with the use of falsified or counterfeit documents. Human smuggling is generally a voluntary act, with the person being smuggled paying a significant amount of money to the smuggler (also known as a “coyote”). An individual being smuggled may be subjected to unsafe conditions during the smuggling process including physical and sexual violence. It is not uncommon for the smuggled person to be held by the smuggler until her or his debt is paid off by someone (often a family member) in the destination country. It is important to note that at any point in the smuggling process, the person may become a trafficking victim.

**TABLE 1.1 Human Trafficking Compared to Migrant Smuggling**

	<b>Human Trafficking</b>	<b>Migrant Smuggling</b>
Action	Recruitment, transportation, transfer, harboring or receipt of a person by means of threat or use of force, fraud, coercion	Facilitation of illegal entry of a person into a country of which the person is not a citizen or legal resident
Transnational Border Crossing	Not required	Required
Consent	If other elements of definition present, consent not relevant Not relevant for minors	Required
Outcome	Economic exploitation of the individual, which may include	Illegal border crossing

## sexual exploitation and/or forced labor

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Traffickers who actively recruit victims use traditional immigration as a way to conceal their criminal intentions. With the false promise of compensated work in another country, traffickers are more easily able to get people to cooperate with illegal border crossing. For example, a woman may knowingly agree to be smuggled into a country to work in the sex industry or as a nanny, but she may be unaware that the traffickers will keep all of the money she makes, restrict and control her movement, and subject her to physical and sexual violence. In other instances, an individual may migrate on her or his own, legally or illegally, identify a work opportunity upon arriving in the destination country and become a victim of trafficking due to the illegal practices of an employer.

It has been suggested that more stringent border entry regulations force migrants to use illegal channels more often which can increase their risk of being exploited (Salt, 2000). Another perspective is that there is a need for additional anti-trafficking legislation and that the enforcement of the laws that are in place is inconsistent across points of entry, thereby reducing the effectiveness of these anti-trafficking laws.



## Prevalence and Profits

According to the United Nations Office on Drugs and Crime (2000), human trafficking is the fastest-growing criminal industry in the world

### CASE STUDY 1.1: THAILAND FARM WORKERS

A recruiting agency in Thailand was looking for men to work in the United States as farmers through the H2A visa program. The men were to pay recruiting fees totaling 20,000 US dollars, an amount that, if repaid in the Thai economy, would take approximately three generations to eliminate. Many of the men secured high-interest loans using their family home and land as collateral. They believed that being paid 9.42 US dollars hourly (as specified in their contract) would mean that they could make the loan money within a year and spend the next two years earning enough money to bring their families out of poverty. However, when the men arrived in the US, things were quite different to their expectations. Their passports and visas were taken by the traffickers. They lived in a rural area and had no access to transportation or to US citizens. Forty-four men were housed in one 5-bedroom, 2-bathroom house. There were not enough beds in the house so some of the men slept on the floor. They woke each morning at 4 a.m. so that there was time for everyone to shower. They were driven to work at 6 a.m. in a produce truck with a vertical sliding door and no windows. They had inconsistent access to food. They were not paid the hourly wage they were promised and oftentimes they were not paid at all.

**Question:** Was this a case of smuggling or human trafficking?

**Answer:** The men in this situation were victims of human trafficking. They were transported for the purposes of labor exploitation through the use of fraud and coercion, which resulted in their being subjected to involuntary servitude. Confiscation of their passports by the trafficker led the workers to believe that they had no other choice but to stay with the company.

and one of the most profitable (Haken, 2011; Interpol, 2002). However, despite its magnitude, there are a variety of reasons why this crime and its included human rights violations are so difficult to quantify. Some reasons include

variation in the operational definitions used by researchers, methodological flaws such as those related to sampling techniques, and the difficulty and potential risks involved for researchers wishing to engage in primary versus secondary research. Also, and perhaps most challenging in the quest to obtain accurate statistics on the prevalence and geography of human trafficking, is that traffickers work to keep their crime undetected. Victims are difficult to identify since they often work in businesses or homes or behind the locked doors of a factory. They are closely monitored by the traffickers and often not permitted in close proximity to those who may be of assistance. These and other similar factors make human trafficking particularly difficult to accurately quantify and describe. Therefore, all reports regarding prevalence should be interpreted with caution. What follows are popular estimates in the field today.

- According to the International Labour Organization (ILO 2005, 2009) there are at least 12.3 million people in forced labor (including sexual exploitation) worldwide.
- Data suggest that women and girls comprise 80 percent of the individuals trafficked across international borders (US Department of State, 2010).
- Approximately 70 percent of victims are trafficked for commercial sexual exploitation (US Department of State, 2010).
- UNICEF estimates that 158 million children between the ages of five and 14 are engaged in child labor. This is equal to one in six children worldwide (UNICEF, 2011).
- In countries with the fewest resources, 29 percent of all children are engaged in child labor that often interferes with their education, robs them of childhood pleasures, and has a negative impact on their physical and psychological (UNICEF, 2011).
- ILO estimates that 246 million children and youth between the ages of 5 and 17 are presently involved in some type of debt bondage or forced labor (ILO, 2009).
- Research by Bales (1999) indicates that 27 million people are enslaved worldwide at any given time.
- Farr (2005) reports that 4 million people are enslaved worldwide.

It is similarly as difficult to assess profits as it is to assess forced labor and human trafficking. Globally, it is estimated that annual profits from forced labor are equal to 31.6 billion US dollars, of which 15.5 percent and 9 percent are

generated in industrialized countries and countries in economic transition, respectively. It is further estimated that of the 31.6 billion US dollars, 30.6 percent is generated in Asia and the Pacific, 4.1 percent is generated in Latin America and the Caribbean, 5 percent is generated in Sub-Saharan Africa and 4.7 percent is generated in the Middle East and North Africa (Besler, 2005).

# The Trafficking Process

The business of human trafficking is carried out by individuals, small, loosely organized criminal networks, or by traditionally organized crime groups. It includes both small “mom-and-pop” type operations, as well as larger well-organized businesses that operate in a competitive international arena. Some involved in trafficking may assist with a single border crossing while others may work in an ongoing manner with a larger trafficking organization. These larger trafficking organizations often function on a more permanent basis and are involved in the entire trafficking enterprise from the recruitment of victims to the selling and reselling of victims to employers. **Organized crime groups** or **criminal organizations** are local, national, or transnational groupings of centralized enterprises with the purpose of engaging in illegal activity for financial gain. **Transnational organized crime** refers to the planning and execution of unlawful business ventures by groups or networks of individuals working in more than one country (Reuter and Petrie, 1995). Those involved in both national and transnational organized crime systematically use violence and corruption to achieve their goals (Albanese, 2004). Transnational organized crime undermines democracy and impedes the social, political, economic, and cultural development of societies around the world (Voronin, 2000). It is multi-faceted and can involve a variety of different illegal activities including drug trafficking, trafficking in firearms, migrant smuggling and human trafficking. In addition to human trafficking being carried out by organized crime groups, it is also carried out by more loosely organized **criminal networks**. These criminal networks are decentralized and less hierarchical, and according to international securities expert Phil Williams, they can be as effective as and more difficult to detect than traditional organized crime groups (2001).

The processes through which people are trafficked are varied. Because trafficking is a money-making endeavor for the trafficker, all exchanges are made in an effort to maximize financial gain while minimizing costs and financial loss. Traffickers engage in numerous individual and small group transactions, the characteristics of which are situation-dependent. Common roles traffickers assume in the process are described below; keep in mind that not all roles are relevant for all trafficking situations.

## ***Trafficker Roles***

**Recruiter:** The recruiter identifies, makes contact with and brings the victim into the first phase of the trafficking process. Depending on the situation, the recruiter sells the victim either directly to the employer (e.g., brothel owner) or to the broker. The recruiter does not always know that the person she or he recruited is going to be enslaved. Some common recruitment methods include:

- use of the internet to advertise for employment opportunities, study abroad, or marriage;
- in-person recruitment in public places such as bars, restaurants, and clubs;
- in-person recruitment through community and neighborhood contacts including families and friends;
- purchase of children from their parents or legal guardians.

**Broker (agent):** The broker is the middle person between the recruiter and the employer.

**Contractor:** The contractor oversees all of the exchanges involved in the trafficking of the victim.

**Employment agent:** The employment agent takes care of securing “employment” for the victim; this sometimes includes making arrangements for identification paperwork such as visas and passports.

**Travel agent:** The travel agent arranges for the transport of the victim from her or his point of origin to the destination. This can mean arranging for travel within one country or across country borders.

**Document forger/thief:** The document forger/thief secures identification documents for cross-border travel. In some instances, this may include creating false documents and in others it may mean illegally modifying actual government documents.

**Transporter:** The transporter actually accompanies the victim on the journey from point of origin to destination. Transportation may be via boat, bus, car, taxi, train, plane, or on foot. Delivery of the victim is made either to the broker or directly to the employer.

**Employer (procurer):** The employer purchases and then sells or otherwise exploits the human trafficking victim.

**Enforcer (“roof” or guard):** The enforcer is responsible for ensuring victim compliance, protecting the business and, at times, for ensuring that outstanding

debt is paid by the customer (e.g., payment by a john in a sex trafficking situation).

**Pimp:** A pimp is a sex trafficker who directly or indirectly controls a person who is prostituted. He or she takes the profit made from the sex act and may or may not dole out a portion of this to the person being prostituted. The notion exists that the pimp provides protection for those being prostituted; however, the pimp himself often presents the most danger to the individual through threats, physical abuse, rape and the introduction or maintenance of drug use by the person being prostituted.

In order for human trafficking to work, the traffickers either have to force or somehow convince victims to leave their homes and to accompany the trafficker to the destination point. While coercion was defined above, what follows are common means of ensuring victim compliance with departing from her or his point of origin:

- abduction or kidnapping;
- purchasing of a child from her or his parents or legal guardians;
- deception through the promise of legitimate employment and/or entry into a country;
- deception about working conditions;
- deception about compensation and other benefits (e.g., school attendance for children);
- deception through a seemingly intimate/romantic relationship (i.e., trafficker pretends to be romantically interested in the victim).

Traffickers will use a combination of methods to control victims. Methods used depend on a variety of factors including, for example, the personality of the trafficker, the culture of the group in which they are working, the gender and age of the victim, and the behaviors of the victim while in the situation. Examples of control methods follow:

- violence (including rape and murder) and the threat of violence against the victim and her or his family;
- deprivation of agency or the sense of control over self;
- isolation;
- confiscation of identification and/or travel documents;

- religious beliefs and practices (e.g., threat to use voodoo to harm the family member of a victim whose religious beliefs include voodoo).

Also, a commonly employed strategy of control is for traffickers to tell victims that law enforcement and immigration officials are not trustworthy or will treat them harshly if they are discovered. Obstacles to seeking assistance on the part of the victim are many, for example, in many instances of international trafficking, victims are unaware that they have rights and often do not know that contracts they may have signed are not legally binding. Other obstacles to seeking assistance can be related to family loyalty (i.e., desire to protect family from the trafficker), cultural practices, language barriers and political suppression in countries of origin.

# Snapshot of International Efforts to End Trafficking

Non-governmental organizations and activists assumed a grass-roots role in the fight against human trafficking and have been instrumental in bringing the issue to the attention of governments around the world. At the international level and largely consequent of international agreements reached at the UN, the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) was initiated in March 2007 to support the global fight on human trafficking.

The Global Initiative is based on the idea that the crime of human trafficking is of such magnitude that it requires an approach to eradication that is implemented globally and by a variety of relevant stakeholders. In order for this to happen according to UN.GIFT, stakeholders must “coordinate efforts already underway, increase knowledge and awareness, provide technical assistance; promote effective rights-based responses; build capacity of state and non-state stakeholders; foster partnerships for



**FIGURE 1.1** United Nations Global Initiative to Fight Human Trafficking Logo

joint action; and above all, ensure that everybody takes responsibility for this fight.”<sup>3</sup> UN.GIFT sees its role as that of facilitator of coordination and to “create synergies among the anti-trafficking activities of UN agencies, international organizations and other stakeholders to develop the most efficient and cost-effective tools and good practices.”<sup>4</sup> Efforts to address human trafficking are further addressed in [Chapter 13](#) of this text.



# Human Trafficking in the United States

Like most countries with well-developed market economies, the United States plays a role in fueling the international trade of people. Also, as is the case with most if not all countries affected by human trafficking, the United States is faced with the trafficking of its own citizens within country borders. Sex trafficking of women and children, in particular girls, is the most significant form of domestic trafficking in the United States. Children targeted in these situations by traffickers, who are commonly referred to as “pimps,” are most often runaways or homeless youth. Labor trafficking is also an issue within the United States, however many of these cases involve individuals trafficked into the country to perform a variety of what are characterized as low-paying jobs. An example of labor trafficking of US citizens appears in the textbox below.

At the federal level in the United States, Congress passed the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 (P.L. 106–386), the Trafficking Victims Protection Reauthorization Act of 2003 (H.R. 2620), the Trafficking Victims Protection Reauthorization Act of 2005 (H.R. 972), and the Trafficking Victims Protection Reauthorization Act of 2008 (H.R. 7311). Prior to the passing of the TVPA in 2000, no comprehensive federal law existed to address human trafficking in the United States.

## **CASE STUDY 1.2: A FEDERAL CASE OF DOMESTIC LABOR TRAFFICKING**

Labor camp owners recruit homeless African-American addicts from shelters throughout the Southeast, including Tampa, Miami, Orlando, and New Orleans, to work at labor camps, promising food and shelter for only \$50 a week. The camp owners picked up prospective workers in vans and transported them to isolated labor camps in North Florida and North Carolina. Once on site, the workers were supplied with crack cocaine. The cost of the drug was deducted from their pay checks. Every evening camp owners gave workers the opportunity to buy crack, untaxed generic beer and cigarettes from the company store. Most workers spiraled into debt. On average, workers were paid about 30 cents on the dollar after deductions. The case broke in 2005 after a Federal raid on the North Florida camp. Advocates were stunned that the camps could so easily exploit American citizens.

Source: *Naples Daily News*, September 23, 2006.

In the United States TVPA severe forms of trafficking in persons are defined 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 services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(8 U.S.C. §1101)

Much like the United Nations trafficking Protocol, the TVPA focuses on the “three Ps” of trafficking to guide antislavery efforts: *prevention* of the crime, *prosecution* of the trafficker, and *protection* for victims. Recently, a fourth “P” standing for “*partnerships*” was added to the framework. Partnerships are intended to take place across all levels of society—local, regional, national, and international—and are to involve both government and civil society organizations. In addition to providing a comprehensive definition of human trafficking, this legislation gave law enforcement tools to enhance the extent to which traffickers are prosecuted and punished. The TVPA also called for the establishment of a global Trafficking in Persons (TIP) Report, which is published annually and the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons.

The TIP Report documents and evaluates the anti-trafficking efforts of foreign governments. Countries are ranked in tiers depending on the extent to which they are compliant with minimum standards established by the TVPA. Countries on the lowest tier may be subject to economic sanctions enacted by the United States. While the TIP Report is thought to be a useful tool, it has been criticized for presenting incomplete information, for not including evaluation of the United States and for being biased and “politicized.” Three primary concerns are as follows: how the minimum standards are applied; what methods are used to justify tier placements; and how information for the report is collected and analyzed. Recently, efforts have been made to address some of these concerns, the most visible of which is the inclusion of analysis of US efforts in the 2010 publication of the report.

Under the TVPA, the US Department of Health and Human Services can “certify” international human trafficking victims as such in the eyes of the law. After being certified, victims are then qualified for physical and psychological health services, housing, food stamps, educational and vocational programs, as well as support for legal services. Victims of international trafficking may also be granted a T-Visa, which allows them to live and work in the US for up to three years after which application for permanent resident status may be made. Criticisms of the TVPA have included that eligibility requirements for the T-Visa are too rigid and enforcement is deficient, leaving many deserving victims unprotected. Others have noted that there are unnecessary barriers to obtaining the benefits afforded through the TVPA. These include victim identification, difficulty qualifying as a “severe trafficking” victim, and the time it takes to certify a victim. Victims are often left for long periods of time waiting for assistance to meet the most basic of needs such as shelter, food, and clothing. Communities in which grass-roots anti-trafficking coalitions are established often step in to provide support at this critical time. The TVPA has been most strongly criticized by victims’ rights activists and social service providers for its requirement that victims participate in prosecution of the trafficker prior to releasing funding in support of their basic needs (e.g., shelter, food, clothing, access to health care and counseling). This requirement is tantamount to requiring a rape victim to press charges against her rapist before giving her access to medical attention and counseling.

As of August 2011, most states have developed laws that address trafficking; the number of states with sex trafficking offenses is 45 and 48 have labor offenses. The Polaris Project, a nonprofit agency working against trafficking nationally, has a rating process through which it tracks the presence or absence of 10 categories of state statutes they deem essential to a comprehensive anti-trafficking legal framework.

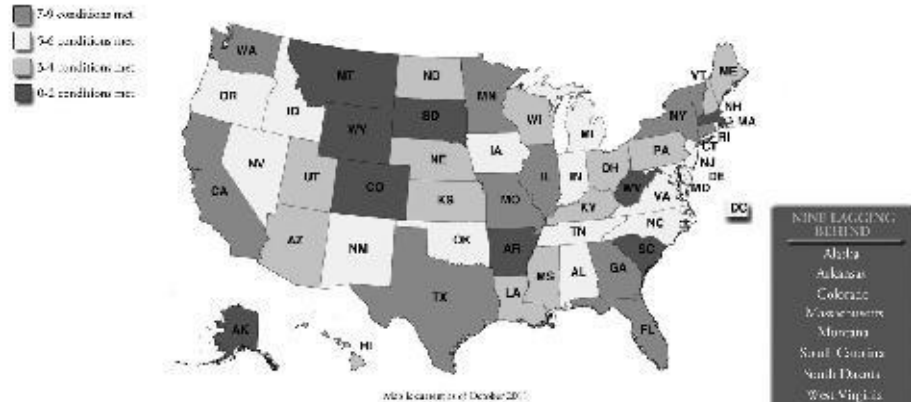
While the United States has made progress with regard to the extent to which trafficking is addressed, there is still much to be done. Within this text, [Chapter 13](#) in particular explains some ways in which anti-trafficking efforts can be augmented both in communities and nationally.

# HOW DOES YOUR STATE RATE ON HUMAN TRAFFICKING LAWS?



**POLARIS PROJECT**  
FOR A WORLD WITHOUT SLAVES

The Polaris Project annual state ratings provide a clear and concise overview of 12 categories of state statute. The Polaris Project believes are critical to a comprehensive anti-trafficking legal framework: (1) Sex trafficking, (2) Labor trafficking, (3) Adult labor force abuse, (4) Investigative tools, (5) Training for human trafficking, (6) Human trafficking risk factor, (7) consistent, or risk any otherwise, (8) Proving of a human trafficking matter, (9) State border, preventing cross-border trafficking, (10) Lower burden of proof for sex trafficking of minors, (11) Victim assistance, (12) Access to child care, and (13) Varying co-offenses for sex trafficking states.



A state rating chart, individual state reports, and a methodology document are available on our website at [www.PolarisProject.org/2013/StateRatings](http://www.PolarisProject.org/2013/StateRatings). Polaris Project's U.S. Policy Program provides support to legislators and policy advocates through model state anti-trafficking legislation, analysis of human anti-trafficking bills, and lobbying for legislative and policy advocates. For more information, please contact our Policy@PolarisProject.org, 202-945-1001 or visit our website at PolarisProject.org.

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**FIGURE 1.2** Polaris Project Sample State Ratings Chart

# TO THE PROFESSOR:

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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## DISCUSSION QUESTIONS

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1. How is human trafficking defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children?
2. What are the differences between human trafficking and other related phenomena such as immigration, emigration, and smuggling?
3. What are some of the underlying causes of human trafficking?
4. Name some of the ways in which human trafficking constitutes a violation of fundamental human rights.

## Notes

1. It was signed by member states of the UN at a conference in Palermo, Italy, on December 15, 2000 and was entered into force in 2003 on September 29 ([www.unodc.org/unodc/en/treaties/CTOC/index.html](http://www.unodc.org/unodc/en/treaties/CTOC/index.html).)
2. The ILO still stands by the estimate to which this reference refers. See United Nations (2009) *Improving the Coordination of Efforts Against Trafficking in Persons*. Available at: [www.un.org/ga/president/63/letters/SGbackgroundpaper.pdf](http://www.un.org/ga/president/63/letters/SGbackgroundpaper.pdf). (accessed February 22, 2013).
3. See [www.ungift.org/knowledgehub/en/about/index.html](http://www.ungift.org/knowledgehub/en/about/index.html).
4. Ibid.

**HISTORICAL PERSPECTIVE**  
***SLAVERY OVER THE CENTURIES***

**Brooke N. Newman**

## Overview

Human trafficking for the purposes of forced labor, commercial sexual exploitation, or reproductive slavery is often seen as a modern phenomenon. However, the trafficking and enslavement of men, women, and children is one of the most ubiquitous and pervasive features of all human civilizations, across time and space. While the nature and extent of slavery and the international trade of human beings, both legal and illegal, has changed dramatically over time, today's global slave trade is by no means a novel or recent development. Acquiring trafficked individuals for labor or sexual exploitation has remained one of the principal concerns of human societies for centuries, and cases of severe exploitation continue to be found on every continent.

The discovery and conquest of the Americas, rise of capitalism, and emergence of a global economy, among other key developments over the past 500 years, have merely intensified and transformed forms of human trafficking and bondage long present across most cultures worldwide. With its many variations and conceptual ambiguities, contemporary slavery may not always be easy to recognize, but it is continuing to evolve and adapt to modern conditions, just as slave systems did in the past (Quirk, 2011; Bales, 2005).

This chapter provides a brief overview of various forms of human bondage, touching upon several important characteristics of slavery and slave trading present throughout documented history, from the ancient period to the early twentieth century. It will highlight the common attributes of the institution of slavery across cultures, and describe the contexts in which the enslavement and trafficking of men, women, and children has persisted over the centuries. Beginning with some of the core characteristics associated with human bondage, the chapter then moves to slave holding in the ancient world, specifically the societies of ancient Mesopotamia, Greece (particularly Athens), and Rome. After a discussion of ancient slave ownership as it varied from place to place and over time, the chapter provides an assessment of slavery and servitude during the medieval and early modern eras (c. 1450–1800 CE), in Europe, Africa, and the Islamic world. The next section traces the emergence of African slavery in the Americas and the transatlantic slave trade and its legacies. The chapter concludes by surveying the rise and origins of global antislavery movements in the late eighteenth, nineteenth, and early twentieth centuries. Attention is directed throughout to the uniquely exploitative situations in which women and



girls found themselves in the worldwide history of slavery in its pre-modern and modern manifestations and to the importance of legal definitions of slavery.

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## **CHAPTER LEARNING OBJECTIVES**

As a concise summary of the history of human bondage and slave trading across a select range of societies and cultures worldwide, this chapter serves as a springboard for an in-depth analysis of modern human trafficking patterns and characteristics. Engaging with historical forms of enslavement allows scholars, students, and activists interested in combating the illegal trade in human beings today to make connections between what is known about slave systems in the past and the continuance of forced labor, sexual exploitation, and slave trading in the modern era. Studying the past also demonstrates how slavery has helped to define notions of freedom by serving as a counterpoint.

Learning objectives for this chapter include the following:

- Describe the basic features of the institution of slavery, from ancient history to the present.
  - Recognize important periods and significant players in the history of slavery and human trafficking.
  - Explain how slave systems have enabled the sexual exploitation of women and girls.
  - Sketch out milestones in global efforts to criminalize and eradicate slavery and the global trade in human beings and assess their long-term impact.
  - Recognize and compare ancient, pre-modern, and contemporary forms of human bondage.
  - Recognize the differences between historical forms of slavery and human trafficking in the modern world.
-

# Common Features of the Institution of Slavery

Slavery has existed in many places and in multiple forms for thousands of years and is one of the most extreme forms of human domination. The institution of slavery is also one of the few truly omnipresent institutions in human experience. Since the beginning of recorded history, virtually every “advanced” world civilization has been touched by slavery, and many societies have seen a robust presence of slaves employed for a number of different purposes within them.

Surviving inventories of items bought and sold in the ancient Middle Eastern civilization of Sumeria (4000–2300 BCE), the first culture to leave written records, indicate that merchants bought and sold human beings 5,000 years ago along with other commodities deemed valuable (Watkins, 2001). The earliest known written legal code, the Hammurabi Code, composed in approximately 1780 BCE by Hammurabi, a Babylonian ruler in ancient Mesopotamia, officially recognized slavery. In every major civilization since, ancient and modern, human beings have engaged in the coercive recruitment of individuals for sexual exploitation or forced labor, with many civilizations viewing slavery as both advantageous and acceptable. Indeed, until the modern era, unfree labor was the norm throughout the world rather than the exception. The pervasiveness of slavery in human history has prevented the institution from dying out completely, even during periods when slaves were of minimal economic significance. Understanding the historical dimensions of slavery is thus essential to comprehending its role and meanings in the modern world (Engerman, 1999; Rodriguez, 1997; Davis, 1966).

Slavery and slave trading are fundamental, though unsavory, aspects of human history, deeply embedded in our past as well as our present. For centuries, human beings have served as one of the chief commodities of localized and global trade, and many economies have been dependent upon unfree labor and the brutal exploitation of individuals. The continual search for cheap and plentiful sources of labor has motivated the capture, purchase, and transport of millions of men, women, and children throughout the world. It has contributed to the emergence of multiple slave systems designed to assist slave-owners to extract the maximum amount of profit from unwilling laborers and to use the enslaved—particularly young women and girls—for sexual and reproductive

purposes against their will. Since the ancient period, masters have utilized their slaves in a wide range of tasks including agriculture, mining, domestic service, manufactures, military defense, and even business and administration, and many have exposed their slaves to sexual abuse and forced them to live as concubines (Rodriguez, 1997; Meltzer, 1993; Patterson, 1982; Davis, 1966).

As a long-standing worldwide phenomenon, the institution of slavery has impacted millions of lives, and the pervasiveness of slavery throughout human history makes it difficult to generalize about the experience of bondage for the individual. Still, while the work conditions, legal status, and daily lives of individuals subject to bound labor within differing slave systems has varied dramatically from century to century and place to place, basic similarities have emerged across specific societies and historical periods. Historians, economists, sociologists, anthropologists, and psychologists, in their speculations about slavery's origins, have identified several common characteristics underpinning differing manifestations of the institution of slavery (Lovejoy, 2004; Meltzer, 1993; Winks, 1972).

First, societies that have practiced slavery have tended to dehumanize workers of the lowest and most degraded social status by classifying them as human **chattels**, or items of personal property capable of being bought, sold, hired, mortgaged, bequeathed to heirs, and moved from place to place. In slave societies chattels remained property for life and held no legally recognized personal or property rights of their own. At its most essential level, then, slavery consists of an unequal balance of power between two or more people that is designed to benefit the master rather than the slave. In the master-slave relationship, it is the slave who lacks power, honor, and an independent social existence; the slave is perceived as unworthy, and in many cases incapable, of possessing human rights, autonomy, or dignity. Throughout recorded history most slaves have been codified as human chattel by dehumanizing legal codes that prioritized the rights of property owners over those of their human property. Although particular societies legislated differing levels of freedom and mobility for the enslaved, slaves generally remained bound to their owners for life as a form of animate property, sanctioned as such by social and cultural norms and enforceable legal codes. To slave owners, a slave's capacity to labor and produce a surplus over the cost of his or her upkeep—or submit to sexual or reproductive exploitation in lieu of manual labor—was of central importance. The slave was perceived as essentially a disposable, economic creature without a social identity, although some societies recognized slaves as subordinate members of kin groups who could potentially become less marginalized members of the

community. In pre-modern Africa, for instance, many tribal communities used enslavement as a means of recruitment for the kinship group. Slaves were expected to labor, and could be sacrificed or exploited at any time for the benefit of the group, but could eventually enter into full membership in the community (Lovejoy, 2000; Eltis, 2000; Rodriguez, 1997).

Second, most societies with slaves marginalized the enslaved population by ensuring that chiefly persons considered “outsiders” to the community—such as foreigners, criminals, war captives, and those of different religious or ethnic backgrounds—were subjected to the indignities of slavery. A wide variety of determinants, ranging from culture and ethnicity to religion, were used to determine insider or outsider status in early societies that practiced slavery. Most communities relied upon the influx of outsiders, whether through warfare and capture or purchase at market, to maintain their supply of slaves (Eltis, 2000). The word *slave* comes from *Slav*, a term used to describe people sold into slavery to the Muslims of southern Spain and North Africa during the Middle Ages who originated in the Slavic regions of eastern Europe. The use of this terminology is illustrative of the way in which a particular group of outsiders could become intimately associated with the condition of bondage over time (Watkins, 2001). Both ancient and pre-modern slave societies prized group identity and tended not to subject one of their own to involuntary enslavement, although exceptions were sometimes made for those individuals accused of unacceptable, antisocial behavior. There is also a long record of voluntary slavery in human history, often known as debt bondage. Desperately indebted individuals could sell themselves or their dependent family members into slavery during periods of economic hardship, working without compensation until their creditors deemed their debts paid off. Debt bondage could be temporary in some cases or inherited by the debtor’s family; failure to repay a debt, for example, could shift a bondsperson’s status into hereditary slavery. Societies that have permitted this practice usually placed restrictions on the nature and extent of voluntary enslavement among their own members (Ishay, 2008; Engerman, 1999).

To meet the increasing demand for involuntary bondspersons to serve as human chattels, most slave systems have relied overwhelmingly upon captives of war who, rather than being killed or left to die of starvation or exposure, were moved to a new community and subjected to the authority of an unknown master. In this foreign environment, with the connections to their own ancestry and people severed, slaves experienced what the sociologist Orlando Patterson has termed “social death,” living publicly on the margins of another society with

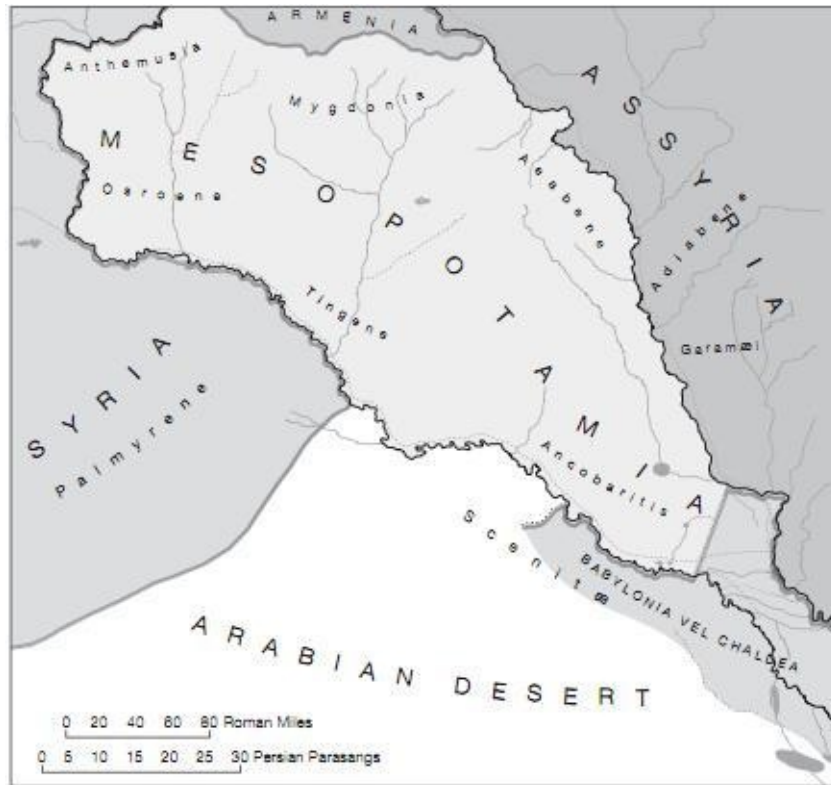
no social identity, rights, or privileges (Patterson, 1982). By primarily enslaving persons outside the core group, societies with functioning slave systems ensured that their bondsmen and women owed their continuing survival to the mercy of their owners and to the new community in which they found themselves. Chattel slavery could then be perceived as an act of benevolence on the part of captors who had spared the lives of their former enemies. The enslavement of persons outside the community also ensured, moreover, that the most repressive form of human domination was reserved for those who did not belong. Debt slaves were commonly held in higher esteem than, and not identified with, foreign-born slaves: chattel slavery was not something done to one's own people (Eltis, 2000; Rodriguez, 1997).

A final shared characteristic of ancient and modern slave systems is that chattel status is typically a **heritable condition** passed from mother to child. In the eyes of the law, a slave possesses no recognizable male parent. If one's mother is a slave, then one is automatically subject to the same fate. This feature sharply distinguishes slavery from other forms of coerced labor, as forced labor typically involves a loss of citizenship, or community rights, but does not necessarily imply ownership of one person by another and an inherited status. Hereditary status also keeps slave systems functioning by providing owners with a steady stream of human property (Bradley and Cartledge, 2011). The frequency of **manumission**, or formal emancipation, for individual slaves has varied widely, with the highest rates of manumission to be found in urban slave systems. In the slave society of ancient Rome, where manumission was widespread, expanding numbers of emancipated slaves meant that the slave population had to be continually replenished with new war captives. In other slave systems, including eighteenth-century Jamaica, the antebellum American South, South Africa, and Iraq, manumission rates remained very low and slavery was, for most, a permanent condition (Mouritsen, 2011; Grusky, 2008).

## Slavery in Ancient Societies

From the objects and texts unearthed by archeologists, we know that slavery existed as early as 4000 BCE in the world's oldest known civilizations in Mesopotamia, between the Tigris and Euphrates Rivers (now modern Iraq). When farming techniques improved enough to produce settled communities with growing populations and surplus food, it became increasingly clear that whoever owned the land and possessed the human beings who worked it could gain both property and free labor. It then became pragmatic to take captives after a battle rather than kill them; as valuable human tools, slaves could work the fields, labor in mines, tend flocks, and assist in the production of the food supply that would keep them, and their captors, alive. In this way a system of slavery developed in ancient Mesopotamia in which the condition of bondage generally existed in one of two forms: either as a method of organizing marginalized laborers to perform tasks critical to the survival of the community, or as a form of punishment imposed on outsiders who had either taken up arms against the community or transgressed important laws or customs. Slaves also became regarded as status symbols, demonstrating the might of victors over their enemies (Watkins, 2001; Rodriguez, 1997; Meltzer, 1993).

King Hammurabi, who ruled Babylon, the world's first metropolis (c. 1792–1750 BCE), consolidated most of Mesopotamia politically during his reign and established one of the first complete written legal codes in history. **The Code of Hammurabi** combined diverse traditions



**FIGURE 2.1** Map of Ancient Mesopotamia

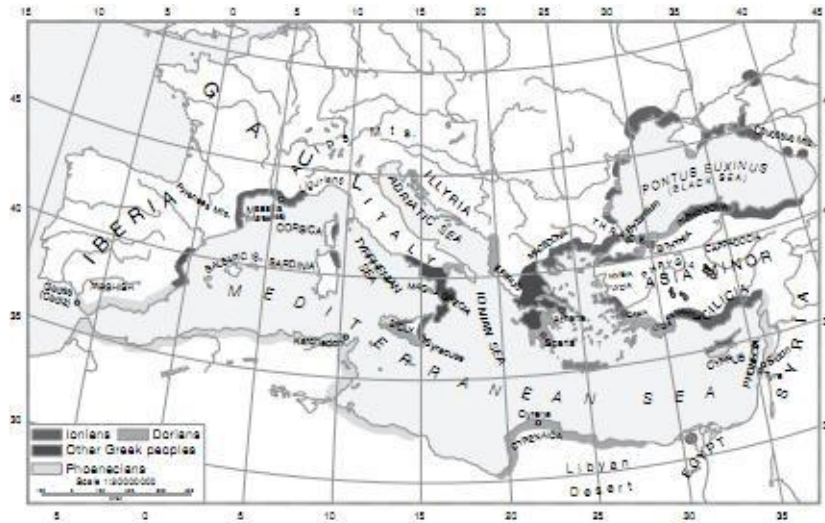
present throughout the newly unified polity and assembled them into a collection of 282 laws, inscribed on a large stone pillar and placed in a public temple for display. Many of these laws related to slavery. Hammurabi's code deemed slaves merchandise, rather than human beings, but acknowledged the right of male slaves to own property, marry free women, and potentially purchase their freedom. Female slaves possessed none of these rights. The Code of Hammurabi also made distinctions between debt slaves and all other slaves: persons in debt bondage were to be released by their owners after a period of three years; chattel slaves recruited by capture, sale, or punishment for criminal misbehavior would remain enslaved for life (Horne, 2007). Across Mesopotamia slaves were employed in public buildings, temples, and private homes, and they faced harsh punishments if they tried to escape or disobeyed. Yet members of every level of society were expected to follow the rules. Ordinary citizens who harbored or detained a runaway slave would be put to death (McKeon, 2002; Rodriguez, 1997; Meltzer, 1993).

Just as slaves worked in the fields and households of Mesopotamia, so too did they toil a thousand miles west of Mesopotamia, in Egypt, during the same period and then later, in the same region, among the Hebrews. Both

Mesopotamia and Egypt contained river valleys with rich soil capable of sustaining growing populations through high crop yields. However, due to the great mass of peasants in Egyptian society, who lived like serfs bound to the soil, working the lands of the pharaoh or nobles, slaves were generally of less importance in Egypt. Some slaves submitted to bondage voluntarily in lieu of a debt payment, but most were foreigners or prisoners of war put to work in palaces or temple estates, in royal quarries, in the fields, or in the building of great construction projects. Certain ancient groups, such as the Hebrews, practiced slavery but only attached a stigma to those among the enslaved whom they deemed “heathens.” While there was no prospect of release for heathens, slaves of Hebrew origin were not kept in bondage in perpetuity. A formal process of manumission helped to facilitate their transition from slavery to freedom after a period of approximately six years (Meltzer, 1993). Similarly, many early West African societies incorporated slaves and their offspring into the community as freemen and women after their manumission (Heuman and Burnard, 2011; Lovejoy, 2000). Thus while slavery was a fact of life in the majority of ancient societies, the actual conditions and terms of enslavement, and the prospect of eventual release, varied enormously from place to place.

Even though the presence of trafficked and enslaved individuals was nearly ubiquitous in the ancient world, slaves formed a relatively small percentage of the total population in early civilizations. Slavery represented only one of several systems of labor. Consequently, in most ancient societies the economic significance of slave labor remained relatively minor for several centuries, but this did not prevent the institution of slavery from spreading. Slavery appears to have helped ancient civilizations to absorb outsiders and benefit from their labor, as most slaves were completely isolated from their kin and communities and dependent on their owners (McKeon, 2002). It was not until sometime between the fifth and





**FIGURE 2.2** Helas: The Ancient Greek World c.550 BCE

Source: Adapted from William R. Shepherd, *Historical Atlas*, 1926

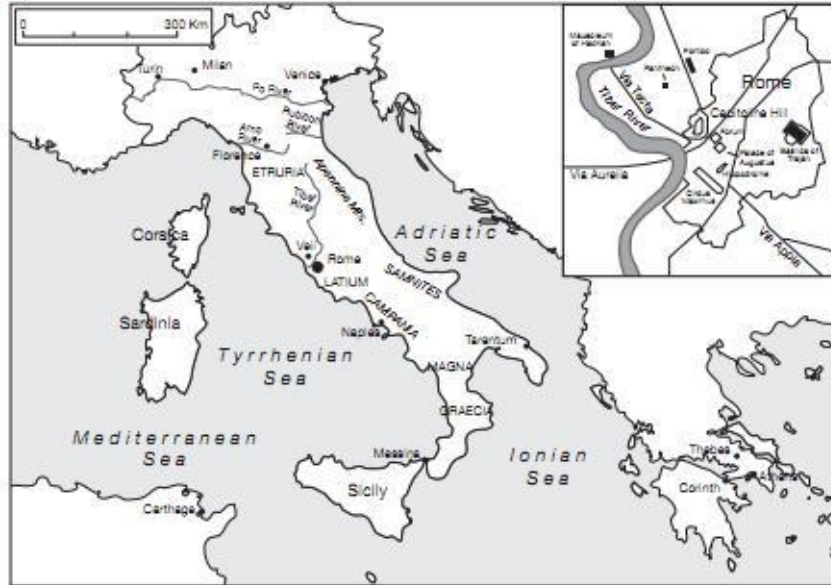
third centuries BCE that the autonomous city-states of **Ancient** Greece, particularly Athens, became dependent on slave labor and hence fully fledged slave societies. In **slave societies**, as the historian Ira Berlin has observed, “slavery stood at the center of economic production, and the master-slave relationship provided the model for all social relations”; Berlin opposes this to **societies with slaves**, where “slaves were marginal to the central productive processes” (Berlin, 1998).

At its height, around the middle of the fifth century BCE, Athens contained a greater proportion of slaves than free citizens, with an estimated population of 100,000 slaves and 40,000 free adult males. The growing demand for enslaved laborers to perform a wide range of tasks, from farming and producing goods for sale to making tools and tending to the sick, prompted Athenians to utilize human capital to an unprecedented extent. Although most Athenians worked as peasant farmers, Athenians generally viewed chattel slavery as a necessity because it allowed the most privileged class of free citizens to turn their attention to political and cultural matters rather than to unsavory tasks associated with manual labor. Even those at the lower end of the social scale enjoyed a higher status than that possessed by slaves. Although all occupations were open to slaves, excepting those of politician and soldier, the majority of slaves were employed in domestic, agricultural, and industrial labor. Greeks tended to enslave foreigners and immigrants, known as “barbarians,” but also subjected marginalized and desperate members of their own polities to bondage as well

(Heuman and Walvin, 2003; Blundell, 1995; Phillips, 1985).

In Athens, sharecroppers were frequently enslaved as debtors because they could not produce enough shares to satisfy the demands of the nobles whose lands they occupied. The practice of enslaving other Greeks for nonpayment, however, was outlawed in 594 BCE; thereafter slaves had to be noncitizens born in foreign lands—generally captives of war purchased at market. Greeks purchased most of their slaves from non-Greeks around the Aegean Sea, and slave trafficking emerged as a highly lucrative business. Warfare, kidnapping or banditry, piracy, self-mortgaging, and child exposure were the most likely means by which merchants acquired men, women, and children to trade at market. Women and girls in particular were perceived as spoils of war, available to the highest bidder and commonly exploited for sexual purposes (Watkins, 2001; Rodriguez 1997; Meltzer, 1993).

As the Athenian economy and social order became increasingly reliant upon slave labor, it became commonplace for Athenian citizens to assume that slaves, and “barbarians” in general, were inferior and hence not capable of attaining full citizenship or enjoying the fruits of freedom. In time the condition of bondage became closely associated with perceived differences of mind and soul rather than a matter based on the legal distinction between freedom and slavery. This redefinition of enslavement as a moral and spiritual issue is evident in the Greek philosopher Aristotle’s concept of slavery. Aristotle (384–322 BCE) envisioned slavery as natural component of a hierarchical social and political structure in which every individual plays a prescribed role suited to his or her innate capabilities. For Aristotle, non-Greeks were “natural slaves,” who lacked the higher qualities of mind and spirit necessary for freedom and were marked out by nature as capable of belonging to and being ruled by their intellectual superiors (Garnsey, 1996). Studying the emergence of slavery in ancient Greece is critical because concepts of freedom and liberty still influential today developed at the same time that Greek philosophers and statesmen attempted to



**FIGURE 2.3** Map of Ancient Italy and (inset) Rome

justify their use and acceptance of slavery. Social practices, legal patterns, and attitudes and philosophical notions established in ancient Greece had an important impact on the civilizations that came after, particularly the **Roman Empire** (ca. 27 BCE through 476 CE), an ancient empire centered around the Mediterranean sea and containing most of modern Western Europe (Bradley and Cartledge, 2011; Heuman and Burnard, 2011; Meltzer, 1993).

Slavery existed in ancient Rome from its earliest stage of development, and as the Roman Republic expanded into a vast empire over a period of several centuries, it became the largest slave society in the ancient world. Historians argue that slaves constituted roughly 30 to 40 percent of the population of Italy and perhaps 10 to 15 percent of the entire Roman Empire. The Romans transmitted their conception of slavery to subsequent civilizations through their system of law, codified in the sixth century CE under the emperor Justinian and rediscovered during the medieval period by European scholars. Roman legislation concerning slavery, slave trading, and manumission offered a concrete example of a slave system in an earlier period and served as an intellectual basis upon which medieval societies could draw as they created their own methods of bondage (Phillips, 1985). Roman slaves came from a variety of sources, including the offspring of existing slave women; free children exposed to the elements for a variety of reasons by their parents and raised as slaves; and men, women, and children purchased at markets or captured elsewhere and then transported into the empire. Most slaves were probably owned by the elite and

engaged in domestic and agricultural work or urban trades. Scholars stress that female slaves of childbearing age were rarely freed; their children made up three-fourths of Rome's total population of enslaved laborers. Masters expected their female slaves to produce offspring to replenish the slave supply (Heuman and Burnard, 2011; Bradley 1994).

Legal texts offer the greatest source of information about the lives of slaves in the Roman Empire. Per Roman law, slaves were considered property rather than people, human objects lacking kin, honor, or a social identity. From the first century CE the state intervened whenever possible to prevent the abuse of slaves by their masters, but shielding slaves from the actions of third parties represented an attempt to protect a master's property rather than the slave as a person. Although masters, or third parties, could not kill their slaves without just cause, the murder of a slave was not considered as serious of an offense as the murder of a free man or woman (Heuman and Burnard, 2011; McKeon, 2002). Like classical Athens, Rome, too, had to confront the fundamental dilemmas raised by slavery, particularly the difficulty of owning something deemed both a living person and an object; the impossibility of maintaining complete control over another human being; the reliance on coercion to maintain the slave system; and the moral implications of owning fellow humans (Rodriguez, 1997; Bradley 1994; Phillips, 1985).

## Medieval and Early Modern Slavery

Between the six and thirteenth centuries, slavery gradually died out in Western Europe as feudalism emerged as the dominant social system. The feudal system linked high-ranking members of the landed military elite—the lords—with other military personnel known as knights who possessed equipment necessary for warfare, such as horses and weaponry. In highly ritualized feudal agreements, lords offered knights a *fief*, typically the right to use or govern lands and manors, in exchange for their loyalty and service in war. A knight who swore to serve a lord in exchange for a fief was known as a vassal. Central rulers (like English and French kings) could draw upon the personal line of contractual relationships stretching through-out their kingdoms to establish larger royal networks, ensuring that nobles at all levels owed allegiance to those of a higher rank and, ultimately, to the crown (Singman, 1999; Bush, 1996).

Lords and knights did not perform economically productive work; instead they relied upon the toil of peasants, known as serfs or *villeins*, who lived on the estates of the elite and received protection, land they could work for themselves, and the right to graze their domestic livestock in exchange for unpaid agricultural labor. Subject to the will of their lord and legally bound to his manor, serfs held few legal rights; they could not carry arms, were obligated to sue for justice in the local manorial court, and could not appeal their lord's decisions. Everything they owned technically belonged to their lord. Serfs supported themselves and their families by working an individual plot on a lord's estate and then giving him part of their production as rent. They were also required to work on the lord's much larger plot of land. Serfs had to obtain their lord's permission and pay a fee in order to move, marry, learn a trade, sell goods at open market, or travel. Nonetheless, serfs were not slaves. They possessed rights and were bound in a reciprocal relationship with their lords that entitled them to protection, justice, and land (Engerman, 1999; Bush 1996; Phillips, 1985).

The decline of slavery and weakened economy in medieval Western Europe did not prevent the flourishing of slavery and slave trading outside the region, particularly in the Islamic world, stretching from southern Spain to the Arabian Peninsula to North Africa. Although Europeans agreed not to allow the sale of fellow Christians to non-Christians as slaves, European countries participated in the slave trade to these foreign markets, relying on overland and sea routes from

Italy and southern France as key transfer points for the sale and trafficking of slaves with the Islamic world. In the more economically advanced and urbanized Islamic world, across the Mediterranean from Europe, the population included a diverse array of ethnic groups including Persians, Berbers, Greeks, Syrians, and Egyptians, linked together through the religion of Islam. Slavery was a pervasive feature of Islamic society, and Muslims looked to markets in Europe, sub-Saharan Africa, the area of the Russian rivers, and India and Turkestan to meet the demand for bondsmen and women (Lovejoy, 2004; Phillips, 1985).

Because free men carried out most of the production of agricultural and industrial products, Muslims utilized their slaves in nonproductive roles, especially artisan labor, military service, and domestic work. The Qu'ran ordered masters to treat their slaves well, yet slaves did not possess legal rights and were considered morally and physically inferior to free Muslims. Masters could severely punish, or even kill, their slaves without fear of retribution. Male slaves performed a wide range of business tasks for their masters but slaves in general were used as domestic servants. In a society in which men could maintain as many concubines as they pleased, female slaves were commonly subject to sexual exploitation and forced to work as prostitutes, dancers, and entertainers. Lighter-skinned women in particular were highly prized as concubines (Lovejoy, 2004; Phillips, 1985).

In Africa during this same period the status of individuals subjected to slavery varied according to their ethnicity, the distance they had been removed from their homeland, and whether they had been born into slavery or enslaved during their lifetime through sale, capture, or kidnapping. Slaves were commonly acquired through violent means—seized from their farms and villages by means of warfare, kidnapping, and military raids. There was some continuity in terms of the slave systems and trafficking practices of sub-Saharan and northern Africa, and the Muslim regions of Africa, both north and south of the Sahara, overlapping with the Islamic world to the north. Slaves performed agricultural tasks for, and traded on behalf of, their masters, and women as well as men were exploited sexually. Pretty women and girls and eunuchs, or castrated males, fetched high prices in slave markets throughout Africa, and slaves were not allowed to engage in sexual relationships without their master's consent. Children produced by slaves were raised as the property of their master and could be removed at any time and sold, taken as a concubine, redistributed as part of a marriage arrangement, or trained for the army. Like many slave systems, masters held the power of life or death over their slaves, but some tribes, such as the Igbo and Yoruba, acquired slaves primarily for the purposes

of human sacrifice. They were free to sacrifice their slaves at funerals or as an offering to the gods, as in Dahomey, where hundreds of captives were publicly killed at festivals for religious purposes (Heuman and Burnard, 2011; Lovejoy, 2004).

# African Slavery and the Atlantic Slave Trade

While it is clear that slavery and slave trading predated European forays into West Africa and the New World in the fifteenth, sixteenth, and seventeenth centuries, the slave system and transatlantic trafficking network that developed during the early modern period was more brutal and exploitative than that which had previously existed in Europe, Africa, or the Middle East. The European conquest and settlement of the Americas ushered in an increased demand for agricultural laborers and a new era of global trafficking and enslavement. To produce labor-intensive crops such as tobacco, sugarcane, and cotton for distant European markets required a large and plentiful workforce. In the early phase of European colonial settlement, thousands of indigenous peoples were initially employed as laborers throughout the Americas, especially in the Spanish-operated silver and gold mines of Mexico and the Andes. Bound laborers from Europe also toiled in the agricultural fields of the Americas as plantation laborers, particularly in the English and French mainland North American and Caribbean island colonies. The death of Amerindians from epidemic diseases, coupled with the emergence of large, integrative plantations requiring hundreds of workers, led to the rapid rise of a new system of slavery based on the labor of African men, women, and children.

What was once a means of domestic labor exploitation in Africa became a huge, intercontinental system based on the drive to provide an abundant and affordable supply of ready hands to cultivate crops. To feed the European need for slaves to labor in their plantation colonies, Africans began to enslave one another for judicial reasons and criminal misbehavior and to conduct raids with the explicit intention of bringing in captives for sale. Kidnapped in the interior and marched to European coastal forts, African captives of all ages were sold as slaves to European traders in exchange for guns, cloth, alcohol and many other goods. They were then packed like cargo into overcrowded spaces between the decks of slave ships and forced to endure the lengthy, often lethal voyage across the Atlantic —known as the **Middle Passage**. Of those who survived this harrowing voyage, the final destination for the vast majority was South America, primarily Brazil, or the Caribbean islands; the rest ended up in Central America and North America, in the region that is now the United States (Berlin, 1998; Blackburn, 1997; Curtin, 1998).

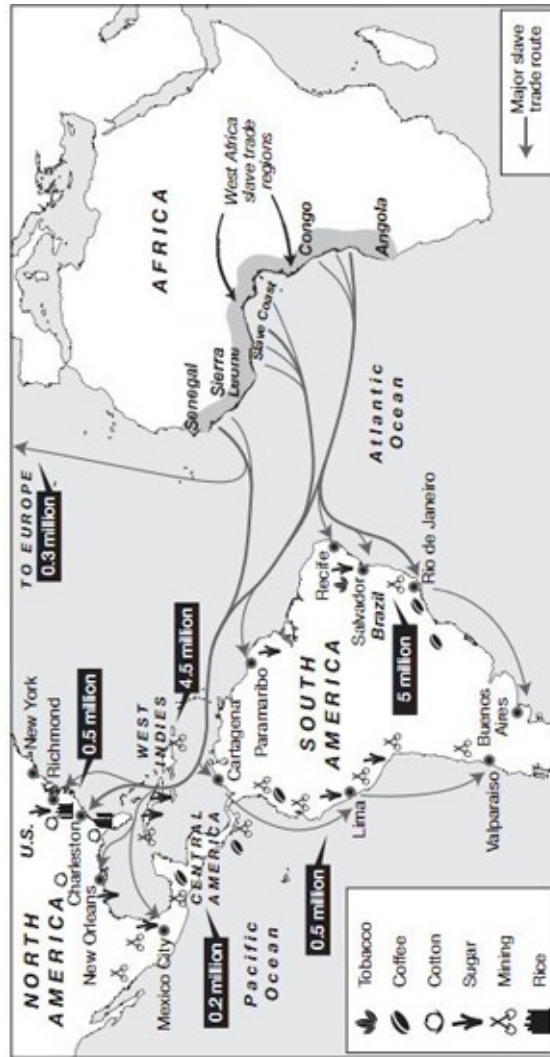
Though the transatlantic African slave trade began rather slowly in the



sixteenth century, by the seventeenth and eighteenth centuries the trafficking of bound African laborers had blossomed into a large-scale enterprise capable of supplying slaves to labor in the sugarcane fields of the West Indies; the mines and coffee and sugar plantations of South America and Central America; and the tobacco, rice, and cotton fields of North America. During this period, Europeans grew increasingly unwilling to perform the grueling agricultural tasks that they demanded Africans to perform under threat of physical and psychological violence.

The economies of European countries and their overseas colonies, as well as the emerging states in the Americas, were thus sustained by African slavery and the commodities produced by enslaved laborers. An estimated total of 11 million African slaves crossed the Atlantic for New World destinations during the era of slavery, and the labor of those who survived produced goods quickly and relatively cheaply for international markets, bolstering profits and manufacturing and increasing rates of consumption in Europe, the Americas, and across the globe (Rawley and Behrendt, 2005).

Critically, the transatlantic slave trade and mass enslavement of Africans throughout the Americas gave rise to new racial classifications designed to bolster and justify the slave systems of the New World. While early colonists had typically referred to themselves as “Christians” and their African and Amerindian slaves as “heathens,” during the seventeenth century this terminology was gradually replaced by the terms “white” and “black” or “Negro.” In colonies as disparate as Brazil in South America, Barbados in the West Indies, and Virginia in North America, the term “Negro” meant being both a slave and inferior. Formal slave codes curtailed the rights of the enslaved and guaranteed that the status of a slave was reserved almost exclusively for persons of West African ancestry. The developing racial order, which degraded men and women of African descent to the lowest social positions, gave weight to the notion of African inferiority and served as further justification for their enslavement. Moreover, racial distinctions not only became the chief rationale for slavery in the Americas, they also helped to secure the hegemony of slaveholders by discouraging collusion between poor whites and enslaved blacks. But assumptions about African inferiority failed to prevent slaves from rebelling



**FIGURE 2.4** Map of the Transatlantic African Slave Trade, 1650–1850

Source: [www.slaverysite.com/Body/maps.htm#map5](http://www.slaverysite.com/Body/maps.htm#map5)

against their masters or forming ties with non-slaves, and New World racial slavery sparked some of the most intense rebellions, wars, and radical political and religious movements of the early modern era (Heuman and Burnard, 2011; Drescher, 2009; Davis, 1984).

# Global Abolition and Emancipation Movements

The three centuries following the European settlement of the Americas were marked by a dramatic and devastating expansion of legal forms of slavery and human trafficking. European colonizing powers, particularly the British, French, Spanish, and Portuguese, exploited slave labor in farflung corners of the globe, in Africa, Asia, and the Americas. Slave labor, and the continual influx of slaves to European colonies, provided the impetus behind the growth of plantation economies. The global increase of slavery occurred at the same time that the institution all but disappeared in Europe, as jurists ceased to sanction slavery within their jurisdictions, both for native-born residents and foreign-born slaves who reached their range of legal authority. For Europeans living in the age of overseas expansion, slavery had become a critical, though distasteful, imperial institution necessary to secure economic growth, domestic prosperity, and international competitiveness.

But this notion of slavery as a necessary evil would change in the late eighteenth century. Starting in the 1780s, organized abolitionist campaigns cropped up on both sides of the Atlantic, spearheaded by reformers who sought to criminalize the transatlantic slave trade in Africans and end the practice of human bondage. British and French Enlightenment thinkers such as Adam Smith and Baron de Montesquieu argued that slavery was the antithesis to natural law and less productive than free labor. The primary goal for antislavery advocates was to effect the legal abolition of slavery and slave trading, and, following a number of setbacks, in this they were largely successful. In little over a century, from the 1780s to the 1880s, antislavery activists led by the British gradually put a stop to the transatlantic slave trade and dismantled slave systems throughout the New World. By the late nineteenth century, the same European countries that had for centuries relied upon slave labor to bolster their wealth and power now became committed opponents of human trafficking and the institution of slavery. At the dawn of the twentieth century, the near-universal legal status of slavery had eroded dramatically, with the trade in human beings increasingly perceived as an unlawful impediment to human rights and progress on a global scale (Drescher, 2009; Davis, 1984, 1966).

In the nineteenth-century Atlantic world, the site of so many deeply embedded, interconnected slave systems, the process of legal abolition and

emancipation assumed a variety of forms and spanned most of the century. The declaration of immediate emancipation in Haiti (1804), as well as the United States' Emancipation Proclamation (1863) and Thirteenth Amendment (1865), were the fruits of prolonged, violent struggles. Spurred to action by the specter of revolutionary emancipation in Haiti, the British abolished the slave trade in 1807–1808 and then attempted a gradual transition to full freedom beginning in 1834—but this did not apply to India. Other nations soon followed in Britain's footsteps, with Denmark and France (1848), the Netherlands (1863), Puerto Rico (1873), and Cuba (1886) abolishing slavery as a result of international pressure, religious efforts and moral petitioning, legislative action, and, in some cases, bloody skirmishes. With the abolition of slavery in Brazil in 1888, the institution officially came to an end in the Americas. But for the formerly enslaved and their descendants the process of emancipation had only just begun. Oppression, exploitation, racial conflict and violence remained prevalent in former slave societies and true freedom and liberty continued to remain the province of wealthy elites, and of whites. Politically, socially, culturally, and economically, many of the descendants of the enslaved remained marginalized and trapped in a state of continued exploitation throughout the Americas (Drescher, 2009; Davis, 1984, 1966).

In African and Asian regions formerly colonized by Europeans or under their domination beginning in the nineteenth century, reformers imposed a free-labor ideology on indigenous populations and pressured reluctant masters to emancipate their slaves. Slavery in these Old World societies, however, was extensive, vigorous, and diverse during this period, and the slave trade remained intact through interregional and long-distance trafficking and slave raiding. In addition to outright slavery, a range of forms of social, economic, and sexual exploitation existed in Africa and South and South East Asia, some hereditary and permanent, and some temporary. Men, women, and children could be subject to debt bondage or pawnship, contract slavery, forced labor for the benefit of the state, serfdom, or concubinage. Slave labor was still cheaper than wage labor and more widely available. Debt, famine, and poverty prompted parents to sell children, husbands to sell wives, and people to bind themselves to a master in exchange for sustenance. Slavery was also used as a punishment for certain types of crimes. The vulnerability of slaves and their detachment from kin and community allowed for their subjugation; slaves' rootlessness enabled masters to subject them to ever-greater levels of labor and sexual exploitation. This, in turn, increased productivity levels, generating profits that masters were unwilling to lose. In many areas of nineteenth-century Africa and India, for

example, slavery was firmly rooted in the social order and flourishing rather than declining (Lovejoy, 2000; Drescher, 1999; Klein, 1993).

During the late nineteenth and early twentieth centuries, European encroachments in parts of the Old World where slavery and the slave trade remained widespread were fiercely resented. For decades European powers had avoided complicating their relations with local rulers and slave owners by choosing not to intervene in master-slave relations. In British India, Indian masters owned millions of slaves and the institution of slavery remained robust despite the abolition of slavery in other parts of the empire. British officials in India, who relied heavily on the support of local Indian princes, soldiers, and subalterns to carry out their will, were hesitant to enforce an antislavery policy. Moreover, they had long engaged in the exploitation of Indian workers and women and girls to suit their own economic, political, and sexual purposes. It was not until 1860 that it became officially illegal to own slaves in British India. Fourteen years later, in 1874, the British governor of the Gold Coast of Africa forbade courts to recognize slavery as a legal institution. French imperial administrators also exercised restraint, enforcing the prohibition of slaveholding after 1848 only to French citizens in the colony of Senegal. Even with legal abolition, forced labor and other exploitative forms of contractual labor remained extensive in African and South and South East Asian societies, and European-sponsored laws and edicts releasing slaves were often loosely enforced, or not at all. In many regions former masters continued to maintain power over labor through debt bondage and control of job markets, land, and housing. The formerly enslaved and their family members also found it difficult to escape the stigma of slave origins. Young women and girls remained particularly vulnerable to sexual exploitation as the proportion of females trafficked by slave traders rose, especially in the Islamic world, at the end of the nineteenth century (Drescher, 2009; Miers, 2003; Klein, 1993).

In 1925 the League of Nations determined to draw up a formal agreement on the abolition of slavery, and representatives of member countries willingly included other forms of forced labor and sexual exploitation under the general umbrella term of “slavery.” At the League of Nations’ Slavery Convention, held in Geneva on September 25, 1926, envoys from 40 countries agreed to prevent and suppress the slave trade and eradicate slavery in all its forms as soon as possible. Although they agreed that abolishing slavery was a worthy and important goal, they also acknowledged that extensive forced-labor systems still remained in existence in Africa—particularly the Sahara, the Sudan, and Ethiopia—as well as in the Arabian Peninsula, the Persian Gulf, and parts of

South and South East Asia. Ethiopia's formal proclamation ending the slave trade in 1923 had closed the entire globe as a legal source of slave trading, but human traffickers continued to operate vigorously outside the law. The Geneva Convention thus carefully specified the various abuses that would no longer be tolerated and attempted to establish the international machinery necessary to eradicate these practices (Miers, 2003). Rhetoric associated with the antislavery efforts of the early twentieth century suggest that the United States and European nations generally believed that slavery, and the "white" slave trade of prostitution, was confined to non-Western areas of the world, beyond the line of modern, presumably enlightened civilization. They also shared an assumption that slavery's eradication was inevitable, tied to "the Western-led march of human and moral progress" (Drescher, 2009, p. 409).

Yet in the decades after the Geneva Convention, varieties of labor coercion and sexual exploitation continued to operate throughout the world under a wide range of designations other than "slavery." The widespread nature of these insidious practices became increasingly apparent to opponents of human trafficking over the course of the twentieth century. Of particular concern was the marked global increase of the illegal trafficking of young women and girls for sexual purposes. Indeed, it was clear that modern forms of sexual exploitation were far from new.

Only recently have international political leaders recognized that to combat the contemporary manifestations of forced labor and sexual enslavement requires the adoption of a more flexible legal terminology of slavery. "Under the auspices of both the League of Nations and the United Nations," Joel Quirk has explained,

the range of problems that have been formally equated or associated with slavery has expanded markedly, reflecting a transformation away from strict equivalence and toward sufficient similarity. Instead of functioning as an analytical category, slavery has been increasingly evoked as an evocative concept.

(Quirk, 2011, p. 162)

Slavery, then, is not "a historical relic which belongs in the past," as many still believe, but remains an issue of fundamental importance in the modern world (ibid.).

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## **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to

supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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## **DISCUSSION QUESTIONS**

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1. What are some of the common features linking different forms of slavery over time and from place to place?
2. Why have most societies tended to enslave outsiders?
3. What types of labor did slaves perform in ancient and pre-modern societies?
4. Describe the various motivations behind the practice of voluntary enslavement.
5. How have legal codes enabled us to learn about ancient slave systems?
6. In what ways does gender shape the experience of enslavement for the individual?
7. How did the transatlantic slave trade in Africans shape the development of modern understandings of race?
8. How successful were the antislavery efforts of the nineteenth and early twentieth centuries?
9. Why did European nations—especially Britain—support the eradication of slavery and the slave trade?
10. Did slavery end with the Geneva Convention of September 25, 1926?

## **SECTION II**

### **A CLOSER LOOK**



# **SOCIOLOGICAL PERSPECTIVE**

## ***UNDERLYING CAUSES***

**Marci Cottingham, Thomas Nowak, Kay Snyder, and  
Melissa Swauger<sup>1</sup>**

In this chapter, we use theory and research from sociology to better understand the complex ways that political, economic, and other sociocultural factors interact within and across country borders to cause human trafficking. First, we discuss how sociologists approach the study of social problems and phenomenon using a sociological imagination, including macrosociological and microsociological perspectives. We then illustrate how, using one's sociological imagination, and the macro- and microsociological perspectives can inform our understanding of human trafficking. Using these analytical approaches, we present key sociological terms and apply these terms to the phenomenon of trafficking. Finally, we illustrate how applying sociological knowledge to trafficking can inform policies and practices established to eradicate this horrible crime.

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### **CHAPTER LEARNING OBJECTIVES**

Learning objectives for this chapter include the following:

- Explain the sociological imagination.
- Distinguish between macro- and microsociological approaches to studying social problems and phenomenon.

- Discuss how macro-and microsociological perspectives offer complementary perspectives in understanding human trafficking.
  - Apply sociological terms and concepts to the issue of human trafficking.
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## Sociology: Macro- and Micro-Approaches

Sociology is the study of human society. Sociologists employ what C. Wright Mills termed the “**sociological imagination**” as a way to understand how “to connect the most basic, intimate aspects of an individual’s life to seemingly impersonal and remote historical forces” (Conley, 2011, p. 5). Using the sociological imagination to study human trafficking helps unravel the vast and complex factors that lead to buying, selling, and trading human beings in modern societies. The sociological imagination makes clear that historical, economic, and social trends inform the very real and intimate circumstances of trafficking victims, clarifying the connections between “normal” society and this devastating crime.

Sociologists are also interested in studying the relationship between the individual and her/his culture. Dalton Conley (2011, p. 73) defines culture as “a set of beliefs, traditions, and practices” embraced and often taken for granted by members of a society. In essence, culture shapes our behaviors, values, and attitudes in ways that we often do not realize unless we encounter a person from another culture. Culture is socially created by humans living in a given society. Conley also suggests that culture “takes the form of ideology” (ibid., p. 79). **Ideologies** are the sets of beliefs or frameworks we use to help understand why things are the way they are. To understand human trafficking, one must consider the cultural context in which trafficking occurs. We might better understand why the trafficking of women and girls occurs so frequently, for example, if we find that a society is highly patriarchal and devalues females. A culture with high poverty rates may condone human trafficking if there is hope that trafficked individuals can provide financially for their families.

Cultural values may also help us understand societal responses to trafficking. In cultures that value individualism (where individuals and/or their families are viewed as responsible for their plight), trafficked individuals or their families may be more likely to be blamed for the choices they made that led to them being trafficked. In communities where familial ties and kinship care are strongly valued, individuals may participate in sex work or other exploitative forms of labor out of familial obligation. The examples that follow may help illustrate how understanding culture helps further our understanding of human trafficking.

In employing our sociological imagination, we use macro- and

microsociological levels of analysis to analyze the problem of human trafficking. **Macrosociology** seeks to understand systematic patterns of human behavior that underlie economic, political, and social systems. In the case of human trafficking, macrosociologists are interested in such topics as how and why specific groups of people become vulnerable to trafficking, which groups profit from trafficking, and why such mass and systematic exploitation is tolerated in many societies. **Microsociology** seeks to understand the local contexts in which individuals interact and make meaning. In the case of human trafficking, microsociologists would examine the face-to-face encounters between victims and traffickers as well as others, the group networks established in trafficking, and an individual's sense of agency and meaning across situations. While a distinction between macro- and micro-levels of analysis certainly exists, we propose that examining human trafficking from both perspectives helps us understand the complex and multiple circumstances in which trafficked individuals find themselves. In order to effectively address the issue of human trafficking, we need to focus on changes at both the micro-and macro-levels.

# Macrosociological Approach

Focusing on the macro-level, macrosociologists analyze the broad features of society such as systematic patterns of human behavior that underlie economic, political, and social systems. Below we discuss some of the ways that macrosociology can inform our understanding of human trafficking. These include specific attention to globalization and the historical development of national economies, worker exploitation and vulnerable populations, and how trafficking organizations and networks are formed and maintained. Macrosociologists come from a variety of theoretical traditions, with important contributions coming from conflict and critical theories.

## *Globalization and the Development of National Economies*

There are tremendous benefits to **globalization**, including the ability for some people to communicate and travel across vast spaces in short periods of time, the expansion of economic markets and products to countries around the world, and cultural exchange between individuals of various ethnicities and nationalities. While development and expansion have benefited both developed and developing nations, not all countries benefit equally from globalization (Ferraro, 2009). Instead, the gap between the richest and poorest countries continues to widen, as does the gap between rich and poor individuals within nations.

Since World War II we have seen major breakthroughs in communications, technology, and industry. These advancements have resulted in a transformation of the global economy and changes in the way the world's labor is divided. Developed nations have shifted their industrial focus from manufacturing goods to service-based economies, while developing nations have taken on much of the production of goods such as textiles, electronics, automobiles, and steel. As a result, the division of labor and levels of specialization around the world have grown more complex not only within countries, but also between countries. For example, workforces in developed nations include a primary labor market with educated workers holding high paying, stable positions, whereas those in a secondary labor force face low wages, instability, and vulnerability. In developing nations, where industrialization has ushered in rapid urbanization, individuals respond by migrating to wealthier nations to try their hand at service work or moving into cities within their own countries to work in factories.

In this new global economy, old European colonial empires have been

replaced by new institutions including **multinational corporations**, foreign aid agencies, and international monetary bodies that continue to practice exploitation and destruction in the form of **neocolonialism**. Examples of this process exist in many settings. In traditional South East Asian countries such as the Philippines, the family and “neighborhood” often served as an informal safety net for peasants before **colonization**. After colonization, first by Spanish and then by Americans, and subsequent integration into the world capitalist system, traditional systems of security and sustenance were eroded. Former colonial powers established economic systems in the form of plantation systems based on exporting commodities such as sugar and bananas to “developed” countries. While ostensibly free, peasants were often indebted and highly dependent on plantation owners and landlords to access resources, such as land and wages, which helped them survive. High birth rates combined with a reduction in land ownership and the size of small farms, meant that many peasants migrated to cities in search of work, swelling the ever growing ranks of the underemployed, urban underclass.

### ***Worker Exploitation and Vulnerable Populations***

According to Ferraro (2009, p. 410), “the high tech industries characteristic of the global economy depend on local infrastructures created and maintained by low-income, unskilled, and semi-skilled workers.” Low-wage work in the global economy is fulfilled not only by individuals from developing nations, but also by native born people in wealthy nations with limited education and skills. While some of these workers are a part of the formal economy, many are part of the informal economy—made up of undocumented, untaxed, and unorganized workers. The work of informal workers is performed in homes, factories, or “illegal domains such as brothels” (ibid., p. 410). Indeed, much of this work is performed by women, many of whom are migrant workers from developing nations. While the informal economy has opened many employment opportunities, it has also left workers, especially women, vulnerable to exploitation (ibid., 2009).

Worker exploitation and its connection to the trade in human beings are not new. While the poor have remained vulnerable under many different kinds of economic and social systems, the nature of competition over scarce resources has changed over time. Throughout history, tribes, clans, and societies in various types of economies have often competed for advantage and scarce resources. As technology and society became more complex, the nature of such competition

took many forms—some violent and highly degrading of subjugated, conquered, and minority groups. Rises in productivity together with complex divisions of labor led to the development of caste and class systems, systems where privileged groups emerged to control and extract labor from subordinate groups. The labor exchange between master and slave, landowner and peasant, manager and employee, owner and employee depended very much on the balance of power between groups and individuals. In societies with high levels of inequality, the potential for exploitation increases.

Slavery was a common form of such exploitation. Humans captured or conquered by others became an important asset used as slaves or serfs and often trafficked for profit through trade. Throughout the 1800s in the American South and the Caribbean, for example, plantation systems providing cotton, sugar cane, and other commodities were heavily reliant on slave labor. Slave women in the South not only picked cotton, cleaned house, helped raise children of plantation owners, and bred more slaves, but frequently were also coerced into providing sex for white male land owners on the plantation.

While slavery in the United States was abolished in 1865, the legacy of slavery lived on in many forms of exploitation and racism including sharecropping, discrimination in the labor market, and Jim Crow laws. Poor young African American females also suffered from new forms of sexual exploitation including prostitution. Even though African American females are not now trafficked from abroad, they are trafficked in the United States by pimps (often also black) who understand how to dominate and coerce girls in order to provide a steady stream of revenue from prostitution. Young African American females, as well as others who are particularly vulnerable, often fall prey to recruiters who promise a better life. African American women and girls in the United States have constituted surplus labor for many years, with high unemployment rates—particularly among the young. Poor schools, family problems, and cycles of abuse and drug use have handicapped many of these females in the labor market. In such cases the promise of a “better” life—for higher wages abroad or in the United States, escape from an abusive family, or promise of a fictive family—is often used to move women into settings (a house or a camp, for example) where they can be isolated and controlled. Control occurs through the use of both positive rewards (such as clothes, jewelry, food, affection, attention, drugs) and negative sanctions (beatings, withholding drugs, threats of death to themselves or other family members, etc.). In these settings young, poor, African American females may find themselves in webs of dependence and exploitation every bit as suffocating as those experienced by

trafficked females from abroad (Lloyd, 2011).

While the division of labor involved in sexually trafficking females from poor countries abroad may be more complex than the process whereby poor young African American women become commercially sexually exploited, important similarities exist. The evolution of organized sex trafficking in the United States, for example, provides important parallels to the cases of Thailand and the Philippines. In both the United States and South East Asia, as in other countries, the lack of decent paying jobs has contributed to the growth in new forms of human trafficking. The abolition of slavery in the United States created a large labor force of undereducated, economically vulnerable Blacks, many of whom left rural areas in the South in search of work. The migration of African Americans in the South to the rapidly industrializing American North was not unlike the rural to urban migration in the Philippines and Thailand. In all three cases, impoverished groups (whether ex-slaves or rural peasants) sought work in urban areas that were unable to absorb the rapidly growing influx of migrants. While some Blacks in the US found wage employment in the rapidly growing auto industry in Detroit and in the steel industry between 1920 and the 1960s in cities such as Detroit, Chicago, and Pittsburgh, others remained chronically underemployed or unemployed because of discrimination and a lack of skills. Changes in technology, globalization, and migration of capital to the American South diminished such employment opportunities in many Northern cities. For example, the American auto and steel industries dramatically contracted in the latter part of the twentieth century, again placing an undue burden on African Americans and raising Black unemployment. Irrespective of the historical period, Black unemployment (particularly among younger African Americans) typically has been higher than White unemployment. Both automation and the export of jobs abroad in the global economy have contributed to high unemployment rates in the United States. While some of this unemployment may be cyclical, more unemployment now is structural or relatively permanent. As a higher percentage of job growth in the United States involves lowly paid service employment, individuals are forced to find alternative means of subsistence. Sexual services continue to fill some of this employment void among young, poor African American females, as well as among others who are especially vulnerable economically.

There is additional historical evidence of the connections between exploited workers and the trafficking of humans, although not always for sexual services. In the 1800s Chinese men were trafficked into California as semi-serfs to work on railroads and provide cheap labor. Today, the trafficking of poor immigrants



desperate to improve their economic lot continues to contribute to economic prosperity and low-cost goods. The same patterns of labor trafficking occur both in the United States and abroad—whether among Hispanics in agriculture or slaughterhouses in the American Midwest, Africans and South or East Asians in textile sweatshops throughout the world, or domestic servants recruited into the richest nations. Although potential migrants are often promised a better life, trafficked laborers are organized for transit, passed off to labor “contractors” who may hold their passports, and then streamed into lowwage jobs often in debt to the contractor and cramped in crowded apartments or camps. In debt and afraid, such migrants continue to be exploited by the labor contractors and companies offering them work.

In South East Asia, high birth rates combine with rural and urban poverty to create a “surplus” of individuals living on the edge of poverty. While the families of such individuals may be intact, strong obligations to support kin may actually push women into sex trafficking or contract labor abroad to support the family. In Eastern Europe, similarly, the collapse of the Russian empire and socialism left many families vulnerable to capitalism’s vagaries of surplus labor with no safety net.

Comparisons between the Philippines and Thailand are also illustrative. As a former Spanish and then American colony until its independence in 1946, the Philippines has been highly integrated into the global economy in the post-World War II era. American military bases remained in the Philippines (e.g., Clark Air Base and Subic Bay Naval Complex), where demand for sex was high and lucrative. Young Filipinas at times were “sold” by impoverished families to pimps to work in the sex industry and earn hard currencies for their families. Such sex workers could be paid in hard currency held by American sailors and airmen. Many nightclubs dotted the landscape near bases, serving as convenient settings for buying and selling sex. Once the American bases were closed in 1991, the entrepreneurs of sex trafficking found new markets, sending commercially and sexually exploited Filipinas to Japan, Thailand, and other countries. Ironically, as protests against sex tourism in the Philippines and other countries emerged, organized crime groups such as the Yakuza in Japan imported females from the Philippines into Japan to work in the indigenous sex industry (Brock and Thistlethwaite, 1996, p. 56).

While Thailand was never colonized, it too was rapidly integrated into the world capitalist system following World War II. Like the Philippines, Thailand emerged in the post-World War II era as an important rest and recreation area for

American troops deployed to Asia, first as a result of the Korean War and later the Vietnam War. In both nations the presence of American troops with large amounts of disposable income created a ready market of prostitutes and nightclubs catering to foreigners. The remarkable economic resurgence of Japan in the post-war era, combined with the Japanese tradition of women serving men for pay (i.e., Geishas, soap girls, prostitutes; see Allison 1994), created a growing market for Japanese sex tourists in Thailand. This pattern illustrates Seager's (2009) observation that as wealth expands in particular countries, "men in those countries fuel an increased demand for trafficked women and girls" (ibid., p. 56).

As part of its heavy promotion of tourism, Thailand also promoted sexual tourism. Thai military and government officials often owned and profited from nightclubs and brothels promoting sex. While the patterns of integration of Thailand and the Philippines into the global capitalist economy were different, the results have many parallels—including the development of thriving sex industries in both countries. In fact, estimates indicate that prostitution and sex trafficking now represent 14 percent of Thailand's gross domestic product (GDP) (Seager, 2009). Sex trafficking is so lucrative that, as Seager notes, "hundreds of thousands of foreign women, most from Burma, China, Laos, and Vietnam, have been sold into the Thai sex industry since 1990" (ibid., p. 57). While sex trafficking is less essential to the GDP of the Philippines, remittances from Filipinos working abroad in the United States, the Middle East, and elsewhere are critical to the Philippines' GDP. Some of these remittances come from voluntary migration of skilled workers such as nurses abroad, but others come from individuals who have been coerced or semi-coerced through deceptive promises of bright prospects abroad. In some cases labor recruiters have confiscated or "held" passports of Filipinos and tracked such individuals into work settings that are quite exploitative—e.g., nannies and domestic servants in the Middle East, nursing home employees in the United States.

As the global economy grows in sophistication and capital is mobile, the human trafficking industry keeps pace. Manufacturing and service firms develop extensive webs of subcontractors to keep fixed costs low and take advantage of low-cost labor in China, South East Asia, and other countries. Similarly, the global sex industry has shown itself equally adept. Young girls are the most important resource for the global sex industry. Whether because of dysfunctional families, extreme poverty, or lack of education, the young are often the most vulnerable. Clients particularly value younger females, creating a continual market for new and young recruits. As trafficked females age, which occurs

quickly as a result of the rigors of commercial sexual exploitation, they lose their value in the commercial sex industry and may be “traded” by pimps to work in lower wage sectors. Trafficked females may also be graded according to their earning potential and priced accordingly. Sexually exploited females also are moved from city to city, country to country, and neighborhood to neighborhood to keep them dependent as well as to meet the demands of clients in different areas. For example, nightclubs in Bangkok are not only able to offer many services, but many kinds of prostitutes—indigenous, Eastern European, Philippine, among others.

Sex trafficking is not the only type of activity that exploits the young. Abuse of child labor was common during the Industrial Revolution in the United States, and continues in many Third World nations. Large families, combined with poverty, push all family members into the search for subsistence—which may include pressures on children to retrieve garbage from dumps, beg, work under age in textile mills, or illegally sell sex. In some cases, babies may become human commodities that are sold to unscrupulous adoption brokers by poor families. In Spain thousands of newborn babies are thought to have been stolen from parents in hospitals and sold to other families, a practice that began during the Franco dictatorship in the 1930s. The baby trafficking business became so profitable that it continued for decades, perhaps as late as the 1990s, as doctors, nurses, and even nuns apparently colluded with organized crime (Minder, 2011). Many parents said that they were told by hospital staff that their children had died during or after childbirth, even though they were never shown the body. The practice especially preyed on vulnerable parents—those who were less educated, too poor to pay for funeral expenses, and less likely to question hospital authorities (ibid., 2011).

## ***Organizational Structure***

An *organization* includes a network of individuals that share a purpose and common membership. Understanding trafficking networks is often difficult because the networks of individuals within an organization do not follow typical organizational patterns, such as those in a formal association or club. Still, we can study organizational structures to examine hierarchies and power distribution within trafficking networks.

For example, sex trafficking now is more “free floating” than in the past. While brothels still exist, commercial sexual exploitation in the twenty-first century may take place in many settings (hotels, the back of nightclubs, etc.),

and may be arranged over the Internet, via cell phone messaging, and other means. The decentralization of sexual trafficking makes it more difficult to track, which underscores the importance of understanding the complex coordination between different crime groups and individuals performing the multiple roles involved in human trafficking.

Trafficking females among criminal networks is well organized (e.g., the Yakuza in Japan, the Russian Mafias, the Italian Mafia, Mexican drug cartels, gangs such as the Cripps in the United States, and Chinese Triads). While these crime groups sometimes compete violently with each other for control over territory and franchise, at other times they cooperate when such cooperation is seen as mutually beneficial to all parties. The Internet and cellular technology make such cooperation easier today than in the past. Typically a group of agents recruits young females with promises of better employment. Females may be transported across borders by an agent and sold to a brothel, bar, or some other establishment. Passports and identity papers are often confiscated, and females may find themselves isolated, unable to speak the language of the host nation, and socialized into a life of commercial sexual exploitation through threats, coercion, rape, beatings, and deprivation of sleep and food. As a high profit business, traffickers are able to employ many assistants to control and watch over trafficked females. Sex trafficking is low-risk, high profit activity for global criminal networks. According to Kara (2009, p. 200), “laws against sex trafficking are overwhelmingly anemic and poorly enforced.”

The extensive networks and subcontractors involved in human trafficking mean that we must move well beyond the hierarchical model of organization popularized by Max Weber to examine how networks are formed and reformed to perform the several tasks involved in human trafficking. As shown in [Table 3.1](#), Farr (2005, p. 63) identified eight different roles that exist in the trafficking business around the world— which include recruiter, contractor, transporter, employer (procurer), and enforcer (guard). These roles may either be performed by the same individual or by different individuals, small cliques, or organized mafias. Commercially exploited females may be recruited by agents located in towns and villages, who might even know a relative of the trafficked woman. Promises of better jobs may entice young females to leave their town or village. In some cases the individual recruiter provides across-border transportation; in other instances a transporter is hired. The latter may also be responsible for procuring work visas and passports for the women. Once across a border, sexually exploited females may be confined in a holding area (for example, an apartment where they are closely supervised), until shipped to their final or

temporary destination. At some point in this process, females are informed that they are working as prostitutes in part to pay the large debt accrued from their transport, food, lodging, documents, and so on. Those who resist are often beaten and raped until they comply. Pimps who profit may be part of a larger gang or syndicate, or they may work as small time entrepreneurs. Since opportunity for theft

**TABLE 3.1 Sex Trafficking Roles**

<b>Position</b>	<b>Role</b>	<b>Common Strategies</b>
Recruiter	Finds, brings females into industry—usually by deception, sometimes force	Sells recruits to brokers or directly to employers
Broker (agent)	Go-between or middleman; may be more than one person	Typically buys females from recruiter and sells to employer
Contractor	Organizes, oversees entire trafficking transaction	Usually played by relatively professional criminal organization or group
Employment/travel agent	Arranges trip and alleged purpose (e.g., job, job training, tourism)	May serve as “fronts” for criminal trafficking activity
Document thief/ forger	Arranges for, obtains “legitimate” travel documents	May steal or illegally obtain legitimate documents or create false documents
Transporter (escort, “jockey”)	Accompanies females on trip to destination	Usually delivers females to broker at border or inside destination country, but sometimes to employer
Employer (procurer)	Purchases, then sells “commodity” to customer; provides place of business for sex	Provides females with place to live and work; explains conditions of work in sex trade to pay off debt
Enforcer (guard, “roof”)	Provides protection for business and, to a lesser extent, trafficked	Protects business from gangs, police raids, runaway females, nonpaying customers, etc.; may also extort on

Source: Adapted and condensed from Farr (2005, p. 63)

(of the women and/or money) occurs at many points in this process, subcontractors who do not keep their commitments may suffer retribution by being beaten or even killed.

Some of these criminal networks are well established and have been in place for some time. Others emerge and develop as the opportunity presents itself (Farr, 2005). Smaller traffickers not affiliated with one of the more established criminal groups, such as the Russian or Italian Mafias, often must pay protection money to the larger crime groups. Farr argues that the higher-level Mafia profit largely through extortion, money laundering, club ownership, and other investments, while the mid-to lower-level Mafia groups are most actively involved in carrying out trafficking in several countries (*ibid.*, p. 101). Alliances across borders among different criminal groups help sustain trafficking across borders, which is often both lucrative and important in keeping commercially, sexually exploited females isolated and dependent.

The heavy use of subcontractors in sex trafficking allows the business to expand and contract with fluctuations in the available opportunities. Since trafficking is illegal, subcontracting also allows trafficking organizations to disguise parts of their operation, escaping scrutiny from authorities by shifting location and subcontractors as needed. Shared kinship, region, ethnicity, and nationality all ensure greater trust among specific subgroups of traffickers than might be the case when traffickers do not have common bonds beyond being in the trafficking business.

The macrosociological approach focuses on the broad features of society such as systematic patterns of human behavior that underlie economic, political, and social systems. Using a macrosociological lens to inform our understanding of human trafficking includes paying specific attention to globalization and the historical development of national economies, worker exploitation and vulnerable populations, and how trafficking organizations and networks are formed and maintained. Complementary to a macro understanding of the social causes, consequences, and processes surrounding human trafficking is the microsociological approach.

# Microsociological Approach

Focusing on the micro-level, microsociologists look at the local context of a social phenomenon, particularly addressing how the social context shapes an individual and his or her perceptions. Below we discuss some of the ways that microsociology can inform our understanding of human trafficking. These include specific attention to the socialization/resocialization of trafficked victims, the impact of situational definitions on individuals' perceptions of human trafficking, and the causes and consequences of trafficked victims' stigmatized identities. Microsociologists come from a variety of theoretical traditions, one important tradition being symbolic interactionism. Before applying this theoretical perspective to the issue of human trafficking, we outline the general characteristics of the theory and key concepts.

## *Symbolic Interactionism*

**Symbolic interactionism** as a microsociological perspective focuses on the universal processes of the self—an interactionally emergent characteristic of humans—and how these processes impact behavior and identity. Coined by Herbert Blumer ([1969] 1999) and extending the work of George Herbert Mead (1934), social interactions are seen as the “nexus” in which society and self have a “reciprocal impact” on one another (Stryker, 1980, p. 52). Self and society are seen as mutually emergent phenomenon and the complexity of each must be accounted for, including the self's active role in a collective interpretive process (Blumer, [1969] 1999). Macro- forces exist outside of individuals, but the effects of these forces are not predetermined. While social structures constrain the situations and choices an individual faces, they do not determine precisely how an individual will respond.

The interpretive aspect of social interaction rests on the assumption that human beings do not simply react to each other; rather symbols, objects that have meaning, are exchanged and interpretations formed before action takes place. As a key element of symbolic interactionist theory, social interaction of the symbolic type refers to interaction in which the individual interprets the other's gesture/action and then constructs action based on the interpretation. Just as individual selves cannot be reduced to macrolevel external forces, the social interaction process itself cannot be seen “a mere forum for the operation of outside factors” (Blumer, [1969] 1999, p. 66).

Social interaction is where self and societies meet. Through interpretive processes the self assigns meanings in a manner that gives them social significance. While the macrosociological approach highlights the economic, political, and cultural shifts that contextualize the human trafficking trade, a microsociological approach highlights the emerging situations, interactions, and individual interpretations that color and shape the everyday lives of individuals involved. Drawing from symbolic interactionism and particularly the work of Erving Goffman in the sociological study of deviance, we apply this perspective to the interactions of actors implicated in human trafficking. We liken the resocialization of victims to that experienced by individuals in total institutions, highlight the multiple definitions that each actor brings to situations, and the role of stigma as a conceptual tool for making sense of individuals' attitudes and behaviors. Unless we note otherwise, the examples included below are drawn from Rachel Lloyd's book, *Girls Like Us* (2011), one of the few accounts that includes the stories of many girls (often over a number of years) who have been victims of commercial sexual exploitation. Lloyd, herself a survivor of the commercial sex industry, founded GEMS (Girls Educational and Mentoring Services) to meet the needs of girls who have experienced similar histories to hers.

### ***Meaning-making and Defining Situations***

**Socialization** heavily influences how a person views the self and the world around him or her. Socialization refers to the ways in which individuals learn how to behave, think, and feel within their social context. Primary socialization usually takes place in the family unit when a child is learning the many behaviors and attitudes expected of them. Perceptions of the world and others, though, also vary across contexts and situations. This variation in perception and meaning is captured in the phrase “the **definition of the situation.**” Developed by William Isaac Thomas and Florian Znaniecki (1919), the concept refers to the important role that subjective meanings have for understanding behavior in contrast to more objective aspects of situations. In order to fully understand why people behave as they do, we must understand how they define the situations in which they find themselves.

Just as socialization is ongoing, definitions of situations are continually in flux and changing. While situations involving traffickers and victims may be viewed by an outsider as manipulative, deceptive, and criminal, some individuals within the situation may define the same behaviors differently and therefore may act in



ways that an outsider would not anticipate. To understand why this is the case, we must look past our own definitions of the situation and view the situation, as much as possible, through the lens of the individuals involved. Research that attempts to do so will rely on information directly from the victims and traffickers themselves and less so on authorities and advocates who will likely have limited experiences in the situations under study.

One example of how victims of sex trafficking view their situation comes from the work of Lloyd (2011). As Lloyd notes, sexually exploited girls often view traffickers as their boyfriends, whom they typically call “Daddy,” and may at first feel that these men are providing the love and family support that they did not receive at home. Traffickers and pimps (who are typically much older than the girls themselves) purposely use seduction and promises to lure young, vulnerable girls into commercial sexual exploitation. These men may befriend girls at the train station, for example, buying girls a meal or a cheap necklace, which many vulnerable girls interpret as signs of love. It may not be until much later, when the reality of the situation begins to sink in as the girls are threatened with increasing levels of violence, that girls may consider leaving the situation. For a homeless girl who is desperate for money and affection, she may only come to view her trafficker as a pimp after she has nearly died from his escalating levels of violence towards her. Based on her experiences, as well as those of the many girls and women that she has worked with, Lloyd found that leaving this type of life takes practice. Girls need to try to leave multiple times without someone giving up on them. Few resources are available to meet the needs of girls who try to leave, and few understand what they have experienced.

The challenge for trafficked females in rehabilitation programs is to redefine reality so that the economic and psychological rewards in the outside world are sufficient to sustain a life outside of prostitution. Trafficked females may relapse and disappear from halfway houses for long periods of time, only sometimes to return with a better understanding of why the ways they were treated are highly exploitative. In some cases, only outside assistance can provide enough support for an exit to allow sexually exploited girls to escape pimps and traffickers, both of whom work very hard not to lose valuable resources under their control. Furthermore, those providing assistance need to make great efforts to try to understand the lived experiences of these girls, including their differing cultural responses and the various effects of the trauma they have endured.

## ***Resocialization in Total Institutions***

Institutions in which individuals undergo extreme **resocialization**, uprooting a large amount of the “ways of being” learned in primary socialization, are considered total institutions. Erving Goffman uses the term “**total institution**” to refer to mental institutions as a place where individuals may be easily controlled because they are closed off from others, a place where “all aspects of life are conducted under a single authority [...] in the company of a batch of others, all of whom are treated alike” (Goffman, 1961, pp. 5–6). Extending beyond brick and mortar buildings, we can see that anywhere where these characteristics of control and exclusion are practiced could be considered a total institution.

Resocialization, the type most likely to occur among victims of trafficking, takes place outside the original family. The behaviors and attitudes learned in primary socialization are often overturned. During primary socialization, for example, children may learn some form of modesty, undressing and using the restroom in private or only around close family members. With this behavior comes a person’s belief in their right to privacy. Resocialization in total institutions such as prisons or the military contradicts this basic behavior by demanding individuals perform such behaviors as undress publicly in front of strangers or use a public toilet. Over time these behaviors may cause a person to question their right to basic privacy, as well as their sense of personal autonomy, reshaping the way an individual views him or herself. One tenet of microsociological theory, particularly in the symbolic interactionist tradition, is that changes in conceptions of the self will impact future behavior and interactions with others. An individual who comes to view him or herself as less deserving of privacy and autonomy will behave differently in future interactions than an individual with a self-concept rooted in independence.

Individuals who are vulnerable to trafficking have often experienced an early form of socialization that primes them for exploitation. According to Estes and Weiner (2002), over 90 percent of trafficked and exploited youth in the United States have experienced some form of abuse and neglect; the majority are runaways or homeless. Like their foreign counterparts, commercially sexually exploited youth in the United States often are poor and minorities, which (along with being children) also puts them at greater risk for recruitment by traffickers. While some are kidnapped by force, many others have been primed for predatory men as a result of their backgrounds and experiences.

The processes whereby commercially sexually exploited children and other trafficked labor are controlled are similar to the process of control and

resocialization in total institutions such as prisons, the military, and concentration camps. Goffman (1963) and others describe resocialization as a series of steps designed to remake the personality of the individual in order to control him or her. First, an individual is isolated and deprived of any means for unsupervised movement. We have already noted that such isolation for some begins by shipping commercially sexually trafficked females across borders, holding passports and identity papers. Isolation also may occur by crowding many girls into a tightly supervised house or apartment. Sex traffickers may increasingly tell girls what to wear and how to act. Those who refuse are typically beaten and raped until they comply. Since some clients pay more for virgins, rape is not always the tactic of choice to resocialize a sexually exploited female, but is common. Trafficked women and girls also find themselves highly dependent on their pimps, bar owners, and others who control their lives. Such females typically find themselves in debt bondage where living expenses and transportation costs far exceed their earnings (Farr, 2005).

Pimps use a variety of types of control and coercion to keep the girls they sexually traffic in line. As Lloyd (2011) notes, American pimp culture is built on a language of humiliation and degradation. The many rules and codes are designed to break an individual's will. For example, girls may be punished for not earning enough money or for disagreeing with their pimp, and they may be beaten or harassed for even minor infringement of the rules. As has so often been the case historically in efforts to control others, pimps create hierarchies among the sexually exploited girls that they manage, with the head girl gaining certain privileges or perhaps less abuse, at least until they do something wrong. Girls may consequently compete with each other for the attention of their pimp, or to avoid being beaten, even if they end up turning on each other in the process. Among the girls they have traumatized and humiliated, pimps leave behind damaged lives.

## ***Deviance and Stigma***

The study of **deviance** has been an area of prime interest to sociologists at both the micro- and macro-levels. The sociology of deviance of Erving Goffman (1961, 1963) follows the emphasis of other symbolic interactionists on individuals' interpretations and the meaning interactions and objects assume within situations. Just as Goffman's concept of total institution is helpful for understanding how controlled environments are experienced by victims of trafficking, a second important concept from Goffman is stigma. **Stigma** refers

to any quality or characteristic of an individual that discredits a person in the eyes of others.

Stigma is often associated with physical blemishes, such as deformities. However, it can be extended to other physical qualities such as being overweight or abnormally short and even further extended to more social qualities that result from behaviors or experiences. As certain qualities carry a degree of stigma, the individual is treated differently by others and will come to view him or herself in a different and usually negative light. Lepers or the disabled are examples of stigmatized people whose moral credibility is called into question by their blemish. They must have done *something* to deserve their lot in life, so the socially accepted logic goes. This can be further applied to social deviants of other types, such as juvenile delinquents, criminals, sex workers, and the victims and profiteers engaged in human trafficking. In fact, Goffman (1963) included prostitutes and pimps when he discussed categories of people who were stigmatized.

In applying the concept of stigma to sex trafficking, microsociologists might consider who is most likely to be stigmatized in various situations involving sex trafficking. Even though American girls who are trafficked domestically may be just as exploited as those trafficked into the United States from elsewhere, they tend to be viewed quite differently (Lloyd, 2011). Police and other authorities are more likely to perceive those who have been brought into the United States from other countries as trafficking victims who have been sexually exploited, whereas American girls (especially girls of color) are more likely to be viewed as willing participants who have “asked for it.” As Lloyd notes, “It is difficult to view yourself as a victim, no matter what happens to you, when your pimp, the men who buy you, and even those who are supposed to protect you see you as incapable of being victimized” (ibid., p. 126). Even when they spend time in jail or in shelters, trafficked women and girls tend to be scorned and stigmatized, often treated as if they are on the lowest level of the social hierarchy.

How, we may ask, have some sexually exploited girls and women managed to overcome their stigmatization and transform their lives? As Lloyd (2011) notes, exploited girls need skills and tools so they can create a new sense of self. In creating GEMS, Lloyd “understood that they also need a place where they could feel like they belonged, where they could feel strong and empowered, a place where they could feel loved and valued, even as the struggles remained right outside the door” (ibid., p. 229). For long-term healing to occur, these girls must come to believe that they do not deserve to be exploited. Such a realization is

difficult since many of these girls, their family members, law enforcement officials, and human services workers view what these girls have experienced as their fault.

The microsociological approach focuses on how the social context shapes an individual and his or her perceptions. Using a microsociological lens to inform our understanding of human trafficking includes examining how trafficking victims are socialized/resocialized, the impact of situational definitions on individuals' perceptions of human trafficking, and the causes and consequences of trafficked victims' stigmatized identities. Both macro- and micro-sociology inform our understanding of the causes and ways to combat human trafficking.

# Applying Sociological Knowledge to Create Social Change

The Trafficking Victims Protection Act of 2000 (TVPA) defines children under 18 in the commercial sex trade as trafficking victims, regardless of whether they have experienced “force, fraud, or coercion” (Lloyd, 2011, p. 78). As a result of a double standard being typically applied, however, women and girls trafficked into the United States from abroad are provided with services through the TVPA, whereas American girls are typically arrested. Even though some police officers do not believe that sexually trafficked girls are criminals, and that the traffickers should instead be prosecuted, Lloyd realized that she needed to work with others to change the state law so that girls would not be locked up for having been victimized. As she noted, “I watched sexually exploited girl after girl arrested and charged with an act of prostitution and struggled with getting the cops, the courts, the families, even the girls themselves to believe that they were truly victims, when the law said that they were criminals” (ibid., p. 139). Partially as a result of her advocacy efforts, along with the impassioned testimony by a number of the formerly trafficked girls with whom she had worked, New York passed the Safe Harbor for Exploited Youth Act, making it the first state to protect rather than prosecute sexually exploited children.

The fact that the Safe Harbor Act passed and that some formerly trafficked girls experienced remarkable transformations in their lives (Lloyd, 2011) suggests that individuals can sometimes change their perceptions and definitions of the situation, as microsociologists would argue. Such examples also provide hope that some individuals who have been trafficked can become empowered, overcoming at least some of the incredible stigma and exploitation that they have endured. At the same time, these examples remind us of the importance of also working to address the types of broader social changes that macrosociologists examine. In order to begin to adequately address the issue of human trafficking, we need to change laws and social policies, as well as address the economic and social conditions that contribute to human trafficking globally. Even though some trafficked individuals may overcome tremendous odds and escape their exploitation, macrosociologists argue that human trafficking will persist unless these broader social issues are addressed.

Understanding the macro- and micro-issues described above is vital for creating change in the justice system in order to deter traffickers, assist victims,

and punish those who benefit from the exploitation of others. As actors and groups involved in human trafficking redefine situations with the interpretations and meanings of individual victims in mind, laws and norms may evolve to better deter this growing social problem. Such change is necessary as the current system continues to re-victimize individuals caught in the web of macro- and micro-level forces described above, particularly those individuals who are most vulnerable. The justice system can better serve the victims of trafficking by taking into account the nuances of the macro-context and constrained agency. We need to stop stigmatizing and criminalizing trafficking victims, understanding how they instead need to be provided with a safety net.

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### **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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### **DISCUSSION QUESTIONS**

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1. What are the differences between the micro- and macro-approaches in sociology? What facets of human trafficking do these different approaches focus on?
2. What do you think are the most important contributions of a sociological perspective for understanding human trafficking?
3. What do you think law enforcement and government officials should be aware of in order to ameliorate the problem of human trafficking?
4. Describe the organizational structure of human trafficking.
5. Americans are socialized to believe that the United States is the “Land of Opportunity.” In what ways does understanding trafficking in the US demystify this belief?

## Note

1. Authors' names are listed alphabetically.



**HUMAN SECURITY AND  
DEVELOPMENT ISSUES IN HUMAN  
TRAFFICKING**

**Jaime M. Turek**

# Introduction

Human trafficking is a major concern for those studying human rights and human security issues such as population and migration, economics, politics, and international relations. Human trafficking is “so widespread and so damaging to its victims that it has become a significant cause of human insecurity” on a global scale (Friman and Reich, 2007, p. 136; Human Security Centre, 2005, p. 86). The purpose of this chapter is to assess and to examine problems associated with human trafficking through the discipline of human security and development studies. The chapter will begin by addressing growing concerns about globalization and how it promotes inequalities that foster human trafficking. Also examined will be the contribution that population and migration, poverty and economics, gender and missing girls, and immigration and refugees make to human trafficking. This chapter will evaluate conflict, political instability, societal violence, and government corruption; it will also explore the role of consumerism and resource scarcity as well as societal and cultural values and how they contribute to the growing trade of trafficking in humans.

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## CHAPTER LEARNING OBJECTIVES

Learning objectives for this chapter include the following:

- Understand the implications that globalization has on human trafficking.
  - Be able to explain why population growth may lead to increased trafficking in persons.
  - Discuss two of the main underlying causes of human trafficking.
  - Demonstrate knowledge of gender inequality and the problem of missing girls.
  - Identify risks that victims of human trafficking might face in areas where there is conflict, political instability, or government corruption.
  - Understand the role that corruption might play in the process of trafficking in persons.
  - Analyze the impacts that consumerism and resource scarcity might have on human trafficking.
-

# Globalization

Globalization is a result of many factors that contribute to an economic market that connects people and industries around the world. New technologies that allow for immediate global communications, instant mobility of capital, and cheap and effortless world travel have changed business. Deregulation of trade and investment as well as the openness of international borders both contribute to a new global economy. As the world becomes increasingly globalized, the division between the rich and the poor expands. This burgeoning gap is largely characterized by increased income and wealth disparities and unequal economic growth by region, leaving many people in the developing world displaced, hungry, and vulnerable. The result is an infinite amount of people susceptible to human trafficking. Although globalization has had many positive impacts, it has and will continue to produce unwanted negative effects. Globalization influences human trafficking as traffickers take advantage of new transparent borders, broadband communication, and economic upheaval to prey on those most vulnerable. Since people are largely defined by their economic worth, and since the most vulnerable have only their bodies to sell (either for labor or for sex) these human beings become commodities and become victims of human trafficking (Gerdes, 2006, p. 32).

The unequal growth and development that has stemmed from globalization has created a system with structured exploitation in virtually every facet of our lives. The globalization of the world economy has increased the movement of people across borders, both legally and illegally, and most often the movement is from poor countries to affluent ones. Traffickers take advantage of this freer movement of people, as well as the freer flow of money, goods, and services across borders; they have exploited weaknesses in the new global economy to support human trafficking. These changes have come about quickly, occurring for the most part within the past 60 years. The ways in which victims of human trafficking are used and the roles they play in the global economy are increasingly similar regardless of where they are in the world (Bales, 1999, p. 4). As Cynthia Moe-Lobeda notes (2002) in arguing that the centralized mechanisms of globalization are destructive: “We do not wish to buy shirts made in sweatshops, coffee grown on land that should feed its hungry children, or metal products from mines that have displaced thousands of people. Yet, we do.” Globalization is undermining cultural integrity and endangering the lives of many of the poor in order for some to consume exorbitantly and few to

accumulate vast wealth (Gerdes, 2006, p. 26).

Globalization has set the stage for a new global industry, one in which human trafficking provides the labor, and the free flow of money, goods, and services provides the demand. This new global economy has resulted in an unprecedented demand, production, and movement of goods throughout the world. It is not unusual to see coffee harvested in Africa, Latin and South America, and Indonesia in various coffee shops and cafes throughout the United States and Europe. Cars made all over the world are exported to other continents. Seafood sold in the United States is harvested halfway across the globe. Cocoa beans grown in the Ivory Coast make their way into chocolate that is sold around the world. Clothing made in Guatemala, the Philippines, El Salvador, and other developing countries is sold in upscale boutiques in more affluent nations. Gemstones are harvested with the hands of slaves in Africa. Carpets and rugs are woven by victims of child trafficking and are sold to global citizens without the knowledge that their goods are a product of slavery. Just as global businesses can move products around the world, so too can perpetrators of human trafficking move people. Human trafficking can consist of moving victims from one country to another or it can consist of trafficking slaves from place to place within one country (Bales, 2000, p. 19). All citizens are part of the epidemic of human trafficking, since it is tied together by globalization to each of our lives. Most of us do not directly participate in human trafficking, but each of us contributes indirectly through consumption. The effect of this lack of awareness will be discussed at greater length later in this chapter.

## Population and Migration

The role of population trends in human security has been a subject of long-standing importance, and the current population explosion is turning into a global epidemic. Many of the planet's underlying problems— from climate change to resource scarcity; from conflict to displacement; from poverty to economics; and from immigration to human trafficking— are all a result of a booming world population. Fears of overpopulation are real: the world population nearly quadrupled in the past century and in some areas of the world life expectancy has doubled since the 1950s. As the world's population approaches seven billion, people are living longer and healthier lives. Some theorists question if we have already reached the planet's carrying capacity, while others theorize that we are quickly approaching peak population. Many fear that this unprecedented expansion and the accompanying use of resources threaten the world's ecosystems. Unfortunately, population growth is only going to continue pushing the planet's carrying capacity to its limit and exacerbate many global problems, including the problem of human trafficking.

Traffickers are resourceful, inventive, and opportunistic, and can find a way to manipulate many situations, including population growth. As the population grows, there is an increase in the supply of potential victims who traffickers can exploit and from whom they can profit. In essence, the population explosion has flooded the world's labor markets with millions of extremely poor and extremely vulnerable people. In the words of Dr. Kevin Bales of the nonprofit organization Free the Slaves: "Without work and with increasing fear as resources diminish, people become desperate and life becomes cheap ... the population explosion radically increased the supply of potential slaves and drove down their prices" (Bales, 1999, p. 12). Not surprisingly, the greatest increases in population have been in places where human trafficking is most prevalent. A growing population can lead to an increase in human trafficking since victims often come from countries that have a higher proportion of young people and children. Countries where population growth is greatest and human trafficking is already prevalent will continue to be the countries that are most affected.

For particular countries and regions, migration has a great impact on population growth and is often associated with human security such as human trafficking. Increasingly, people living in the developing world are becoming more integrated into the global economy due to human migration. "A

fundamental breeding ground for trafficking and exploitation is the economic situation of people in poorer regions of the world, pushing vulnerable people to emigrate and seek better opportunities abroad” (Mahmoud and Trebesch, 2009, p. 6). Human trafficking frequently occurs when potential victims flee their home country and move to a more affluent nation in search of what they believe will be a better life. As the population grows in a given area, the jobs per capita in that area shrink, leaving people in need of work, which creates a vulnerability that may lead to human trafficking or slavery. When victims consent to being moved from one country or region to another, they may not realize that they are entering into a trafficking situation. In some cases they recognize the potential danger but are still willing to take the risk in search of a better life abroad.

## Poverty and Economics

According to the United Nations World Economic and Social Survey of 2006, the income level in industrialized nations has grown steadily over the past 50 years while the income level in developing countries has remained the same. Today over half of the world's population, approximately three billion people, live in developing nations on less than two dollars a day. In contrast, industrialized nations make up approximately 20 percent of the population and consume an astounding 86 percent of the world's goods. Many countries with serious human trafficking and modern-day slavery problems have developing economies and face serious growth and human security issues. Developed and affluent countries such as the United States also have serious problems with trafficking, but the numbers are not nearly as staggering as they are in nations with developing economies.

Poverty is one of the two main causes of human trafficking. Severe poverty often drives people into situations where they are at risk of becoming victims of human trafficking. Families living in extreme poverty may sell their children in order to bring money into the family or to give their children what they believe will be a real opportunity to escape the poverty of their family and community. In the words of Donald Lankford Jr.:

Other times people are driven into slavery by economic or social necessity, and they themselves may even be the one who formed the idea of working outside the community. Many times victims of slavery will even pay a large sum for their travel, and what they believe are their visa and placement fees. Unbeknownst to them they are paying money to enslave themselves.

(Lankford, 2010, p. 29)

Traffickers use fees for visas and placement as a means of controlling victims. The fees increase over time as interest is compounded on every penny the victims owe for charges related to travel and job arrangement. In addition, traffickers may charge fees for medical expenses, protection services (including bodyguards), food, clothing, and shelter. Most victims never receive any medical attention or protection services, yet their debt continues to grow via falsified documents created by their captors. Traffickers utilize this growing debt as a method of control over their victims since there is little chance that they will ever be able to pay off the debts they constantly incur.

Poverty is not only a problem at the individual or family level, but it is also a problem at the national level. Kathryn Cullen-DuPont states:

An individual family's plight exists in the context of its country's resources and its extension of those resources to its people. The lack of educational access in the rural areas of many countries, for example, contributes to illiterate workers' reliance upon their employers' accounting of wages and accumulating debt.

(Cullen-DuPont, 2009, p. 24)

Problems such as these arise in countries with dysfunctional labor markets in which employment opportunities and education are both limited and where there is a "lack of banking structures designed to aid low-wage workers" (ibid.). Traffickers prey on poor and otherwise vulnerable people by luring them into fraudulent employment contracts and assuring them that they will be better off economically if they work abroad or in a different area of the country. Victims are also told that they will be able to send money home so their families can afford to live a life free from poverty. Unfortunately these are false promises; instead these individuals become victims of human trafficking, unpaid and enslaved.

The second most notable cause of human trafficking is economic instability. Economics is largely based on supply and demand and as the population booms, the supply of vulnerable people in the developing world increases. In both developed and developing countries there is a constant demand for cheap labor—both manual laborers and sex workers—and the ever-expanding population fills this need. Women and children who are the most economically disadvantaged are the easiest victims. Even in times of deep economic crises, the demand for sex work is high; this constant demand supports the uninterrupted trafficking of women and children for sexual exploitation. The demand for manual laborers comes from corporations looking for ways to reduce the cost of production. While most consumers want to purchase products at the lowest possible price, they are unaware that corporations may be utilizing slave labor. Unknow-ingly, these customers are indirectly supporting human trafficking and modern day slavery with every purchase.



## Gender and Missing Girls

While poverty and economics are major causes of human trafficking, they do not fully explain the frequency of trafficking in women and girls. In these cases, gender inequality is also an important issue. “Violence against women and girls makes its hideous imprint on every continent, country, and culture,” said United Nations Secretary-General Ban Ki-moon (2007). Violence against women is one of the most extreme manifestations of gender inequality and will perpetuate greater inequality through continued violence. Women in much of the world lack support for fundamental functions of daily life. As Cullen-DuPont explains,

In many countries, girls still have fewer educational opportunities than boys and, as women, they may be denied employment, property, and inheritance rights. Women with so few resources are especially vulnerable to traffickers’ false promises of employment and a more secure life.

(Cullen-DuPont, p. 25)

Typically, girls and women are less nourished and less healthy than men and are therefore more vulnerable to physical violence and sexual abuse. Women also face obstacles that impede their participation in political life, and in many nations women are not considered equal to men under the law. All of these factors can negatively affect the emotional well-being of women—unequal societal and political participation creates unequal freedoms and opportunities for women. These circumstances leave them more vulnerable to human trafficking.

Daughters are the first to be sold to traffickers when poor families are faced with financial crises or burdened with debt. Parents may feel pressure to sell a child in order to pay for another child’s wedding or a family member’s funeral. Demand for prostitutes in brothels throughout the world is rapidly increasing and therefore the sale of a daughter is much more likely than the sale of a son. As Bales comments, “The purchasing power of this increasing number of brothel users strengthens the call for girls and supports a growing business in procurement and trafficking in girls” (Bales, 1999, p. 40). Traffickers will promise a woman or girl a job such as a waitress or hostess in a restaurant or bar, a singer in a nightclub, a landscaper, a nanny, or a domestic servant and convince their families that the jobs are legitimate. Some of the women and girls know that they will be working as prostitutes, but not that they will be working in slavery conditions—others are completely fooled.

The population explosion, increased fertility rates, and decreased infant mortality rates are leading to unexpected and unwanted births. In the developing world families don't want girls, they want boys. Daughters are often seen as burdens since they will require a dowry when they marry, and dowries are becoming more elaborate, more status oriented, and more expensive. Sons are considered to be the breadwinners of the family; they are expected to take care of and financially support their parents when they get older. Sons are also considered to be more capable of taking care of family farming and other family businesses. In some places, partiality to a male child is leading to sex-selective abortions. Although illegal, these procedures are happening frequently enough to change the ratio of live female births to live male births in several countries. While nature delivers a 5 percent surplus of boys, places like Mumbai, India have seen a surplus of male births of almost 9 percent (Pearce, 2010, p. 139). This does not only happen in India, but also in some of the newly independent Caucasus states, Taiwan, South Korea, and most frequently in China.

These unborn girls are known as missing girls. This term also includes girls that are born but are neglected, deserted, and left to die. If they live, these girls are likely to end up being victims of trafficking. The more girls a family has, the more likely a newborn girl will end up a missing girl. Female infanticide is simply a manifestation of gender-based violence.

# Conflict, Political Instability, Government Corruption, and Child Soldiers

Political instability, civil unrest, armed conflict, and societal violence may result in increased human trafficking. In areas devastated by war, displacement of populations is a common occurrence and with the evacuation and migration of communities, orphans and street children become easy victims for traffickers (Bales, 2005, p. 139). Official corruption and government participation also contribute to human trafficking. This occurs most frequently when government officials or agencies knowingly circumvent local, national, or international anti-trafficking laws or agreements. Police take bribes to overlook women who are trafficked into prostitution and the sex trade; and governments fail to enforce laws created to reduce trafficking (Cullen-DuPont, 2009, p. 28). In addition to governmental officials and agencies being complicit in trafficking activities, it is also common to encounter government inaction, where officials fail to investigate or fail to prosecute traffickers and slave holders (US Department of State, 2007, p. 12). Corruption is one of the main reasons victims are often unwilling to talk to or cooperate with law enforcement. It may also be the reason why many victims are afraid to reach out for help. Victims who frequently see traffickers bribe officials or see women used as a payment in-kind are much less likely to trust government or immigration officials. The traffickers' corrupt relationship with government officials allows trafficking to remain a high profit, low-risk crime and can determine routes that traffickers use to move their victims (Fisanick, 2010, p. 49). Corruption does not only happen in trafficking situations, it can also contribute to slowed development and growth of economies in the developing world. According to Fisanick, corruption "is known to be interlinked with poverty and lack of opportunities, with insecurity, the establishment of criminal environments, the absence of rule of law, etc., with all of these factors being among the root causes for trafficking in persons" (ibid.).

In conflict areas it is not unusual for military personnel or peacekeeping troops to have inappropriate relationships with women who have been trafficked for the purpose of sexual exploitation. Fisanick explains:

Military personnel deployed away from their homes have been a long-standing source of demand for sexual services from local populations. During the Vietnam years, United States military personnel inspected and certified local prostitutes for service in Thailand, Vietnam, and the Philippines, and organized "Rest and Recreation" facilities for U.S. troops that

included easy access to prostitution.

(Ibid., 98–99)

In some instances, brothels were operating so close to US military bases that allegations were made that the army was operating its own houses of prostitution. It has even been alleged that the army has provided protection to establishments where women trafficked for the purpose of sexual exploitation have been housed and “employed.” Further investigations insisted that they did not find any substance to the claim that US troops were protecting or facilitating activity at local brothels. The report stated concerns with the army’s relationship to these establishments and that signs of trafficking had been ignored (ibid., p. 100). The same investigation also determined that women working in these establishments were victims of trafficking. It was also concluded that the victims had suffered from physical abuse and that their personal identity documentation, such as passports and visas, had been confiscated.

In countries involved in civil wars, many children are forced to work as child soldiers. These children are often orphaned by war, abducted, or forced to leave their families to fight. Some children have joined the conflict in return for food or for vengeance for relatives that have been killed (Cullen Du-Pont, 2009, p. 22). In many cases these children are very young (some as young as six or seven years old) and don’t understand what they are being forced to do. Child soldiers may act as cooks, guards, messengers, porters, servants, and spies (US Department of State, 2007, p. 24). They may also be forced to participate in direct conflict, ordered to walk into minefields ahead of other soldiers, and used in suicide missions. Perhaps the most disturbing, children might be forced to prove allegiance to combat forces by maiming or killing a family or community member (ibid.). Young girls who are forced to work as child soldiers face the added danger of sexual exploitation by adult male soldiers. Child soldiers who are able to survive the war are likely to experience a deep psychological trauma.

## Immigrations and Refugees

Human trafficking is often confused with illegal immigration and while there are similarities between the two there are just as many differences. The most important difference is that of consent—victims of human trafficking do not consent to travel or movement to different countries or cities. Once they arrive at their destination country, victims of trafficking are kept in areas with high immigrant populations so they blend in and do not attract attention. According to Bales (1999), “People are literally living next door to slaves without knowing it.” Adding to the problem of identifying trafficking victims, law enforcement agents who encounter forced labor are likely to mistake it for illegal immigration and treat the victims as criminals (Lankford, 2010, p. 14).

Most civil wars lead to internal displacement of citizens, which leaves people poor, homeless, and forced to live in displacement camps, also known as refugee camps. These facilities are usually located in or on the border of another country. Although refugees expect to find safety in these camps, they are often vulnerable to attacks or raids, and also to human trafficking. Women may be raped, people may be killed, and the food and goods that refugees are able to acquire may be stolen. Refugees often complain about gangsters who kidnap girls and sell them to pimps. Women are not the only ones in danger at refugee camps; men are also at risk of being trafficked into forced labor.

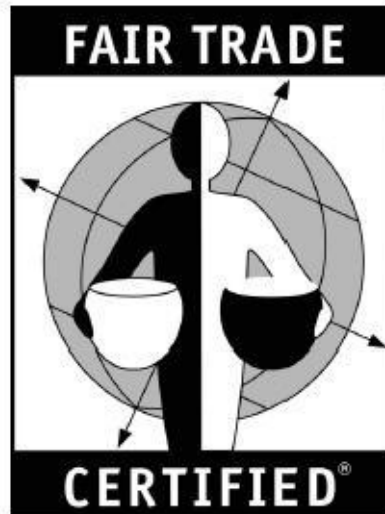
## Consumerism and Resource Scarcity

As the world population increases, so too does consumption. The majority of the world's largest economies are corporations, not governments, and corporate influence is unquestionably prominent in our lives. The current economic climate involving constant consumption and overwhelming corporate control creates an idyllic setting for traffickers to prey on the world's poorest and most vulnerable populations. With growth in consumption there is often a parallel growth in demand for cheap labor and cheap products. Corporations employ slave labor to lower their material and production costs (ibid., p. 75). The rising costs of oil, energy, and transportation, for example, can lead to an increased demand for forced labor and trafficking as companies try to offset these expenses by lowering production costs. The savings accrued from the use of slave labor are passed up the economic chain and ultimately reach markets in the industrialized world as lower prices for consumers. Consumers, for the most part, aren't aware that they contribute indirectly to slave labor and human trafficking by purchasing products that are made or harvested by victims of these crimes. The sheer volume of consumption overwhelms the consumer's ability to make responsible and educated purchasing choices (Bales, 1999, p. 239). One can only be confident that they are not supporting slave labor or human trafficking if the products they purchase are certified fair trade or slave labor free. Images such as the one below are sometimes used to alert consumers to the fair trade or slave-labor-free products.

Another problem that impacts human trafficking and modern-day slavery is natural resource and precious metal scarcity. As the amount of available natural resources and precious metals decreases, conflicts over the control of these resources becomes more common and these conflicts frequently lead to increased incidents of human trafficking and slavery. Poverty is also a problem; one might think that countries with vast natural resources are economically well off, but often these countries are quite poor. Countries with developing economies that rely too much on their natural resources can actually keep their country impoverished by assuming that their resources will keep their economy afloat. The result of a country's mismanagement of natural resources in their economy can lead to increased poverty and therefore more trafficking and slave labor.

The world has a finite supply of natural resources and precious metals and the

rising demand for cheap non-essential goods has led to an increase in the demand for cheap labor and cheap resources. The population explosion that has created an immense supply of vulnerable people allows



**FIGURE 4.1** The Fair Trade Logo

traffickers to fill this demand for cheap labor, resulting in lower prices for natural resources and precious metals, and ultimately lower prices for consumers.

## Societal and Cultural Values

Globalization is threatening to change and destroy cultural diversity.

There are concerns that overwhelming power, cultures, and life-styles in the industrialized world is undermining traditional modes of living and social mores. For anyone concerned about the value of tradition and of indigenous cultural modes, this is indeed a serious threat.

(Sen, 1999, p. 240)

Criminals will often take advantage of existing societal or cultural norms to conceal their ultimate purpose—trafficking. The devaluation of women and girls in society and the entrusting of children to affluent friends are customary practices in many societies and can frequently lead to trafficking situations. As Bales explains:

Some parents sell their children not just for the money but also in the hope that the children will be escaping a situation of poverty and will move to a place where they can have a better life and more opportunities. In cultures that fear diseases like STDs, HIV, and AIDS, the fear of spreading these diseases may also influence traffickers selling victims to brothels for the purpose of sexual exploitation, because virgin children become attractive to brothel owners and their customers due to the belief that children are free from diseases.

(Bales, 2005, p. 139)

Advancements in technology are resulting in new societal and cultural norms that create easy opportunities for traffickers to increase their business. In many nations it has become acceptable practice for online agencies to arrange introductions or marriages for women from poor countries and men from more affluent countries. While some online match-making businesses are fraudulent scams, many of the businesses are simply a front for trafficking women (ibid., p. 150). In addition, women can be victims of forced marriages arranged by brokers who may advertise on billboards, in newspapers, or in local shops. Victims of this type of crime can be trafficked within one country or internationally.



## Future Considerations, Research, and/or Activism Suggestions

The best way to tackle the problems outlined in this chapter is by addressing human trafficking at its root causes—primarily poverty, economics, and gender inequality. Education is one of the most important ways to help people out of poverty. An educated woman is more likely to educate her children—she is more likely to send her girls to school than she is to keep them at home. Another important step is government action. Governments that pass anti-trafficking and/or antislavery legislation show that they are taking a step to curb these hideous crimes. Although the passing of new laws indicates a country's commitment to reducing human trafficking, the effectiveness of these new policies cannot be immediately evaluated; it may be years before countries can determine if the legislation is actually working to alleviate the problem of human trafficking and slavery.

As consumers, we can be more aware of the products that we purchase. We can boycott companies that are known to support slave labor, and we can seek out products that are certified fair trade and/or slave-labor-free. By doing so we are not only standing up for the world's most vulnerable people, but we are also sending a message to corporations—we are telling them that they must be vigilant about the source of their products and supplies.

Social action works. It facilitates change. The single most important thing that one can do is to tell other people about human trafficking and modern-day slavery. Raising awareness is imperative—until people are more aware of what is happening in our world, slave labor and human trafficking will continue to produce victims worldwide.

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### TO THE PROFESSOR:

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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### DISCUSSION QUESTIONS

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1. What are two of the underlying causes of human trafficking from and within countries of origin?
2. What does consumption and resource scarcity have to do with human trafficking and modern-day slavery?
3. What role does gender inequality play in human trafficking? What are missing girls and how does that relate to trafficking in persons?
4. How does globalization impact trafficking in persons?
5. As population increases, what influence does this increase have in terms of human trafficking?
6. Is immigration the same thing as human trafficking? Please explain your answer.
7. Does government corruption have any affect on human trafficking? What about political instability or armed conflict? If so, why?
8. Is human trafficking a legitimate societal or cultural mechanism? If so, why?
9. Has this chapter given you any ideas for future research or activism? If so, what are you interested in researching and why? What types of activism are you most interested in pursuing?

## FEAR, FRAUD, AND FRANK COMPLEXITIES

### *THE INFLUENCE OF GENDER ON HUMAN TRAFFICKING*

**Lisa C. Ruchti**

I show a movie in my Gender, Labor, and Globalization course to help me teach how the trafficking industry is invisible in mainstream globalization discourse. A colleague recommended it and I imagine it is a film shown in Women's and Gender Studies classes around the world. *Trading Women* (Slotar and Feingold, 2002) is a documentary film that chronicles the relationship between the Thai sex industry and the destruction of Thai agricultural economies due to the spread of western capital and associated ideologies. In a voice leveled by doom and sadness, Angelina Jolie narrates a story of the rural hill tribes in Thailand where young women and girls are vulnerable to sex traffickers due to lack of citizenship and poverty. A particular scene stands out in the film: two local men are identified as traffickers who are known for abducting young women in the hill tribes and selling them in the international slave trade. Several family members of such women are interviewed and express a range of emotions from anger to confusion. Although a major point of this film is to demonstrate the relationships between United States anti-drug lobbying, rural Thai economies that are dependent on the trade of the opium poppy plant, and the sex industry in Thailand, the film's name suggests it is solely about the trafficking of women.

The film, which I will re-visit throughout this chapter, makes clear that women and girls are disproportionately impacted by the social and economic factors underlying human trafficking worldwide. What are the causes of and responses to trafficking? Do victims need to be rescued and if so, how? Is

trafficking a form of labor exploitation or is it a form of violence against women? These are questions that frame many debates about trafficking and its impact on women. Trafficking is gendered; that is, its meaning as a social and economic experience is shaped by gender ideologies, institutions, and interactions.

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## CHAPTER LEARNING OBJECTIVES

- To understand the relationship between gender, work, and human trafficking.
  - To understand feminist theory and how it can inform policy and advocacy response.
  - To understand important women's studies and sociological concepts as they relate to human trafficking
- 

Historically, gender scholars have explained the relationship between gender and trafficking two ways: as cause and as effect. As a cause, trafficking results from gender inequality, which creates this vulnerability. We can see this is a women's issue in part because there are so many women who are trafficked. As an effect, trafficking affects women disproportionately more than men because women are more vulnerable to exploitation than men. But *why* are there so many women who are trafficked? In contrast to the trans-atlantic slave trade, modern human trafficking is characterized not by investing in free human labor via buying one individual, but coercion of extremely needy people living in overwhelming poverty. They do not care about the health and well-being of trafficked people. There is no ownership and no investment. There is no record keeping. Modern human traffickers prey on vulnerable individuals and treat them as disposable goods.

A primary goal of this chapter is to explain why a large proportion of trafficking victims are women, but to do this I must first establish some of the issues with making claims that assert women are disproportionately victims of trafficking. Mary Burke speculates on one reason that women might seem to be the primary victims of trafficking: much of the public discourse on trafficking is about the exchange of women for sex. While there are other forms of trafficking in modern slavery, they are primarily labor-related. In an interview with Patty Satalia, Burke explained:

We consistently hear that eighty percent of those involved in slavery are women and

children. However, we also tend to hear more about sex trafficking, which includes more women and children, so my thought is that the eighty percent may be slightly inflated. If we get more of an understanding of labor trafficking, which includes more men, then that number might go down.

(Satalia, 2010)

Although trafficking as modern-day slavery includes forced labor of all sorts, not just sex work, this may not guarantee a decrease in the numbers of trafficked women. Modern slavery does not distinguish sex trafficking from work trafficking because sex trafficking amounts to work for the victims. When not trafficked, women and other individuals are paid for sex and other commercialized intimacies in various forms: prostitution, massage, and exotic dancing. The difference between sex work and sex trafficking is the absence of money and fair work conditions, although one cannot assume that legal sex work guarantees fair wages and work conditions.

Since the 1980s there has been a steady increase in women who migrate for work. Women who must leave their home countries for work seek all kinds of jobs, but most jobs available are those that include traditionally feminine tasks of serving and nurturing. Therefore, women migrate to do domestic work, service work, care work and sex work; and risk becoming trafficked in all of these jobs. Indeed, the most common route to sex trafficking is fraudulent recruitment for other jobs (Hodge and Lietz, 2007). It follows then that high numbers of women will continue to be trafficked as modern slaves if two conditions persist: first the global economy requires women to migrate to take care of their families and, second, the global economy in advanced nations has available low-wage feminized work.

In this chapter, I introduce and define three forms of oppression that contribute to the influence of gender on human trafficking. Violence against women, commercialized intimacy and the feminization of immigration help explain why women are targeted for human trafficking and why they may be more at risk than men. It is well documented that women can and do commit intimate violence against men and other women. In the international arena, however, violence against women typically is defined by the male subordination of women. Using this framework in trafficking helps demonstrate the common patterns among several forms of intimate violence to detail the range and extent of violence in women's lives. The second and related condition is the kind of jobs in advanced nations that rely on the exchange of commercialized intimacy between worker and client. The third is the feminization of migration, which

explains the increase of women who migrate from poor and developing countries to richer countries so they can support themselves and their families. After this, I will explain and use transnational feminist theory to contribute to the discussion on how we can respond to the modern slavery of women in these contexts of violence, migration and work.

As noted previously, the learning goals for this chapter are two-fold. The first is to make clear the relationship between gender, work, and human trafficking. The second is to demonstrate the use of feminist theory and how it can inform policy and advocacy response. In addition, the reader will learn the following concepts in the order that they appear in the text: oppression, social construct, gendered ideology, gendered institution, gendered interaction, violence against women, commercialized intimacy, feminization of immigration, transnational feminist theory, and intersectionality.

## Oppression and Identity

Simply put: human trafficking is inhumane. It is a form of oppression that—like a fast-acting disease—attacks the most vulnerable and neediest of people. Vulnerability and neediness are not accidental nor do they need to be permanent. These circumstances are, as feminist philosopher Marilyn Frye writes, set up as “a network of forces and barriers which are systematically related and which conspire to the immobilization, reduction, and molding of women and the lives we live” (Frye, 1983, p. 7). Worldwide women, more than men, are at risk for intimate violence, are sexually objectified virtually and in real-life, and live in extreme poverty conditions.

In the film I introduced above, *Trading Women*, a high-end massage parlor owner says, “[My employees] come for many reasons, but the main reason is their need to work, their need for money. This is the main reason. If they have enough to eat in the countryside, okay. But if they don’t have enough to eat, they come here.” Another massage parlor owner says, “The girls from the North are the best because they have white skin. They are beautiful. They are the best workers because they can charge the highest rates.” In this section of this chapter, I will discuss how oppression functions as an invisible set of interrelated dynamics that harm people in part through normalization in society.

In our everyday lives our gender, race, sexual, and national identities *feel* personal and natural. This means that many of us think our identities *are* personal and a part of us and do not impact the way we experience the world in any kind of political way. We tend to think of our identities as individual and unique. They do not affect whether or not we have opportunities or disadvantages in life. What is often true, however, is that social identities systematically offer or inhibit our opportunities to lead a successful, healthy life. Frye defines **oppression** as a systematic act intended against a targeted group of people. The systematic nature of oppression is what makes oppression distinct from human suffering. The targeting of a group rather than an individual is what makes oppression defined through what seem like personal identities, but are actually social constructed concepts that stratify groups (Frye, 1983). In other words, identities are defined through hierarchy and in opposition to each other. Renowned feminist poet and essayist Audre Lorde writes:

Racism, the belief in the inherent superiority of one race over all others and thereby the right to dominance. Sexism, the belief in the inherent superiority of one sex over the other and

thereby the right to dominance. Ageism. Heterosexism. Elitism. Classism.

(Lorde, 1984)

Whether or not we pay attention, our identities shape our experiences in the world. These include how we access opportunities and resources as well as how we experience oppression and discrimination. Although we may experience gender, race, sexuality, and nationality as personal identities, feminist and gender scholars define identities as social categories, which are shaped by social ideologies, institutions, and interactions.

A **gendered ideology** is a set of values, beliefs, and/or ideas that reinforce our practices of gender socialization. Gendered ideologies suggest masculine characteristics are natural to men and feminine characteristics are natural to women. Gendered ideologies support the belief that men and women are naturally different and that this difference results in a hierarchy of men dominating women. In the film *Trading Women*, for example, a gendered ideology is the generally unquestioned belief that men biologically need to have sex whenever they feel desire. This belief helps to justify the gendered practice of the modern trade of women for sex.

Gendered practices are social interactions that are justified by ideologies and reinforced through institutions. A social interaction identifies how more than one individual relates to another through communication and other actions. A **gendered interaction** from *Trading Women* identifies how women are bought and sold by men for men in most sex trafficking scenarios. One group (men) buys another group (women). It is the act of purchase, which is the interaction. Social ideologies and social interactions are systemized through institutions.

A social institution is a group, organization, or concept that makes and enforces social rules and ideologies. A **gendered institution** is the massage parlor that is owned by a man and buys and sells women in addition to the massage services it advertises. Two things happen when we name social identities “**social constructs**”: first, it distinguishes talking about identity in a social way from how identity is personally experienced; second, it indicates that as members of society, individuals and groups participate in constructing the meaning of social identities.

If we say people agree to meanings of social constructs—both events and identities—we can also argue that they disagree. The meanings of these categories are not fixed because they are based on the perceptions and experiences of individuals and groups. Social practices and ideas change over



time and these changes affect how meanings of events change. In other words, sometimes you know a social, cultural, political, or economic idea is socially constructed because it changes over time and by geographic region. Gender scholars study personal identities as social constructs to help explain how societal views on race, gender, sexuality, and nationality change over time and according to where we live.

Members of society continuously socially construct the meanings of identities by creating a relationship between an identity and specific values and beliefs for that identity. People then reinforce these meanings by practicing them in social interactions and regulating them through social institutions. In other words, we create social constructs; we express and perform them, we perceive them, and we identify with them. Over time and reinforced through various elements of society, people experience socially constructed identities as natural and normal. This makes the meanings of social constructs seem unchangeable. At the same time, when we analyze the social circumstances of “natural” experiences over time, we can see how the meanings of social constructs change. This analysis challenges “facts” that we take for granted, such as the idea that women are inherently and always vulnerable to men or that most human trafficking is sex trafficking.

I have identified three distinct situations that contribute to the oppression of women in human trafficking. These are *violence against women*; the *commercialization of women’s bodies*; and the *feminization of migration*. Understanding these issues will help the reader identify several related problematic social and economic conditions that support the phenomena of a greater proportion of trafficked women than men in modern slavery.

## Violence against Women

Human trafficking is legally defined as a form of violence against women that is a human rights violation. These definitions focus on abuse of an intimate nature, implicitly defining males as perpetrators and females as victims. Framing trafficking as violence against women acknowledges that this behavior is abusive and is often connected to bodily and psychological harm. One scene in *Trading Women* shows a raid of a brothel and approximately 20 girls are escorted out by the police. The narrator explains that, rather than arrest the girls for breaking prostitution laws, Thai officials treat trafficked girls as victims of their circumstances. There is even a shelter created for survivors of trafficking to help the often very young girls get education and vocational training. As the former director of the United States President's Interagency Council on Women, Theresa Loar, remarks, "The real heart of this and the thing that drives people to get at this issue is that real girls and women and children are being affected. They are truly victims. And it's not on a small scale. It's on an enormous scale." In this section, I will discuss how human trafficking fits into a violence against women framework.

In 1995 The Fourth World Conference on Women characterized sex trafficking as an international human rights violation by naming it a form of violence against women. As a violation of human rights, violence against women instills fear and insecurity in women's lives and is an obstacle to the achievement of equality, development and peace. This fear of violence is a permanent constraint on the mobility of women and limits women's access to resources and basic activities. The frame of trafficking as violence against women acknowledges that this behavior is abusive and is explicitly connected to bodily and psychological harm.

As a rhetorical frame, **violence against women** is defined as gendered: masculine bodies harming feminine bodies. It is viewed as a way for perpetrators to assert male dominance, power, and control over women. It is maintained through social and cultural tolerance of abuses that occur in both public and private lives. Behaviors include physical, sexual and psychological violence that occur in the family such as battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, nonspousal violence and violence related to exploitation. Behaviors also include physical, sexual and

psychological violence occurring within the general community including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, and trafficking in women and forced prostitution.<sup>1</sup>

In March 2010, government leaders from all over the world met to celebrate the fifteenth anniversary of the fourth World Conference on Women and report on the status of recommendations produced at the original conference. One report from the United Nations' economic and social council from the Economic and Social Commission for Asia and the Pacific clearly positions trafficking as violence against women. It states:

Many countries, including Azerbaijan, Cambodia, Georgia, India, Indonesia, Japan, Kyrgyzstan, Nepal, Philippines, Republic of Korea, Thailand, and Uzbekistan, have introduced anti-humantrafficking legislation in the last five years. There is also more focus on legal protection and support for victims, in contrast to earlier approaches that tended to treat the victim as a criminal while rarely prosecuting traffickers.<sup>2</sup>

Thailand's and other countries' focus on anti-trafficking legislation and support for victims likely occurred in response, at least in part, to legislation and required reporting that was mandated by the United States Victims of Trafficking and Violence Protection Act of 2000. The Act contains provisions to protect victims of trafficking from criminal charges and strengthens domestic laws against trafficking by trying perpetrators as rapists. The Act also sets international standards to which governments must comply in order to continue receiving nonhumanitarian aid from the United States. Countries are ranked according to tiers. Tier one demonstrates a country's full compliance with the law. Tiers two and two-watch are countries that show effort, but still need improvement. Tier three represents those countries that have shown no effort to comply.

## Commercialized Intimacy

Throughout *Trading Women* several clips from advertisements and film show how Asian women and girls are hyper-sexualized in film and other media. In one instance, the viewer of the film sees General William Westmoreland explain trafficking in Thailand by saying, “Well the oriental doesn’t put the same price on life as the Westerner. Life is plentiful. Life is cheap in the Orient.” “Cheap” can mean “disposable” or it can mean “inexpensive.” Also consider this statement from *Trading Women* by Dr. Saisuree Chuticku from the National Committee on Combating Trafficking in Children and Women in Thailand: “The sight that I couldn’t stand is when they have young girls put on numbers and sit in a glass window and they say I want number thirty-two and to me that is almost like animal and I couldn’t take it.” Putting girls in windows in a line treats them like objects to be considered, selected, purchased, and consumed.

In this section I will define **commercialized intimacy** and discuss the relationship between women workers and care and love as global commodities (Ehrenreich and Hochschild, 2002). In commercialized intimacy bodies or parts of bodies are the product and to make someone a product or an object one must be dehumanized or as Dr. Chuticku says, one must be “like an animal.” The relationship between money and intimacy will illuminate how and why women migrant workers are more at risk than men migrant workers for entrapment into modern slavery because the consumption of intimacy often happens on and through women’s bodies.

The study of commercialized intimacy reveals how emotions including love, sex, and care are bought and sold in the market as products or commodities (Zelizer, 2005). In labor, slave or paid, commercialized intimacy is part of the increasing commodification of intimacy that permeates and sustains global capitalism (Parrenas, 2005). This is to say that as our society advances economically, culturally, and technologically, intimacy and capital become more tightly linked (Boris and Parrenas, 2010). Emotional, care and service labor fulfills human desire and need and is available in a number of forms. In all of these forms, commercialized intimacies are packaged as global products and exported and imported across national borders. Sex work and care work, including that which happens in the trafficking of humans, meet physical and emotional needs for sex and construct a mimicked intimacy for the purchaser. Domestic labor assumes and partitions the care of our young and the messy work

of homemaking that creates a space for intimacy to occur between others. Beauty work, for example, manicures and massages, provide comfort, rest, and relaxation and a feeling of closeness and consideration.

Emotion is not the only commodity in commercial intimacy. In the case of human trafficking, it is the body and not just the work that is exchanged. In her discussion of global domestic work, Bridget Anderson distinguishes between the body as personhood and the body as property (2000). She asserts, “with particular reference to the caring function of domestic labor, that it is the worker’s personhood, rather than her labor power, which the employer is attempting to buy, and that the worker is thereby cast as unequal in the exchange” (Anderson, 2000, p. 2). In the trafficking of humans, it is clearly the personhood that is exchanged not simply the work for which the person is bought and sold.

When the body is property, two things happen. First, the propertied body is dehumanized and, second, the employer feels entitled to this body. Because she is dehumanized and because she is paid for, an employer may feel a disproportionate sense of access to the care worker’s body. Jobs in intimate settings exacerbate these violations because employers are not monitored. In some of these cases, harm becomes indistinguishable from job expectation. Care work is often sexualized because much of it involves intimate interaction, the meeting of physical and emotional needs. Sometimes, from an employer’s perspective, care work is laced with sexual expectations. This has become so normative that live-in domestic workers try to prevent misunderstanding from the beginning by clearly stating in their newspaper advertisements, “no sex.” But sexual abuse and harassment, embedded in normative terms, persists:

A friend of mine went for a job and he opened the door and he was totally naked. She didn’t want to show how she felt so she said, “do you want me to clean your house or watch your body?” He said, “What’s wrong? It’s only natural!” One worker in Paris was furious when her friend passed on a male employer who liked to watch her clean when he had no clothes on. When she complained, her friend told her that she had worked for him for years under these conditions.

(Anderson, 2000, p. 135)

Feminine bodies in particular are objectified and commodified, whether through work or performance. Recall the quote from the massage parlor in *Trading Women*, “The girls from the North are the best because they have white skin. They are beautiful. They are the best workers because they can charge the highest rates.” Here it is not just the massage and/or sex that is being purchased;

it is not just the woman's body that it is being displayed and sold; it is her light skin in particular that is marketed. Sociologist Evelyn Nakano Glenn explains how skin lighteners serve as symbolic capital to women who otherwise do not have any power available to them (2008). She argues:

Skin lightening has been incorporated into transnational flows of capital, goods, people, and culture. It is implicated in both the formal global economy and various informal economies. It is integrated into both legal and extralegal transnational circuits of goods.

(Glenn, 2008, p. 283)

Although Nakano Glenn refers to the illegal smuggling of lighteners, the same principle applies to bodies in the case of human trafficking. Lighter is ideological better and this is what institutionally sells. Whether it is the product or the body being sold, commercialized intimacy depends on sexist and racist ideologies that objectify women's bodies and prefer whiteness over other skin tones. These ideologies support the institutionalized practices of human trafficking of women.

Despite dehumanizing work experiences, there continues to be a clear need for migrant women workers to do reproductive work or "women's work" to meet the needs of what Arlie Hochschild calls a "care crisis" in economically rich nations (Ehrenreich and Hochschild, 2002). This is because in most families all the adults work outside of the home and no one is left to take care of the house or the children. Women's work includes domestic and care work and jobs that replicate personal characteristics traditionally associated with women such as serving, nurturing, and fulfilling one's needs. Women's work also includes what some gender scholars call performing femininity or doing the work of *being* a woman through make-up, plastic surgery, and diet and exercise (Banet-Weiser and Portwood-Stacer, 2006; Dworkin and Wachs, 2004; Ferreday, 2008).

When General Westmoreland says "life is cheap in the Orient" what he really means is that the bodies of women, especially dark-skinned women, are cheap. The commercialization of intimacy reveals the connections between micro-level interactions such as those between traffickers, consumers, and slaves and macro-level processes such as the relationship between human trafficking and the global economy. It shows how experiences of the intimate construct social relations and how social relations such as those that are raced and gendered construct intimate experiences. It also shows the connections between intimacy, violence, and purchase.

## Feminization of Migration

For survival, women have migrated internationally for various types of domestic, care, and sex work throughout the twentieth century and into the twenty-first century (Chang, 2000; Choy, 2003; Ehrenreich and Hochschild, 2002; Sharpe, 2001). In *Trading Women*, three young women, two girls from Burma and a girl from Laos, tell how they were trafficked into sex work. Here, they serve as a composite to illustrate the reason women migrate for work: as a solution to economic crisis.

I'm from the Hill Tribes. We don't have money so I have to send money to my parents. My relative came first and I followed. A woman came to see me at home and asked if I wanted to go [to Thailand]. I said I didn't. One day I said I would go ... one day she turned up. My mother did not want me to leave ... The owner asked me if I would like to stay with her to work as a waitress in her place. I then said okay. She gave me her telephone number. Later I called her to apply for a job ... My mother did not know what kind of work I was doing. She thought I was a waitress. If my mother knew I was working in this kind of job, she wouldn't have let me come.

This quote illustrates the need for women to migrate as well as the risks they take when they do. Women who migrate for work do so because they are in extreme poverty. In most cases, a woman's poverty is inextricably connected to her country's economy and its relationship to the dominant global economy. In this section I discuss research on **feminized immigration** to demonstrate how women of color migrant workers are at risk of being trafficked through fraudulent recruitment strategies used by traffickers and vulnerable work conditions (Parrenas, 2006).

Today, women make up half of all migrants who move to places all over the world. These places include the United States and other advanced nations, but they also include developing countries. Essentially, we see migrations from less rich nations to richer. Rich nations remain rich and poor nations remain poor in part because poor nations are in debt to supranational organizations like the World Bank and the International Monetary Fund, which are dominated by rich nations. As a result of having loans with rigid structural conditions attached, there are fewer jobs in the home countries of women migrants. Unemployment persists in these developing and underdeveloped nations, which cause men to lose their jobs and governments to cut back on social assistance. Women, rather than men, have to migrate because the jobs available outside of their home

countries seem more suitable to women. Socially constructed gender ideologies and a systematic need for care in advanced countries construct opportunities for women rather than men.

Ideologically, women of color are hyper-visible as natural nurturers (Chang, 2000; Collins, 2000; Hondagneu-Sotelo, 2001). Sociologist Pierrette Hondagneu-Sotelo examines how United States employers of immigrant Latina domestic workers view domestic workers as more “naturally” loving than white women caregivers and how these ideologies contribute to their socially invisible and oppressive work conditions (2001). In her study, employers consistently thought of their domestic workers as naturally warm, patient, and loving. In other words, the care work of Latina domestic workers was so natural it was effortless. As such, employers negated domestic work and diminished its contribution to economic growth through low wages. Rather than emphasize how domestic work is work and also contributes to the economy, employers attributed the labor of domestic workers to their national or ethnic culture.

This ideology that associates women of color with hyper-loving care abilities is not new to maintaining social and economic stratification. Sociologist Bonnie Thornton Dill’s classic research on black women’s work at the turn of the twentieth century demonstrates that the high proportion of black women in household work was a direct product of residual ideologies that justified slavery (Dill, 1983). Controlling images justified the presence of black women in slavery by saying they were both inherently hyper-sexual and hyper-loving. These same ideologies justified job discrimination and poor work conditions for black women post-slavery. Evelyn Nakano Glenn also demonstrates how stratification of paid care work has been historically structured by ideological and material inequalities in race, gender, and nationality (2002, 2010). Nakano Glenn reveals that the coercion of people of color and the denial of their freedoms as part of the historical construction of paid care work helped to define the meaning of care as altruism, a status obligation or an extension of servitude.

Once migrant workers arrive they are isolated in many variations of homes: personal homes, nursing homes, and brothel homes. As such, they are part of the informal sector, not protected with social security or labor legislation and they have no legal recourse to protect themselves. They are exposed to harassment, intimidation and threats to themselves and their families, economic and sexual exploitation, racial discrimination, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labor, debt bondage, involuntary servitude and situations of captivity. To ensure their



compliance, employers often hold visas or passport papers. Domestic, care, and sex workers are part of an invisible economy and work unlimited hours for inconsistent wages and often under the threat of deportation.

Women are recruited through what sociologist Saskia Sassen calls “third party migrations” and often under misleading, fraudulent conditions. Women are told that they can earn much more money abroad than at home for the same work. Once they begin their new jobs they are paid minimal wages for work that is less skilled than they expected (Parrenas, 2006). For example, many immigrant nurses in the United States are first underemployed as nursing assistants before getting the chance to work the jobs they were promised. In the case of sex work, women may be told that they will be working in factories or as domestic workers only to be sold to a brothel when they arrive in the city. Despite promises for a better life, migrant women’s expectations are often not met and they are in fact abused and exploited.

Employers and traffickers alike trick women into working in unfair conditions. Most trafficked people are not kidnapped but rather are solicited by known people (friends and family members) or agencies that promise them good jobs in prosperous countries but deceive them and sell them to traffickers. Traffickers rarely approach families and offer to exchange girls and young women for a “better life.” More commonly, seemingly legitimate organizations recruit women under fraudulent conditions such as marriage, work, and modeling.

Traffickers and employers use remarkably similar methods to maintain control over women workers. These include inflicting physical and sexual violence, hiding passports and other documentation, and psychological threats to report them to immigration authorities. Abuse of migrant workers is more obvious in the industry of sex trafficking but still presents itself in other kinds of labor that depend upon commercialized intimacy. If emotional attachment is simultaneously couched as “natural” and paid labor, job expectations become more easily blurred. Long, indeterminate hours and unstable pay that depend not on fixed labor conditions but rather on a family’s or individual’s shifting needs are more easily justified. When public and private spheres merge, labor boundaries become less stable and offer more opportunity for mistreatment. Exploitation is further exacerbated for migrant workers because for many, their undocumented status makes them even more vulnerable to unfair, unsafe, and sometimes lifethreatening work conditions (Anderson, 2000; Ehrenreich and Hochschild, 2002; Parrenas, 2006).

Women do domestic, care, and sex work in other countries not because they seek a better life for themselves and for their families, but in order for their families to survive. Whole families are often dependent on the wages of just one immigrant care worker. The home countries of immigrant workers benefit as well. Poor nations gain resources through the export of workers. For example, Jamaica exports teachers and nurses in partnership with the United States and in turn the United States provides money to educate teachers and nurses in Jamaica. Moreover, many countries require immigrant care workers to submit part of their paycheck back to their home governments in exchange for the “right” to work in the United States and other economically rich nations (Choy, 2003).

# Transnational Feminist Theory: Suggestions for Research and Activism

It is clear that women are trafficked more often than men. What is not always clear, however, is *why* women are trafficked so often. One common misconception in trafficking discourse is that women are trafficked more often than men simply because they are women in need of protection (from men). This might imply that women are trafficked because they are naturally weaker than men. To say women are naturally weaker than men may suggest that women are inherently inferior to men. On a global scale, we know this is not true. For centuries, transnational feminist scholars and activists consistently have demonstrated that women are just as physically, emotionally, and spiritually strong as men. It is a mistake to think that women are trafficked more than men because they are inferior to men.

In this chapter we have learned that gender is socially constructed and, as such, impacts three major dimensions of the oppression of women: interpersonal violence against women, the commercialized intimacy of women's bodies, and the feminization of migration. These issues do not just manifest on a gendered level; they depend on national identity and are raced and classed. Who is sold and to whom that person is sold depends upon gender, yes, but they also depend on one's global national, racial, and socio-economic class status. What seems clear, for example, is that the poorer you are *and* the more feminine you are the more likely you are to be trafficked. One cannot analyze trafficking without analyzing multiple social identities and their social and economic influences.

Transnational feminist theorists show that the export and import of care, service, love, and sex as commodified goods are integral to the functioning and spread of capitalism and Western ideologies. At the same time, the labor that produces care and service remains invisible in discourse on globalization processes (Ehrenreich and Hochschild, 2002). While much of the discourse on globalization speaks in broad, sweeping terms, Saskia Sassan asserts that the global production of commodities occurs in concrete locations—global cities—that reflect real time and space. Like paid workers, trafficking victims move from place to place to ensure that they remain undetected by people who could help them and also—especially in the case of sex trafficking—to continue to offer clients a new “product” in the form of new bodies and faces.

With regard to human trafficking, transnational feminist theorists and activists are suspicious about the universalizing rhetoric used in the trafficking discourse, such as all women are at risk for trafficking in the same ways and need to be rescued. Feminists argue that we should always carefully interrogate the claims made about global sex trafficking and the rescue missions designed to solve the trafficking problem (Parrenas, 2006; Sharma, 2005; Saunders, 2004). We should pay particular attention to any rhetoric or practice that reinforces a framework that positions some women in negative opposition to others (Collins, 2000). There is no doubt that the United States Victims of Trafficking and Violence Protection Act (TVPA) has saved lives. At the same time, the rhetoric used to support saving women could be the same rhetoric used to sub-ordinate them through a politics of fear (Parrenas, 2006); a politics of fraud via anti-immigration work policies (Parrenas, 2006; Sharma, 2005) and frank, complex gender politics such as those that support anti-reproductive justice campaigns (Soderland, 2005). For the latter, some scholars note: “the Bush administration’s fight against global sex trafficking conveniently dovetails with its quest to dismantle public health efforts that support women’s reproductive rights and champion condom use as a viable means to control pregnancy and the spread of HIV/AIDS” (Saunders, 2004, quoted in Soderland, 2005, p. 79). Indeed, as Audre Lorde famously said, “The master’s tools will never dismantle the master’s house” (Lorde, 1984).

It is important, then, to keep analysis of human trafficking away from moral concerns. *Trading Women* features several United States politicians who initiated and supported the TVPA. As the film states and portrays, anti-trafficking campaigns attract an “odd coalition that range between feminists and evangelicals; liberal Democrats and conservative Republicans.” One TVPA initiator, Sam Brownback a Republican Senator from Kansas, is shown saying the following about victims: “None of us are perfect. And we’ve all had problems or motivations that are impure.” The word “impure” implies a false, but deeply held and consistently reinforced ideology that makes women solely responsible for acts of unwanted sex or, in this case, acts of trafficking. Chris Smith, a Republican Congressman from New Jersey is shown saying, “It’s amazing how dismissive many people in government are: ‘oh, they’re just prostitutes.’ Well, my faith tells me that they are not just prostitutes, they are as valuable as anyone else on Earth.” Although initially seeming generous to the viewer, Smith’s portrayal of sex trafficked women as prostitutes is a negative one. He draws on familiar tropes that suggest, first, that all sex trafficked women are prostitutes, and thereby criminals, and, second, that they are less valuable

than women who are not prostitutes. Whenever seemingly positive references of trafficked victims are evoked in this way, they are potentially positioned against others that do not deserve to be saved (Collins, 2000). One more important note: all of these rhetorical strategies strip women of any sort of agency or control over their circumstances and/or their bodies.

At another point in the film, UN Resident Coordinator Thailand Robert England says:

I think everybody would agree that trafficking in human beings is morally reprehensible. On the other hand, it's a very, very complicated issue, which cannot be solved easily and certainly cannot be solved by a purely moralistic approach that says: "Naughty. You mustn't do that."

At the same time that England warns the viewer of any approach based on totalizing moralistic views, Brownback's legislative aid is shown saying in frustration, "unless someone just says no (moves her hand in a wiping motion) it's going to keep going and it's going to get more and more perverse." Transnational feminist scholars would avoid using any kind of universal language.

As a framework, transnational feminist theory helps to analyze a problem without objectifying the subject of that problem or universalizing all women into one category. Transnational feminist scholars use **intersectionality** as an analytical lens to explain how multiple and discrete social categories—race, gender, sexuality, class, and nationality—work together to create unique experiences of privilege and subordination (Crenshaw, 1991). It maintains the subject's agency and helps to preserve her voice and perspective in policy and law (Desyllas, 2007; Mohanty, 2002; Sharma, 2005). It considers how an individual's circumstances cause the problem without blaming the individual; it reveals previously invisible oppressions (Frye, 1983). Transnational feminist theory seeks partnerships with other feminist movements that do not impose universalizing language that may not account for all women's experiences (Long, 2004). It partners with other feminists without an "arrogant eye," which could unwittingly impose Westernization (Frye, 1983; Gunning, 1991; Mohanty, 2002). These are the many features of transnational feminist theory, but here I will focus on how to use intersectionality to respond to trafficking in women.

In 1989, renowned legal theorist Kimberle Crenshaw coined the term intersectionality to help explain how sexual harassment experienced by women of color is not captured by existing legal rubrics. Rooted in the writings of multi-

cultural feminists and critical race theory, intersectionality is a conceptual and methodological framework that explains how discrete social categories—race, gender, sexuality, class, and nationality—work together to create unique experiences of privilege and subordination. For two decades intersectionality has challenged the law and traditional research methodologies in various disciplines. Scholars have used it to develop transnational and multi-cultural feminist theories (Collins, 2000; Mohanty, 2002).

Scholars who use intersectionality theory to study sociology must stay true to how and when their categories emerge in the analysis or we run the risk of erroneously including categories simply for the sake of inclusiveness. A scholar's attempts to be inclusive could result in statements of false universals. They may conflate distinct effects or mask salient patterns in their data by attempting to analyze all possible relationships, rather than the ones that specifically emerge from the subject being studied (McCall, 2005; Welsh et al., 2006). One way to precisely analyze the influence of multiple social constructs on inequalities is to use intersectionality to inform conceptual strategies and research designs (Collins, 1999).

As a framework that explains the dynamics of oppression in various contexts, intersectionality also challenges established meanings of social life. Patricia Hill Collins (1999) inspired gender and feminist scholars to use intersectionality to change how we conduct scientific research. Changing the production of knowledge requires scholars to look not just at the structural effects of the intersections of social identities but also at how these relations inform the process of meaning-making. This is an integral component of intersectionality; if it does not connect knowledgemaking to structural practice and experience, then it is not intersectionality theory (Collins, 1999).

In addition to those I've mentioned, several transnational feminist scholars discuss the importance in how we frame gender issues in human trafficking. First, the socially constructed categories of identities such as race and gender are not fixed. They are produced in specifically contextual ways that are shaped by region, economics, politics, religion, and so on (Collins, 2000). Next, although violence against women is a significant form of oppression faced by women worldwide, to combat human trafficking we cannot just focus on violence against women as a gender issue. The meaning and experiences of violence against women change at the intersection of race, gender, and nationality (Crenshaw, 1991, 1992; Ehrenreich and Hochschild, 2002). In addition, whether "paid" or trafficked, the meanings of jobs that require commercialized intimacy

also function specifically at intersections of race, gender, and nationality, for example, in nursing (Ruchti, 2012) and in Korean-owned nail salons (Kang, 2010). Finally, the meaning of feminization of migration changes at the intersection of race, gender, nationality, region, and class. There are multiple forms of trafficking (Parrenas, 2006). As women move for work, women are trafficked within and across borders (Boxill and Richardson, 2007; Tambe, 2005). Here the concepts of nationality and citizenship are important because they intersect with race, gender, and other identities to construct experiences.

Proponents of intersectionality agree that intersectionality can be conceptualized many ways: as a theory, a methodological approach, a context to situate people's experience, and a lens to act. It is here that I will share my inspiration and my intention for the use of intersectionality in this chapter. Women's and gender studies scholars use intersectionality to capture the impact of multiple identities, develop research questions, shape designs, think through power dynamics, and explain the social, economic, and symbolic meanings of everyday life. To study human trafficking today, we cannot separate social constructs of race, gender, sexuality and nationality because individuals do not live—identify, perceive, and practice— these experiences separately.

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# TO THE PROFESSOR

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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## DISCUSSION QUESTIONS

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1. How does each of the following inform and sustain the trafficking of humans: a gendered ideology, a gendered interaction, and a gendered institution?
2. Are *all* women at risk for trafficking? Why or why not?
3. What are the similarities between the system of trafficking of persons and the system of feminized migration of women? What are the differences?
4. How is oppression distinct from human misery?
5. What is the definition of commercialized intimacy?
6. How is immigration feminized?
7. Identify one feature of transnational feminist theory.



## Notes

1. UN Division for the Advancement of Women Beijing Update. Available at: [www.un.org/womenwatch/daw/followup/beijing+5.htm](http://www.un.org/womenwatch/daw/followup/beijing+5.htm). (December 9, 2003).
2. UN Division for the Advancement of Women Beijing Update. Available at: [www.unescap.org/esid/GAD/Events/HLM-2009/download/BPA09\\_2E.pdf](http://www.unescap.org/esid/GAD/Events/HLM-2009/download/BPA09_2E.pdf). (May 11, 2011).

# **MAKING MONEY OUT OF MISERY**

## ***TRAFFICKING FOR LABOR EXPLOITATION***

**June Kane**

This chapter looks at the relationship between human trafficking and what is often called “the world of work.” It aims to help readers to understand that at the end of most trafficking chains there is a situation of exploitative labor and that, in many ways, human trafficking is a corrupt form of labor migration.

The chapter first establishes labor and labor migration as fundamental rights, enshrined in human rights law and at the heart of every person’s desire to earn a living that will enable them to survive and promote the well-being of their family. It underlines that, when people are deprived of the right to move to seek work, for whatever reason, they may seek out alternative avenues to legal channels, and that this puts them at high risk of falling into the hands of traffickers. The international definition of trafficking as comprising three essential parts—recruitment, movement, exploitation—is explained in the context of trafficking for labor exploitation, and there is a brief exploration of where “demand” for exploited labor occurs.

The chapter emphasizes the fundamental difference between forced labor and trafficking for labor exploitation. It emphasizes the imperative to differentiate between the two both in programming terms and in responses to the needs of victims. Finally, the chapter considers briefly how trafficking into sexual exploitation relates to the labor trafficking context and outlines some ways in

which so-called “labor actors” can contribute to ending this heinous denial of human rights.

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## **CHAPTER LEARNING OBJECTIVES**

At the end of this chapter, students should:

- Understand how human trafficking relates to labor migration and the desire for decent work.
  - Know the principal relevant international labor conventions, in particular how they relate to human trafficking.
  - Understand the specific case of child trafficking and the relationship between trafficking and child labor.
  - Recognize the difference between trafficking into labor exploitation and migration that results in forced labor.
  - Understand the three main elements of trafficking into labor exploitation (recruitment, movement and exploitation) and how they fit together.
  - Have gained an insight into the concept of sex trafficking as a variant of trafficking for labor exploitation (and why this concept is sometimes controversial).
  - Appreciate the role that “labor actors” can play in combating human trafficking.
-

# Approaches to Human Trafficking: The World of Work

Human trafficking is looked at in different ways by the various groups and individuals who work to put an end to it. For those working in law enforcement, it is primarily a **criminal problem**, cross-border or domestic, sometimes involving organized crime, sometimes just a series of criminal offences involving different individuals or groups who come together in a less structured, often temporary relationship.

Those whose work focuses on supporting victims of trafficking and people who may be at high risk of being trafficked, see human trafficking as essentially a **human rights issue**, robbing people of their rights to live free from exploitation, in good health, with their families and in charge of their own destinies. Some may additionally address it from the **health angle**, focusing on the physical and psychological impact on victims and their families.

Advocates for women's rights and gender equity approach human trafficking as a form of **violence against** women and emphasize the role played by gender inequalities in the family and in society at large. Similarly, some see trafficking as a heinous **derogation of children's rights**, especially the right to education and to a childhood free of the burden of child labor.

Increasingly, governments look upon human trafficking as a threat to national security, particularly when it involves irregular movements of people across borders and when it is linked to other forms of organized crime such as money laundering, the smuggling of contraband or the trade in illicit drugs.

So which of these approaches is the right one? All of them. Human trafficking fits appropriately into each of these categories, and the fact that it is addressed from many different angles by people with different sets of skills and expertise is a positive thing. Human trafficking is such a complex process that it needs to be tackled on many different fronts at the same time, and it is clear that a multi-disciplinary approach to solving the problem must be taken.

For individuals and organizations specializing in what is often called "the world of work," human trafficking is also very much a **labor issue**, firmly rooted in labor market dynamics and the overwhelming need and desire of people to earn a living.

# The Right to Decent Work

All people who have reached the legal minimum age for work have a right to work—without coercion, in decent conditions, for a fair wage—to ensure their economic well-being and that of their families. Alongside international and national laws relating to human trafficking, there exists a body of legislation that is designed to ensure that labor is regulated and policed so that people’s labor rights are protected. These include, for example, the right to work in safe, nonhazardous conditions; to have set working hours with regulated time off and holiday; access to insurance that covers the worker who is unable to work because of sickness or injury; minimum guarantees including rates of pay, including for work done outside regular hours or at unsocial times; laws governing female workers’ rights; and laws that stipulate a minimum age for work so that children are free to complete their education and gain the skills that will prepare them not only for work but for life. Taken together, these elements are often called “decent work” and are enshrined in labor law.

Labor laws exist at international and national levels. International legal instruments are generally negotiated and adopted through the mechanisms of the International Labour Organization (ILO), the United Nations body that deals with all matters relating to the world of work. Member states of the ILO meet annually in conference to consider and adopt new instruments, and countries that then ratify these conventions undertake to report regularly on what they have done to translate the conventions into their national laws. Of vital importance to the effective implementation of international labor conventions is the fact that the ILO has a unique “tripartite” governing body and membership, bringing together with the ILO governments, workers’ organizations (trade unions) and employers’ associations. These “labor actors” are ideally placed not only to know and understand the realities of the world of work but also to act to turn the promises enshrined in international labor conventions into workplace realities.

International labor conventions cover, *inter alia*, workplace conditions (known as norms and standards), the rights of those migrating for work, gender equity, and the importance of fixing a minimum age for work and protecting children from premature entry into labor. There are also conventions relating to particular occupations such as road transport, seafaring and construction and, since 2011, domestic work.<sup>1</sup>

Among the many conventions relating to labor rights, eight are considered

“fundamental.”<sup>2</sup> Consolidating the spirit of these fundamental conventions, in 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work. This embodies what might be considered the most basic rights that must be protected and upheld at all times and in all circumstances, and all member states of the ILO—including those who have not ratified one or more of the conventions included in the fundamental conventions— are required to report on the progress they are making in implementing the Declaration.

Human trafficking is both directly and indirectly covered through these international conventions. Where people enjoy freedom of association and collective bargaining, for example, their rights as workers are protected and they are less likely to be exploited. Action against forced or compulsory labor is instrumental in breaking down the motives for trafficking and the means of profiting from it. Abolishing child labor and protecting children from exploitation directly addresses the problem of employers who see in children a cheap and easily exploitable source of labor, and so thwarts the traffickers who provide such labor. Eliminating discrimination strikes at the heart of the exploitation of workers who are targeted because they are from another country, tribe or caste, of a different color, culture or religion, or are women whose position in family or community too often makes them subservient to those who wish to profit from their labor.<sup>3</sup>

At national level, labor laws are an important weapon in the antitrafficking legislative armory, especially where specific anti-trafficking laws do not exist. They allow labor inspectors and regulatory authorities to take action against unscrupulous employers who accept and exploit trafficked people, for example. Identifying and bringing wayward employers to justice may subsequently help in investigations of other links in the trafficking chain. Laws against abduction, deception, extortion, fraud, assault, rape and other crimes that traffickers may commit in the course of trafficking may also be used where specific laws against trafficking are not in place, and even when they are.

# When People are Excluded from Labor Markets

In addition to the laws that govern the conditions under which they work, people also have a right to move to find work if they wish or need to. A number of ILO conventions set out this right and the responsibility to guarantee it:

The Migration for Employment Convention (Revised), 1949 (No. 97), aims to regulate the conditions under which the migration of workers and their families takes place, and the Migrant Workers (Supplementary Provisions Convention, 1975 (No. 143) contains specific standards to counter illicit and clandestine labor trafficking which disturbs orderly migration and creates negative social and human consequences. States ratifying this convention undertake, for example, to investigate illegal migratory movements on their territory that aim to facilitate substandard employment.

States have the primary responsibility to regulate migration. Regulating migration, though, is not the same as preventing migration. Regulating migration means making migration safe and regular, so that people can exercise their right to migrate if they need or wish to. In fact, people may seek to migrate to find work for a number of reasons:

- In many developing countries, unemployment is linked inextricably to low rates of literacy. People simply do not have the basic skills that equip them for employment, except perhaps in casual manual work, which is often acquired in the “grey market” where workers have no contract, no security of employment, poor pay and conditions and no power to negotiate.
- Skilled workers may find themselves unemployed if the skills they have do not coincide with the skills demanded in the labor market. This might occur suddenly, if a particular industry relocates, for example, or it could result from a mismatch between the training on offer and the jobs available.
- Unemployment can also result when markets are disrupted by financial crisis, natural or man-made disasters, conflict or just national policy shifts that cause changes in the labor “geography” of a country or region.
- Sometimes, people seek to move for work simply because they want to. In a world where global communications allow people to see what life is like in other places (sometimes not necessarily accurately) people may believe that

there are better opportunities “elsewhere.” This is particularly true of young people who are disproportionately affected by unemployment and who may be more mobile, unencumbered by family or debts.

- It may also be the case that there are geographical, social or economic factors that result in a demand for workers in one place and a surplus of workers in another. For example, there may be a high demand for seasonal agricultural workers in one part of a country alongside low employment in another, which will result in unemployed workers looking to move temporarily to find seasonal work. This might also happen across a border, and there are known areas where seasonal workers have moved for generations to follow opportunities to earn a living. Sometimes this is done legally but often workers slip across borders that are not well policed.
- Women may find themselves excluded from labor markets because national policies discriminate against them, or local customs mean they are not able to compete with men for jobs, even where they are equally or even more qualified.

In short, there are many reasons—personal, structural, economic, geographical, societal, and even historical—that prompt people to consider relocating, permanently or temporarily, in order to find work.

What happens, though, when would-be labor migrants find migration channels closed (permanently or temporarily)? And what if migration channels are open but people do not know about them, or cannot afford the costs involved? When migration channels are closed or inaccessible for some reason, then people who need or want to move to find work seek other ways to do this and become highly vulnerable to falling into the hands of traffickers.<sup>4</sup>



## Recruitment and Entry Points

All human trafficking begins with a process or event that entraps the victim and sets her or him on the path to being trafficked. In the case of would-be labor migrants, alongside the legitimate “entry point” into work there is the risk of encountering parallel entry points that lead to trafficking.

For example, those wishing to find work in another place (not only in another country but perhaps in another part of their own country) often approach a recruitment agent to help them. For people who live in villages or small communities, this may be someone in the community who is known to have contacts that can find work or help with transport. In the cities of industrialized countries, recruitment may be done through an agency, via an advertisement in the newspaper or other media.

Regardless of the form, traffickers are known to set up parallel mechanisms that promise job placement, help with necessary documents, advice on transport or provision of the services themselves, and sometimes contacts that will provide accommodation. Each of the links in this “trafficking chain” may comprise a legitimate service (the transport, for example) or a crime (for example, document forgery, an illegal sweatshop), or the whole chain may consist of traffickers and intermediaries who knowingly break the law.

It is worth recalling here how the UN trafficking protocol (the Palermo Protocol) defines human trafficking:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

The first part of this definition relates to the links in the trafficking chain. It starts with recruitment—that “entry point” described above— then involves movement, described here as transport or transfer, and ends in exploitation.<sup>5</sup> This exactly parallels regular labor migration, which also begins with recruitment/entry into the process, involves temporary or permanent movement, but which ends in legitimate work. The difference between regular labor migration and human trafficking lies in the criminal nature of the different parts of the process and importantly in the exploitative outcomes of the trafficking,

including forced labor, debt bondage (where the victim has entered into debt to finance what s/he believes to be legitimate and has to pay this off to the traffickers), or exploitative labor in dirty, dangerous, demeaning, often slavery-like conditions.

It is important to remember that, for trafficking to occur, the recruitment and transport must involve

the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person ... for the purpose of exploitation.

In other words, there has to be *ab initio* intent to exploit.<sup>6</sup> Although common wisdom (and Hollywood movies!) tend to emphasize the violent abductions that sometimes do take place at the beginning of the trafficking chain, trickery, deception, lies and misrepresentation are more common. The promise of a job, exaggerated stories of the money to be made and the sad misrepresentations that exploit a person's hopes and dreams are more likely to be used to lure people into the hands of traffickers.

A typical example of how this works is the young woman in a small town who cannot find work and who has heard about other women from the community who have moved to the "big city" and found well-paid work in restaurants and hotels. Tempted by an advertisement in the local paper for women to work in the city as waitresses, she pays a fee to the agent who placed the advert for help with transport and accommodation, believing his promises that the work, although it may involve unsocial hours, is well paid. He tells her she will work alongside other young women from her town and that he will try to find her accommodation in the same boarding house. When he quotes the cost of all these services, she does not have enough money, but he tells her that she will be able to pay him back from the money she earns. Soon the young woman is on her way to the city, full of hope and having promised her family she will send money back to them as soon as she has repaid her debt.

When she arrives in the city, she finds things are very different. She is housed in dingy rooms with a group of other women she doesn't know. The "aunty" who looks after them locks the door at night and only opens it when someone comes to collect them to take them to work. This is not the restaurant that was promised but a nightclub where the "waitresses" are expected to provide sexual services to the customers. Our young woman wants to go home, but she is

trapped by the debt she entered into and scared to voice her objections because of threats of violence not only to her but also to her family.

In situations like this, it is not surprising that some of the young women may accept the drugs that are often offered to them. It is surprising, however, that some will eventually return to their homes and work as recruiters for the traffickers. One explanation for this is that the young women's situation once they return home has not changed: they are still unemployed, have earned almost no money from their exploitation and, having after all survived the trafficking experience, no matter how damaging it was, they may feel that other women will be able to survive it too and that they will therefore not do "too much harm" by earning money as a recruiter. Many women, on the other hand, do not survive the trafficking experience, or emerge with long-term physical and psychological problems.

Trafficking victims—men, women, and children—often endure physical violence at the hands of traffickers and intermediaries who aim to subdue them and reinforce the power relationship that is so necessary to the success of the traffickers. Women and girls may be raped as part of this violence. Psychological trauma is also common, as victims are confronted with threats, isolation, feelings of helplessness, and verbal abuse. Trafficking is particularly pernicious because it involves moving the victim away from her/his normal environment, robbing them of known protection services and safety nets. When people are trafficked into other countries, additionally, they may not know the language of the people with whom they come into contact, and find it impossible to even think of escaping because they do not know who to turn to or how to explain their situation. The fact that they are regularly told by traffickers that their documents are not legal, or that their exploiters take away their documentation, makes them even more unlikely to seek help.

The ultimate irony of trafficking into labor exploitation is that most trafficking victims never earn the money they were promised and which was one of the primary motivations for their desire to move in the first place.

# **Movement: The Difference between Human Trafficking and Forced Labor**

It will be clear from the example given above that “movement” is at the heart of trafficking, because it is the means by which traffickers isolate victims from the environment in which they are safe and can seek help.

There is no defined extent of the movement; the essential point is that the victim is moved. Traffickers may move their victims within the country, for example, from rural area to city, from city to coastal resort, from periurban settlements to farms. When trafficking does not cross national borders, it is called “domestic” trafficking and, despite what common wisdom often suggests, it is known that most of the trafficking in the world is domestic.

Traffickers who move their victims to another country are guilty of “cross-border” trafficking. They may move people on foot, by road, by sea or by air. Often these journeys are hazardous, involving, for example, dangerous mountain routes, leaky boats or modified vehicles in which victims are hidden. Sometimes, people are moved in regular transport, on scheduled flights, in buses or taxis. In such cases, traffickers may provide forged documents to fool border authorities, or corrupt border or immigration officers might be working with the traffickers.

These complex mechanisms may suggest that trafficking is hardly worthwhile for criminals who, after all, are engaged in this crime in order to make money. Often, however, traffickers use processes and personnel already engaged in moving illicit goods (drugs, arms, stolen vehicles, contraband). Additionally, it is a sad fact that human trafficking is a low-cost and lowrisk criminal activity since, if they are intercepted, trafficking victims are relatively easy to replace and the “loss” of a victim does not cost as much as losing a consignment of drugs or contraband. Because of the nature of the trafficking chain, moreover, it is most likely that, even when police or migration officers identify one link in the chain, they will not be able to trace it back to the initiator, especially where the chain has been constructed of casual relationships, people who do not work regularly together but as “freelance operators” for one particular action in the chain.

It is the existence of these diverse elements, and the complex nature of the trafficking chain, that differentiates human trafficking from forced labor. Forced labor is a typical outcome of trafficking, and occurs at the point of exploitation.

Victims of forced labor, for example, may have migrated willingly and without help (legally or irregularly) and have then been unlucky enough to enter employment that is coercive and exploitative. They may also not have moved at all but be in forced labor in the place where they live. The essential difference between migration with forced labor and trafficking into labor exploitation is that, in the case of trafficking, the third parties involved at the beginning of the process—at the entry point—had the *intention* of leading the person involved into exploitation.

# The Exploitative Outcomes of Human Trafficking

What is often called the “exploitative labor outcome” of trafficking can occur in many different labor sectors. The ILO has outlined the major areas of work that frequently harbour trafficking victims as: “agriculture, food processing, construction, textile and garment enterprises, retail, manufacturing, logging, mining, restaurants, domestic work and entertainment,” and there are other sectors into which trafficking occurs.<sup>7</sup> To these also can be added begging and the commercial sex sector, on which there is more below.

Across the globe, the majority of trafficking victims find themselves exploited in **agriculture**, not only in the fields but also in fishing, flower picking and packing, and related work. Because of the seasonal nature of agricultural work, trafficking victims are often moved from place to place as their traffickers undercut regular rates of pay for seasonal workers and offer teams of workers—sometimes entire families—as cheap labor. In this way, children are trafficked alongside their parents and enter into child labor.<sup>8</sup>

There is much debate over where the “demand” for such cheap labor originates. Some commentators place the responsibility firmly in the hands of the consumer, who seeks out the lowest possible prices on foodstuffs. However the whole supply chain plays a part, from the supermarkets that put pressure on suppliers to keep costs low, to the suppliers who prevail on producers to cut prices, to the producers themselves who may knowingly recruit laborers from sources they know to be suspect or just turn a blind eye to offers of labor that really are too good to be true, all with the aim of maintaining their profit margins.

After agriculture, the next most frequent destination sector for trafficked people is the broad category of “**service industries.**” This ranges from highend hotel work to street-based trades such as selling small goods or cleaning shoes.

Alongside legitimate workers, trafficked people may be found working in hotel kitchens, as chamber maids, cleaners and as tradespeople. They may work in restaurant kitchens or in retail stores or wholesale warehouses. They may be selling things on the street, for example, flowers, newspapers, cigarettes, candy, or shoelaces.

In some parts of the world, those working as street vendors may be under the control of “handlers.” In a throw-back to the times of the English novelist Charles Dickens, a “handler” will watch over trafficked street vendors to make sure they do not try to run away and that they earn enough money to satisfy the exploiter(s).<sup>9</sup> If they do not, they are regularly beaten or burned with cigarettes. Often linked to such street activity is petty crime, in particular pick-pocketing and bag-snatching.<sup>10</sup>

Many people, especially women, are trafficked into **domestic labor**. This has been a challenging sector for trafficking researchers and programmers because, until the adoption in June 2011 of the Domestic Workers’ Convention, 2011 (No. 189), the private home was not considered as a

### **CASE STUDY 6.1: THE GANGMASTERS OF EUROPE**

For many years, the mosques and community centres servicing the ethnic South Asian population of England’s second city, Birmingham, helped long-term and recent migrants to find work in the fruit and vegetable growing and packing business of the Midlands, the region of which Birmingham is the hub. The community leaders negotiated legal contracts and generally ensured the rights and well-being of the workers.

In the 1990s, though, they began to experience difficulties securing work for their community members because Eastern European “gangmasters” were under-cutting the rates and had begun providing cheap labor, sometimes up to 200 men at a time, transported to the fields and packing plants in fleets of buses. The gangmasters not only owned the buses, they owned the accommodation the men lived in—and effectively owned the men themselves.

By 2001, the gangmaster system had become big business in the UK, with an estimated turnover of \$45 million a year. Some of the gangmasters operate in compliance with labor laws; many do not. Some use undocumented workers who have been shipped in and are effectively locked in to their accommodation when they are not working. They have no contracts, allowances, insurance or time off. They are charged high fees for transport and accommodation in sub-standard hostels. They are effectively in forced labor and, since they have been promised decent work before they set off, have been deceived and so are victims of human trafficking.

Trafficking into agricultural labor in Europe is not confined to the UK. Moroccan workers are trafficked to Spain; Switzerland and the Netherlands have large numbers of illegal migrant workers among whom some will have been trafficked.

Source: Adapted from ILO, *Trafficking in Human Beings: New Approaches to Combating the Problem*, ILO SAP-FL, May 2003

“workplace” and labor laws were both ignored and impossible to police. Working behind closed doors, the domestic worker is hidden away from labor inspectors and other observers and is readily exploited. Although men and boys may be trafficked into domestic labor, the majority of victims are women and girls. Typically, they will have to rise before the rest of the household to prepare breakfast, and perhaps get children ready for school and take them there (a particular burden for children who may themselves be of school age but who are denied the right to education and have to wait and watch while the children of “their” family enjoy that right). Domestic workers do the cleaning (often with toxic chemicals), cooking (perhaps in extreme heat or using equipment unsuitable to their age), other household tasks as necessary and, in extreme cases, may be expected to provide sexual services to the men in the household. These workers may be beaten if they make a mistake or disobey, are often given a label to replace their own name, and may be deprived of food and made to sleep in the kitchen or outhouse.<sup>11</sup>

When many people think of forced labor or human trafficking, however, the image that comes to mind is of rows of victims, generally women, heads down over a sewing machine or other piece of machinery, toiling in a warehouse-sized factory. In fact, “**manufacturing**” as a sector is a major receiver of trafficking victims, even if the common image is not always correct. Men, women and children are trafficked to work in a broad range of manufacturing enterprises, and these range from large factories to cottage industry enterprises housed in a small apartment or basement room.

In recent years, the US government and other countries that are major importers of manufactured goods have researched and black-listed goods coming from countries where there is a possibility that trafficked labor was used in their manufacture. Clothes, sports shoes, rattan and cane furniture, leather goods, jewelry and a range of other items are routinely excluded from US markets following reports of forced labor or trafficking victims being exploited in source



factories.

Men in particular may be trafficked into **heavy industries, including construction and mining**. Incredibly, however, children are also trafficked into mining, particularly smaller-scale operations where narrow tunnels are dug and exploiters look for children who are small enough to fit into them. Underground work of this kind, particularly in situations where safety is rarely a priority, is considered to be one of the worst forms of child labor.

Children are also trafficked into **begging**, although women and more rarely men are also exploited as beggars. As with those trafficked to work as street vendors, trafficking victims forced to beg are often under the control of a handler who will watch them from a safe distance. Different forms of trafficking into begging are known. In Thailand, for example, the government has run campaigns to discourage people from giving money to women they find begging with a baby on one of the many footbridges crossing the main roads in Bangkok. These women are most often

#### **CASE STUDY 6.2: GARMENT FACTORIES IN JORDAN**

The US National Labor Committee (NLC) has reported that Jordanian garment factories supplying major outlets like Wal-Mart, Hanes and Macy's run advertisements in Bangladeshi newspapers announcing jobs that pay high wages, provide health care and accommodation, serve food that is "like the West" and offer a chance to see the country.

The recruiters typically charge a fee of between 1,000 and 3,000 US dollars for arranging a three-year contract guaranteeing them work when they get to Jordan. Many would-be migrants go into debt in order to pay this fee, believing that they will be able to pay it off with wages they earn in their new job. When they arrive in Jordan, the Bangladeshi workers are immediately stripped of their passports. Typically they also soon find that they will not even receive the legal minimum wage and are often cheated of half the wages owed to them. Factory owners commonly require them to work more than 100 hours a week without overtime pay, enforce seven-day working weeks and provide only one or two days off a month. Workers told the NLC that they are beaten if they fall asleep. If they complain, they are beaten or threatened with deportation.

When their contracts expire, most of the workers are denied the return ticket promised them by employers and have to borrow money so that they

can return to their homes. These workers are victims of human trafficking since, although they sought to migrate for work willingly, their recruitment into what amounts to debt bondage/forced labor was based *ab initio* on lies and misrepresentation—the deception required by the Palermo Protocol for trafficking to occur.

Source: Adapted from J. Kane, *People on the Move: Human Trafficking in Jordan, Lebanon and Syria*, Euro-Mediterranean Centre for Applied Research on International Migration and ITC-ILO, San Domenico di Fiesole, 2011

Cambodian women who have paid a family to “borrow” their infant in order to take her/him across the border to Thailand to exploit. The women are traffickers. Dealing with this particular example of child trafficking is a challenge, because the women are known to simply dispose of the babies if they think they are going to get caught.

In the major capitals of Western Europe, conversely, women who are trafficked from Eastern Europe to beg with babies in tow do all they can to protect the children—because they are often not their own. Traffickers who move whole families across the borders of Europe are known to split them up, diverting the men towards various forms of labor exploitation and taking children from their mothers and giving them to other women. The women are told that, if they ever want to see their own baby again, they must obey their traffickers.

Although begging is not exactly a form of labor, it is a way of earning money and the traffickers who force their victims to beg are making a profit by exploiting their time and effort.

### **CASE STUDY 6.3: DOING “NGANGENDONG” IN BALI**

Children are often to be found begging—or selling small goods or flowers—in resorts where there are tourists who can be trusted to respond sympathetically to requests for help. In Denpasar, the main town in the island resort of Bali, Indonesia, for example, children are tricked into begging with false promises.

One 14-year-old boy told the story of a man who had approached his parents offering to take him to Denpasar to work, and to provide the

finances to send him to junior high school in the evenings. The boy and his parents were happy but the boy soon realized that he would not be going to school. Instead, he was forced with other boys to do “*ngangendong*”—begging for goods, not money—and was expected to bring back at least 5–10 kilos of rice a day. The man sold the rice and kept all the money himself.

This boy had been trafficked, and note that the lies the trafficker told the parents in order to “recruit” the boy are not relevant in this case, since the boy was under the age of 18. The fact that he had been moved in order to be exploited is sufficient to make him a trafficking victim.

Source: Adapted from J. Kane, *Unbearable to the Human Heart: Child Trafficking and Action to Eliminate It*, ILO-IPEC, Geneva, 2002

## The Special Case of the “Sex Sector”

As is the case with begging, some commentators argue that sexual exploitation is not a labor issue, and insist that prostitution is not a “sector” and that women exploited in prostitution should not be considered as “working in the sex sector” but as victims of human rights violations. This outrage at the sexual exploitation of women (and indeed of girls and boys) is understandable, but the truth is that in many countries prostitution is legal and is regulated in the same way as less controversial occupations. Where prostitution is legal, it is in women’s interests to enjoy all the protections that labor laws allow, including a negotiated contract, minimum pay, decent working conditions, access to sick pay, health insurance, holidays and agreed time off. Regular inspection of premises by labor inspectors is also in the women’s interest, and health and safety regulations must also apply to these premises.

Regardless of the moral arguments put forward for or against prostitution, the truth is that in countries where it is legal, prostitution is effectively a labor sector. Just as with other sectors that receive trafficking victims, the sex sector often includes trafficked women alongside those who have elected to work legitimately. Very often, of course, women and girls are trafficked into sexual exploitation in countries where prostitution is not legal and where they are put to work in clandestine brothels, massage parlours, hotels or on the streets. Frequently women who are trafficked into prostitution are fooled with promises of other kinds of work and only on arrival at their destination find that they are to be prostituted. Frequently also, however, women may agree to relocate in full cognizance of the work they are going to perform; rarely however do they have any idea of the conditions they will face. Reports of violence, coercion to have unsafe sex, threats against the victim and her family, forced administration of drugs, and slavery-like conditions are common. Since the women were thus effectively deceived when they agreed to move, they are also victims of trafficking.

The nature of “demand” for the services of women trafficked into sexual exploitation is much debated. In regions of the world where trafficking into prostitution is a major problem, governments and nongovernmental organizations frequently run campaigns targeting the “clients” of brothels and other venues where sex can be bought. However, research in Europe has suggested that most men express concern that the women providing sexual

services to them might have been forced to do so, or have been trafficked into exploitation.<sup>12</sup> Indeed, they suggest that it is important to them that the woman whose body they buy is selling herself freely.

So where does the “demand” lie? This is not an easy question to answer, because the truth is that many of the men interviewed also say that they prefer to buy services from “foreign” women. This has been described as “otherness,” a means of distancing the person who is selling herself from the wife, mother, girlfriend, sister of the man who is buying. What it also means, however, is that the intermediaries involved in the prostitution “business”—pimps, brothel owners and other operators—look for women who satisfy this preference and so recruit women from other countries or different ethnic backgrounds. It is therefore the intermediaries who are generating the primary demand for “other” women; the clients are generating secondary demand.

# The Links between Child Labor and the Trafficking of Children

Children are also trafficked into sexual exploitation. This is an extremely emotional topic that is often misrepresented.

Many people believe that child trafficking into sexual exploitation always involves pedophiles and so-called pedophile networks. In fact, the most common manifestation of child sex trafficking is the trafficking of adolescent girls and boys who have not yet reached adulthood (but are close enough for clients to tell themselves that they are “old enough”) into brothels and other commercial sex venues. It is known that the prostitution of adolescents in the commercial sex sector is an extension of the adult sex market. Put bluntly, the adolescent girls and boys provide choice to those prostitute-users who are looking for someone younger. Often these men argue that, although they prefer young girls, for example, they thought the girl had reached the legitimate age to be working.

There are, of course, instances where the men involved not only know their victims are under-age but specifically seek out minors for sexual exploitation. This is a very specialized “market” and there are intermediaries who make money from providing children for it. The men who buy sex from children are child sex abusers.

They may not, however, be pedophiles, but men who have normal sexual relationships with adult women and may indeed be married. Pedophilia, on the other hand, is a recognized sexual deviance in which perpetrators (usually men but very occasionally women) have a preference for sexual relations with a child who has not yet reached puberty, which is generally under the age of around 12 years. This sexual deviance has very specific characteristics: for example, pedophiles demonstrate difficulty in maintaining normal adult relationships with women; the men like to collect photographs of very young children to “fix” the age of the child so that s/he does not grow older in their minds; they organize themselves into “clubs” by using the photos as “calling cards” to exchange with other pedophiles in order to build up around themselves a supportive group of like-minded abusers. This is what is often called a “pedophile network.” With the enormous strides in technology, these networks and the exchange of images have gone online and given rise to a growing market in child pornography.

The commercial sexual exploitation of children, whether by pedophiles or by

child sex abusers, does give rise to child trafficking, since traffickers will seek to supply children to these “markets” where there is a shortfall in supply. The use of these terms may seem harsh and inappropriate, but it is vital to stress that the traffickers and intermediaries who make money out of the misery of trafficking victims, whether adult or children, see what they do as “business.” Looking at their actions in the same financial, entrepreneurial and organizational ways that they do is one way to get to the heart of their activities.

This is one way of looking, also, at child labor. Child labor is defined through a number of international instruments but essentially it is also all about people making a profit by exploiting the work of children.

# Links between Trafficking and Child Labor

The UN Convention on the Rights of the Child (1989) stipulates that children have “the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development” (Article 32).

However, two international labor conventions give us the most detailed understanding of what constitutes child labor: the Minimum Age Convention, 1973 (No. 138) sets down the minimum legal age at which children can enter work, and calls on ratifying states to ensure that this is enshrined in national law. The age is set at 15 years, or 14 if a country’s economic status requires this and then only until such time as this can be raised to 15. The convention also says that for the two years before they reach the minimum working age, children may perform “light work” as long as this is for a limited number of hours per week (notionally 14 hours, or 2 hours a day) and that it does not interfere in any way with their schooling. Additionally, no child under the age of 18 may at any time be engaged in work that is considered to be a “worst form of child labour.”

These are clearly defined in the ILO Worst Forms of Child Labour Convention, 1999 (No.182). This says that the worst forms of child labor are:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) work that, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The first three categories are considered to be “unconditional,” that is they cannot be negotiated. The fourth category, in paragraph (d), represents “conditional” forms that are specified by each nation following tripartite negotiations. Some countries compile what is called a “hazards” list of either tasks or occupations that fall into category (d), for example, lifting heavy loads above a certain weight, or working with specified toxic substances; or



occupations such as textile dyeing or mining.

Note that category (a) includes the trafficking of children as a worst form of child labor. This means that, in addition to labor laws and dedicated trafficking laws that can be used against traffickers, authorities may have at their disposal laws against the worst forms of child labor that can be used when the trafficking victims are under the age of 18. National Plans of Action to eliminate the worst forms of child labor will also include actions to address child trafficking in many cases.

## Mobilizing the World of Work

The fact that trafficking is a complex problem that can be approached from several different angles means that the responses to it must be similarly multifaceted and undertaken by a wide range of different antitrafficking actors. Governments, law enforcement authorities (not only police but migration officers and labor inspectors), nongovernmental organizations (NGOs), researchers and academics—all have a role to play.

When considering trafficking in the context of the world of work, it is also important to look at how labor actors—workers’ and employers’ associations especially—can also be active. They are, after all, ideally placed to know what is happening in labor markets generally and particular sectors specifically. The case study given above of the agriculture gangmasters, for example, first came to light when a UK trade union began to investigate complaints from employment agencies about the under-cutting of rates of pay.

Actions to combat trafficking are frequently categorized into “prevention, protection and prosecution” actions (there is also a specialized category related to victim support), and labor actors can and do contribute to all of these.

Employers and employers’ associations, for example, are well placed to understand labor market dynamics and to know where there may be “grey market” operations and unscrupulous employers operating clandestine workplaces or employing trafficked labor. Employers’ associations are also the primary body for policing and enforcing codes of conduct and labor agreements related to recruitment and employment.

Workers’ organizations (trade unions) have a good idea of what is happening “on the ground.” They closely monitor the conditions under which workers are employed and frequently learn of situations in which workers are being denied their rights. They are then able to investigate these reports with a view to uncovering breaches of contract or irregular situations.

Both workers’ and employer’s associations are engaged in education and awareness raising among their constituencies. Increasing understanding of what trafficking is and how it works means that more workers and employers are likely to identify trafficking in their midst. Putting in place reporting mechanisms is also something that employers and workers’ organizations regularly do.

Finally, workers' and employers' associations are able to provide short-and longer-term support to trafficking victims when they are identified. Employers may be able to guarantee regular employment if the victim wishes it, or short-term employment while a victim is waiting to go home. Workers' groups may provide counselling or support, accommodation or financial help.

In relation to child trafficking, employers' cooperation is crucial in ensuring that the whole supply chain is free of child labor (and potential trafficking linked to it). Employers are also, of course, vital to efforts to develop labor markets by providing investment and creating jobs. Skills training, apprenticeships and on-the-job training will ensure that people who may otherwise be unemployed and so vulnerable to the tempting offers made by traffickers, find decent work.<sup>13</sup>

Mobilizing workers and employers to contribute to anti-trafficking efforts underlines the fact that trafficking is a labor issue. At its beginning is the desire to move to find decent work; at its end is exploitation in work that is often said to be akin to modern slavery.

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## **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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### **DISCUSSION QUESTIONS**

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1. Consider the different approaches to human trafficking and (i) how they complement each other and (ii) how they may hinder each other. Consider the roles and responsibilities of the different actors involved and how resources may be allocated among them to achieve the best possible outcomes.
2. Discuss the differences between human trafficking, legal and illegal migration, and people smuggling. Do you think that the general public can differentiate among them? Do you think they need to? Consider from the point of view of the legislator, relevant authorities and the victims of human trafficking.
3. Think about the influence of the consumer who demands ever-lower

prices and how this pressure is transmitted through the supply chain. Do you think that consumers would be willing to pay higher prices if they thought it would help close down the human trafficking business? Consider an example of a consumer good that you frequently use and map out the supply chain involved. Think carefully—a simple jacket, for example, can involve dozens of different suppliers (fabric, thread, buttons, zipper, dye, packaging etc.).

4. Discuss media reports you may have seen about human trafficking. How many of these related to trafficking into sexual exploitation and how many into other forms of exploitation? Which sectors were mentioned in the reports? Were the trafficking events domestic or cross-border? Do you think that media reporting of human trafficking is well informed and balanced?
5. Look at the Recommended Principles and Guidelines developed by the Office of the UN High Commissioner for Human Rights and discuss them. To what extent do you believe these rights-based principles are embodied in national laws? If they are not, why is this?
6. Discuss what you know about child labor, including the worst forms. For background, you may wish to look at the section of the ILO website devoted to the International Programme on the Elimination of Child Labour (IPEC), where you will find general descriptions as well as sectoral and country publications and fact sheets.
7. Search the websites of companies and workers' organizations in your state and find out whether they are involved in combating human trafficking. Do they have corporate social responsibility policies? If yes, do these include the need to avoid child labor and the employment of trafficked people?

## Notes

1. The ILO Domestic Workers' Convention, 2011 (No.189) is seen as a major breakthrough, since domestic work has long been a subject of dissension, with some states insisting that it is not "real work" and should not be regulated, and others arguing that it is a major sector of labor, especially for women, that is so often open to abuse. Accepting that domestic work is "legitimate" work and that those performing domestic duties have a right to the protections that labor law provide, is a vital step in ensuring workers' rights and women's rights.
2. These cover freedom of association and the right to collective bargaining (Conventions 87 and 98); the elimination of forced and compulsory labor (Conventions 29 and 105); the abolition of child labor (Conventions 138 and 182); and the elimination of discrimination in employment and occupation (Conventions 100 and 111).
3. This description is taken from: ILO: *Trafficking in Human Beings: New Approaches to Combating the Problem*, ILO SAP-FL, May 2003, p. 7.
4. This chapter does not look at illegal (irregular) migration, where the would-be migrant knowingly contravenes labor laws and migrates without proper documentation; or people smuggling, where would-be migrants (often asylum seekers hoping to gain refugee status on arrival) pay for illegal transport. Trafficking is differentiated from these by the victim status of the person who is caught in the traps laid by traffickers.
5. It should be noted that the US definition of human trafficking differs from the Palermo Protocol definition in that it does not require there to have been "movement." This can be problematic because it effectively looks only at the end result of trafficking: exploitation. It is important to differentiate trafficking victims from victims of "simple" exploitation because they may need specific services (for example, they may be in a country without legal documents). It is also vital to identify cases of trafficking in order to trace the whole trafficking chain and investigate all those involved from beginning to end, not only at the point of destination.
6. These conditions do not apply to people below the age of 18, considered to be children.
7. ILO: *Fighting Human Trafficking: The Forced Labour Dimensions*,

background paper for the Vienna Forum on Human Trafficking, February 2008.

8. In fact, ILO Convention No.182 on the Worst Forms of Child Labour defines any form of child exploitation that also involves trafficking as an “unconditional worst form of child labour” from which children must be withdrawn immediately and that must be eliminated as a priority.
9. Reading the classic Dickens novel *Oliver Twist* gives a good insight into street gangs and their handlers and also into child labor. Although a masterpiece of fiction, the novel contributed to social awareness of these issues and to legislative change.
10. It is important to remember that, as laid out in the Recommended Principles and Guidelines on Human Trafficking developed by the Office of the UN High Commissioner for Human Rights, trafficked people should not be held responsible for crimes committed in the course of their being trafficked, or at least their victim status should be taken into account as a mitigating circumstance.
11. For more on child domestic labor, see J. Kane: *Helping Hands or Shackled Lives? Understanding Child Domestic Labor and Responses to It*, ILO-IPEC, Geneva 2004.
12. J. O’Connell Davidson, *Review of Evidence and Debates on the Demand Side of Trafficking*, unpublished manuscript supplied to the author, London 2002.
13. For an overview of good practices involving employers’ organizations, see: *Human Trafficking and Business: Good Practices to Prevent and Combat Human Trafficking*, UN.GIFT, Vienna 2010.

# COMMON FORMS

## *SEX TRAFFICKING*

**Kimberly A. McCabe**

Across the nations and throughout a variety of cultures is the criminal activity of human trafficking. Victims of human trafficking include men, women, and children. These victims are deceived, coerced, and abused—all for profit. This chapter recognizes human trafficking as a transnational criminal enterprise as it reaches far beyond geographic boundaries and flourishes from the victimization of individuals for profit. This chapter is organized to provide an overview of human trafficking, to discuss some of the causes, victims, and offenders of sex trafficking, and to explain some of the reasons human trafficking continues to thrive. In a nutshell, through this chapter, readers will become more aware of the problem of human trafficking and the issues surrounding sex trafficking.

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### **CHAPTER LEARNING OBJECTIVES**

Learning objectives for this chapter include the following:

- Understand some of the reasons that humans are trafficked.
  - Know two major US Acts prohibiting human trafficking.
  - Understand the phrase “severe forms of human trafficking.”
  - Understand how the Push—Pull Theory of Migration helps explain human trafficking.
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# Defining Human Trafficking

The United Nations has defined human trafficking as the recruitment, transfer, harboring, or receipt of persons by threat or use of force. The US State Department's Trafficking Protection Act (2000) further identifies severe forms of human trafficking as: (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (2) 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. However, defining a criminal activity is only the first step in the attempt to reduce the activity.

Individuals are usually trafficked for one of two main reasons: labor or sex. This chapter focuses on the trafficking of individuals for sex or, as commonly referred to, sex trafficking. However, it is acknowledged that individuals (oftentimes children) are also trafficked for reasons other than sex and labor, reasons such as adoption, soldiering, camel jockeying, marriage, or for their internal organs.

Oftentimes the criminal activity of human trafficking goes undetected. In many instances, it is misidentified as human smuggling or people smuggling. People smuggling implies enabling passage into a region where the person is not a resident and is common on the US/Mexico border. Human trafficking involves exploitation and crossing a national border is not a requirement as individuals may be trafficked within regions where they are residents. However, some cases of human smuggling may become cases of human trafficking if the initial consent for the victim to leave one country for another was achieved through deception or coercion. In these cases consent is irrelevant and human trafficking has occurred (McCabe, 2008).

Estimates on the revenue produced through human trafficking by the International Organization of Migration (IOM) in 2009 suggest that human trafficking now generates a 36 billion dollar enterprise. These criminal enterprises are often accomplished through criminal organizations. Most human trafficking organizations are small units of one to five individual person networks. These individuals are involved in the identification, transportation, housing, and victimization of the victims. However, some human trafficking organizations are larger with more than 50 individuals involved in the delivery



of the human product (Raymond and Hughes, 2001). Nationally, it is suggested that human trafficking is the third most profitable criminal enterprise following only the trafficking of drugs and the trafficking of firearms.

Although individuals are trafficked for a variety of reasons, sex trafficking is the most publicized aspect of human trafficking. Media attention, as far as news reports, documentaries, and even movies suggest, tells us that sex trafficking occurs throughout the world and that everyday involvement in sex trafficking continues to increase. For the most part, this is correct. How individuals become involved in sex trafficking may be explained from both a personal perspective and an environmental perspective.

In sex trafficking, it is recognized that individuals are victimized through their forced participation in the sex industry. Sex trafficking is not simply pornography or simply prostitution. It involves traffickers, victims, and clients. For clarity, the United Nations has recognized the distinction between sex trafficking and prostitution and advanced the notion of participant-victim by their extension of the definition of sex trafficking to include payments or benefits to a person with control over another person for the purpose of exploitation; thus, recognizing the role of the trafficker in human trafficking (McGinnis, 2004).

In the criminal activity of sex trafficking, the trafficker controls both the sexual exploitation of his sex worker, his worker's "decision" to work or not work, and his worker's location for work. Note that although in this narrative the trafficker is referred to as "he" there are many cases, especially in the cases of the sex trafficking of children, where the trafficker is a female not a male. In the majority of the cases of sex trafficking in the United States, victims are prostituted through force on the part of their traffickers and the victims do not have the choice to decide to work or not. The United States government estimates that approximately 70 percent of the victims are female and approximately 50 percent of the victims are under the age of 18. Therefore, many children are involved in sex trafficking and research has suggested that one single trafficked child can net their trafficker up to 30,000 dollars (Kangaspunta, 2006).

Across the globe, sex trafficking is not limited to prostitution. Victims of sex trafficking are forced into a variety of forms of sexual exploitation to include prostitution, pornography, bride trafficking, and sex tourism. The common element in all forms of sex trafficking is the total control of the trafficker over his victim or the term "forced." Often, victims of sex trafficking are not only

abused by their clients, they are abused by their traffickers; therefore, victims of sex trafficking face multiple situations of victimization—all for another’s profit or pleasure. Victims of sex trafficking often face physical abuse, emotional abuse, health risks, and sexual coercion (McCabe, 2008). Victims of sex trafficking rarely receive proper food, safe shelter, or medical attention. They are often addicted to drugs and/or alcohol provided by their traffickers in an effort to more easily control them. In addition, members of the victims’ families may be threatened, tortured, or killed if the victims do not participate in their sexual exploitation. For the victims of sex trafficking, the abuse appears to be never ending until they are freed or (most likely) die.

As stated sex trafficking, just as the case for drug trafficking, is extremely profitable. Without the possibility of recognition, with little interference from law enforcement, and essentially no pursuit from prosecutors, sex trafficking is perceived as a lucrative career track for those willing to victimize others with few risks or consequences for traffickers. The phrase “white slavery” is used today to describe the Eastern European women first perceived to be involved in sex trafficking in the United States. These white slaves were “prostituted” without the choice of participation and forcibly moved from city to city, state to state, and country to country for profit (McCabe, 2010). Of course, today it is not recognized that all victims of “white slavery” are not “white.”

## Victims

It is impossible to document the first time sex trafficking occurred; however, in the 1980s globalization and technology facilitated the movements of individuals across international borders nonprofit organizations to help victims of sex trafficking have existed for over three decades (Guinn and Steglich, 2003).

The general demographic characteristics of the victims of sex trafficking are, of course, young and female (McCabe, 2008). Since sexual exploitation is the goal of the trafficking, the more “attractive” the product, the higher the sale price. Although specific ages of sex trafficking victims are unknown, research suggests that the average age of a sex slave in the United States is around 20 while the average age outside of the United States is approximately 12 years old (McCabe, 2008). Also ideal in the sex trafficking industry is the fact that many of the victims of sex trafficking do not speak the language of the host country. Researchers who have attempted to generate a profile of the child victims of sex trafficking suggest that the children come from families with four or more children, from families with few family members contributing to the household income, and from families that reside in extremely poor countries (Kangaspunta, 2006).

Victims usually become involved in sex trafficking through one of two ways. The first is through *force, fraud, or coercion* where victims do not choose to participate in their sexual exploitation. The second involves victims who *volunteer* to participate in prostitution, but who are later placed in a situation where they perform unanticipated, undesired, and non-consensual sexual acts under inhumane conditions (Tiefenbrun, 2002). The first group of victims—those forced into sexual exploitation—are sometimes kidnapped in their home country and brought into another country with false documentation or no documentation then forced to work in sexually exploitive occupations by their traffickers. In other cases of forced entry into sex trafficking, these victims are sold by an acquaintance or family member.

In the cases of victims who have agreed to prostitution, but are then trafficked, assistance from law enforcement is extremely difficult to obtain. The victims have willingly agreed to participate in an illegal activity (prostitution) and are unlikely to report their victimization for fear of being arrested. It is also this group of victims who are perceived by the public as unworthy of legal assistance as they voluntarily participated in criminal activities themselves. A 2009

UNICEF report confirms what others have noted: that country characteristics such as poverty, limited work opportunities, and lack of government response continue to fuel sex trafficking.

Regardless of the degree of victim involvement in sex trafficking, the destinations for most of the trafficking victims are cities with large commercial trade centers or areas with large military bases and where large/global sporting events are to be held (i.e., Olympics, World Cup, etc.). It is within these densely populated areas that victims of sex trafficking and their traffickers easily blend in and function. Just as the criminal activity of prostitution occupies a central position in the development of national and international capitalism, sex trafficking flourishes within the same governmental structure.

Bales (2004) suggested that over 200,000 individuals were enslaved as prostitutes across the world at the turn of the twenty-first century. The US Department of State estimates that approximately 50,000 victims of trafficking are in the country today. Researchers who study sex trafficking suggest that the movement of these victims may be on a group or individual basis. These movements are generally based upon the relationship between the traffickers and the brothel owners, the size of the traffickers' networks, and the need for a certain type of victim. For example, in Central Asia, a blonde female from Sweden is very profitable for her trafficker.

In addition to the movement of victims based upon client preferences victims of sex trafficking are moved to avoid relationships, for variety, and to provide location confusion (McCabe, 2008). Relationships that may occur between a victim and a client may lead the client to attempt to rescue the victim from their traffickers. By moving the victim from location to location with only days at each location, these relationships are avoided. The work of a victim of sex trafficking is endless, brutal, and sometimes deadly. It is suggested that the trafficking of victims for the purpose of sexual exploitation is more dangerous to the victim than trafficking for labor. Victims of sex trafficking are exposed to physical violence, sexual violence, sexually transmitted diseases, and confinement. The mortality rate for victim of sex trafficking is 40 times higher than the national average (Sulaimanova, 2006). Of course, when one victim dies, another victim is easily obtained as a replacement.

# Explaining Sex Trafficking

In attempting to explain how sex trafficking can occur, one of the earliest explanations is founded in Lee's (1966) Push-Pull Theory of Migration. Just as with migration in general, characteristics of both the host and destination countries facilitate human trafficking. Specifically, characteristics of the host country push its natives out and conditions of the destination country pull the immigrants into the country. One common method of recruiting women for sex trafficking is by placing an advertisement in local newspapers for nanny or waitressing jobs in a country that is more resourced than their own (sometimes the United States). Once the women have been recruited, they are transported to the destination country where their travel documents are confiscated, they are imprisoned by their traffickers and forced to repay their debts (i.e., cost of their transportation, food, clothing, and shelter).

A second explanation for human trafficking is military presence. Farr (2004) suggests that in areas with a strong military presence, there are often women engaging in prostitution (some of whom may be trafficking victims). The prostitution serves both the military members and to a lesser extent the women involved in prostitution. When the military vacates the area, that demand for prostitution no longer exists; thus, the women in the area are without work. It is these women who become the targets for traffickers interested in victims for sex trafficking. Research that supports this notion is the finding that many sex-trafficked adults are simply aged prostitutes who have chosen to relocate for prostitution (Raymond and Hughes, 2001). Again, these women will endure the abuse of a trafficking victim and resist being arrested for fear of being sent back to a country where they cannot secure work.

A third explanation for sex trafficking suggests that human trafficking thrives on extreme poverty. This is especially true for victims of inequality (McCabe, 2010). In many countries, women and children are seen as property and disposable. It is these persons who will be recruited for human trafficking. In many cases, even women who enter the sex industry as strippers may become victims of sex trafficking by being prostituted against their will. Thus, one cannot discount the link between prostitution and sex trafficking when attempting to explain human trafficking. In addition, with sex tours (the rotation of victims throughout geographic areas for sexual exploitation) increasingly becoming more popular, the relationship between prostitution and sex trafficking

is even stronger.

A fourth and often under-reported explanation of human trafficking is family involvement. Just as a family member often perpetrates the abuse of a child, a family member is often responsible for a women or child involved in sex trafficking. In exchange for money or even a television set, a family member will sell or trade their loved-one into the world of sex trafficking (Farr, 2004). As the family member has allowed and even profited from the victimization of this person, the sex trafficking victim cannot return to the family for fear of punishment by their traffickers or that same family member.

A fifth explanation of sex trafficking is related to spousal prostitution and the mail-order bride industry. Cullen (2002) has reported that often the mail-order bride becomes trapped in the climate of slavery and prostitution. A young woman, who wishes to escape the poverty and depression of her home country, may choose to become a mail-order bride to a man in a “better” country. Of course, the mail-order bride feels that this decision will lead to a secure environment in which her basic needs will be met and she may even perhaps discover love. Unfortunately this is rarely the case as the mail-order bride business is essentially unregulated (McCabe, 2010). Instead, these women are perceived as any material purchase—replaceable or even disposable. To give some perspective on the magnitude of this problem, there are over 200 mail-order bride businesses operating in the United States with over 5,000 women entering the United States each year as a potential bride. The brokers of mail-order brides are not considered traffickers; however, they are often regarded as frauds for not disclosing all of the facts of the transaction. In addition, McCabe (2007) presents *spousal prostitution* and the mail-order bride business as an element of sex trafficking because in these cases the husbands receive money or other goods in exchange for sex with their wives.

Finally, the emerging entrepreneurs in the area of sexual exploitation are those who utilize the Internet. The Internet is the newest avenue for those interested in sex trafficking. It can be used to distribute pornography produced with victims of sex trafficking or to arrange a sexual encounter. Just like with any online order, perpetrators interested in obtaining a victim for sexual exploitation may utilize the Internet and email or a website to facilitate their desire. Again, this mode of communication is very difficult to monitor and, often times, regulations go unenforced.

North America and, in particular the United States, is one of the most reported destination countries for sex trafficking as victims are transported to the United

States and throughout the country for the purpose of sexual exploitation. The United States is perceived by many of the poorer countries as the land of opportunity and as such draws individuals from many places. Unfortunately, this appeal of the United States facilitates the criminal enterprise of sex trafficking.

## Offenders

One of the best ways to identify the offenders of sex trafficking is to identify the environment of the criminal action. Areas prone to sex trafficking are usually those areas prone to heavy-security establishments, including bars on the windows and strong locks on the doors. However, due to the secrecy of this criminal enterprise, offenders are often as hidden as their victims are.

In an attempt to identify the offenders of sex trafficking one must consider the multiple aspects of the criminal activity. The most obvious offenders are those involved in the sex trafficking of the victim; however, in most cases, there are multiple individuals involved in the trafficking of individuals. In addition, the client of the sex trafficking victim must also be considered the offender. However, in the area of sex trafficking, little research exists on anyone other than the victims of sex trafficking and much of that information is based upon very small samples (Raymond, 2004). Due to the secrecy of the criminal activity, many of those involved in sex trafficking remain unidentified with only general information available on their role in the crime of sex trafficking. As Kangaspunta (2006) has suggested, those involved exclusively in human trafficking are more likely to be organized around a small core group. Around this core group is a larger group of associates involved in a diversified array of criminal activities all to accomplish the trafficking of a person.

To identify the offenders involved in the actual movement or sex trafficking of a victim, one must first consider the individual who has introduced the victim to the criminal organization. As suggested, the individual that is often involved at the entry level of the victim is a family member, close family acquaintance, or boyfriend of the victim. With child victims of sex trafficking, the individuals most likely responsible for their entry into this type of victimization is a family member or family acquaintance who allows the child to enter into this arrangement of victimization. As discussed previously, some family members are tricked into believing that their child will receive a better life and more opportunities for success in another country whereas other family members, in need of money or in desire of some material good (such as a television set), may offer the child as trade. It is difficult to provide the demographic characteristics of these family members. Some researchers suggest that these family members are most often male as the family unit is male-headed. Others suggest it is the mother of the child who makes such arrangements for the good of the remaining



children (McCabe, 2008).

Another person who is often involved in the entry of young women into the arena of sex trafficking is the boyfriend of the young lady. This boyfriend, much like a pimp in the arena of prostitution, begins to pursue the young woman with promises of love and security when in actuality he is a recruiter for the sex trafficking organization and will soon offer this young unsuspecting female to the criminal world of sex trafficking. In addition, and not to be overlooked, in many cases the recruiters of young women for sex trafficking are other young women who are themselves victims of sex trafficking (McCabe, 2008). These victims, to gain some sort of status with their traffickers, will bring other young women into the world of sex trafficking.

Also involved as offenders in the criminal activity of sex trafficking are the so-called middlemen who are responsible for a variety of activities in the trafficking of persons. These individuals include the persons who create the fake documents for travel or who arrange for the legitimate travel documents, the individuals who accompany the victim on the journey from source to destination countries, and the customs officials who allow “questionable” individuals to enter the destination country.

Similar to cases of counterfeiting and fraud, the individuals who arrange for the fake travel documentation are experienced in this area, are often acquainted with local government employees, and are known through the criminal network. The individuals who arrange for legitimate travel documents are also excellent at their position, are often trained in law or in some other aspect of government regulations, and carry with them a strong sense of identity within the criminal organization. Just as there exists some information on individuals involved in the smuggling of persons, there is some information on those individuals who travel with the victims of human trafficking. Those individuals who travel with the young adult female victims of human trafficking are often male and often posing as a family member of the victim. However, as stated, with the trafficking of children, it is not unusual for the accompanying traveler to be a woman with the responsibility of childcare (McCabe, 2008). In some extreme cases of child sex trafficking, these female accomplices travel with the very young children, care for the children until they are at an age to be profitable in the criminal activity, then offer the children to the trafficker for a fee.

Bales (2004) suggests that one identifying characteristic of a trafficker is an individual involved in a “respectable” business in addition to owning a brothel (perhaps through an investment club). The profits from sex trafficking are

hidden under the red tape of legitimate business bureaucracy. These traffickers are most often male, they are most often involved in some sort of entertainment business, and they may in some cases have friends in high government positions (sometimes law enforcement).

Finally, as Kangaspunta (2006) has suggested, it is not unusual for many of the members of the sex trafficking criminal organization to share the nationality of the victim. The client, on the other hand, probably does not share the nationality of the victim. The motivation for the trafficker is profit. The motivation for the client is pleasure.

Sex trafficking can produce thousands of dollars for the criminal organization. As stated earlier, sex trafficking is one of the most profitable criminal enterprises occurring today. However, clients of the victims of sex trafficking are not interested in financial gain. In terms of the characteristics of the other offenders of sex trafficking (i.e., the clients of the sex trafficked victims), Raymond and Hughes (2001) report that solicitors are most often male and of all ages and all socio-economic statuses. Similar to individuals engaging in prostitution, clients of sex trafficking desire sexual gratification from their victims, are interested only in their immediate sexual need, and are often ignorant of uncaring about their victim's desire or willingness to participate. This is especially the case with child victims of sex trafficking as clients will pay hundreds even thousands of dollars to have sex with a child.

## Fueling the Problem

As with any type of criminal activity, there are multiple explanations for its success. Sex trafficking is not unique in this respect in that sex traffick-ing is a multibillion dollar industry with an endless supply of victims (Farr, 2004). There will always be poor countries with little opportunity for women. There will always be individuals willing to exploit other individuals for personal gain and until governments gain more knowledge on sex trafficking and its impact on individuals and societies as a whole, sex trafficking will continue to flourish.

Investigative effort is one aspect of the problem of sex trafficking that remains a challenge in reducing sex trafficking and in many ways fuels the problem. Globally, resources for law enforcement and prosecutors to reduce sex trafficking or human trafficking as a whole are limited. With little training on the recognition of cases of sex trafficking and little experience in identifying or investigating cases of sex trafficking, few officers and even fewer prosecutors are able to distinguish cases of sex trafficking from cases of prostitution. Therefore, victims remain unidentified and traffickers remain unnoticed.

Limited penalties for sex traffickers are yet another aspect fueling the problem of sex trafficking. In particular, in comparing cases of human trafficking with cases of drug trafficking or firearms trafficking, the maximum penalty for sex trafficking is perhaps 10 years whereas distributing a kilo of heroin or stolen weapons could mean a life sentence (McCabe, 2010). Again, without the recognition of victims and without legislative penalties, sex trafficking continues.

Limited reports of sex trafficking by the victims are yet another reason this criminal activity continues to flourish. As suggested, many of the victims of sex trafficking are from countries outside of their destination country. Hence, language is a barrier in reporting abuse. In addition, many of these victims have entered the destination country illegally or have had their travel documents taken from them by their traffickers. These victims are often from countries with negative perceptions of law enforcement and, in many cases, they fear law enforcement, and are unwilling to speak with officers even to report their own victimization. For those victims who do not fear the corruption of law enforcement, the fear of being returned to their home country causes victims to resist reporting their victimization to law enforcement. Without a victim to report an abuse, efforts by law enforcement to end that abuse are nonexistent.

Finally, one cannot underestimate the impact of the Internet in the trafficking of persons for sexual exploitation. It is not uncommon for traffickers to be discovered with filming equipment and computers to create and distribute pornography (McGinnis, 2004). Many law enforcement organizations now have specialized investigators to pursue cases of child pornography and, in some rare instances, cases of sex trafficking are identified. However, with few law enforcement officers focusing on crimes via the computer and none specializing in sex trafficking via the Internet, this new type of cyber-exchange is fueling the sex trafficking industry.

# Legislative Responses to Sex Trafficking

Although cases of sex trafficking have been known to exist for years and NGOs that provide assistance to victims of sex trafficking have existed for years, when asked about the problem of sex trafficking, most individuals have no idea that the criminal activity exists. In their minds, slavery was a problem of the past, but not today.

During the twentieth century, there was no single department or agency responsible for collecting data on human trafficking (McCabe, 2010). However, in 2004, the US Department of Justice estimated that approximately 45,000 people were trafficked into the United States on an annual basis and efforts were initiated to reduce human trafficking.

Surprisingly, it was not the human rights groups or even public opinion that began to recognize this injustice but rather it was the business industry, concerned for the competition of labor, who prompted the awareness of the problem of human trafficking for labor (Bales, 2004). Later, when then Secretary of State Colin Powell announced that monies acquired through human trafficking were used to support the activities of the 9–11 hijackers, legislative acts and law enforcement efforts began focusing on human trafficking (McCabe, 2008).

In 2000, with an estimate of nearly 700,000 individuals trafficked annually worldwide, the United States Congress passed the Victims of Trafficking and Violence Protection Act of 2000, P.L. 106–386, commonly referred to as the Trafficking Victims Protection Act (TVPA). The TVPA mandated that the Secretary of State submit a report on severe forms of human trafficking to Congress on June 1 of that year. This report began to identify countries as source, transit, and/or destination countries and has continued to be produced annually citing not only cases of human trafficking but also a list of countries and their rankings in the tier classification system (McCabe, 2010). Those countries that fully abide by the TVPA's minimum standards for "elimination of trafficking" are placed on tier one. Countries that did not fully comply, but were making efforts to do so are placed in either tier two or tier two-watch categories. Tier three countries are those countries not in compliance with the minimum of standards for the elimination of trafficking and are not making any significant efforts to do so.

After the 2000 TVPA, other countries began anti-trafficking efforts on a larger

scale. In 2003, then president George W. Bush signed the amended Trafficking Victims Protection Reauthorization Act (TVPRA), which further supported government efforts to reduce human trafficking. In addition, and after the passing of the 2003 TVPRA, data began to be published in the annual Trafficking in Persons Report (on a limited basis) on cases of sex trafficking within various countries. Legislative efforts from various countries have continued as more and more geographic locations attempt to identify and reduce cases of human trafficking. In addition, information on the number of sex trafficking cases per country is available for some reporting countries.

## Summary

The United Nations has defined human trafficking as the recruitment, transfer, harboring, or receipt of persons by threat or use of force. The US State Department's Trafficking Protection Act (2000) identifies severe forms of human trafficking as: (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (2) 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. Individuals are usually trafficked for one of two main reasons: labor or sex. This chapter focused on the trafficking of individuals for sex or sex trafficking.

Victims of sex trafficking usually become involved in sex trafficking through either force or fraud. The destinations for most of the trafficking victims are cities with large commercial trade centers or areas with large military bases. It is within these densely populated areas that victims of sex trafficking and their traffickers easily blend in and function.

It is suggested that over 200,000 individuals were enslaved as prostitutes across the world at the turn of the twenty-first century. The US Department of State estimates approximately 50,000 victims of trafficking in the country today. Victims of sex trafficking are exposed to physical violence, sexual violence, sexually transmitted diseases, and confinement. Many victims of sex trafficking die during their period of victimization.

Explanation for sex trafficking include poverty, inequality, and family involvement. The United States is one of the most reported destination countries for sex trafficking as it is perceived by many of the poorer countries as the land of opportunity. Unfortunately, the appeal of the United States facilitates the criminal enterprise of sex trafficking.

### **CASE STUDY 7.1: SEX TRAFFICKING: AN ATYPICAL SITUATION**

In 2010, two female college students from Europe excitedly searched the Internet for summer employment in the United States. Through Craig's List, they found work in the state of Pennsylvania. After securing the proper visas, the two boarded a plane and headed off on their journey. Their

intention was to work during the week and to try to see as much of the United States as possible on the weekends during their summer abroad. The young women's plans came crashing down when the men posing as legitimate employers, met them at the airport and transported them to a home in a residential neighborhood where they proceeded to force the girls to have sex for money, money that the women never saw. After several months of being victimized, the women escaped. The women were assisted by the local FBI and the Southwestern Pennsylvania Anti-Human Trafficking Coalition and are now safely home with their families.

### **QUESTIONS:**

- What makes this case unusual?
- What kinds of services do you think the Coalition needed to provide for the victims?

The offenders of sex trafficking include those involved in the sex trafficking of the victim and the client of the sex trafficking victim. Due to the secrecy of this activity, little research exists on anyone other than the victims of sex trafficking and much of that information is based upon only a few cases.

Poverty, inequality, and limited investigative efforts help to explain the increase in cases of sex trafficking. In addition, an unwillingness by victims to report sex trafficking and the use of the Internet continues to facilitate the activity.

Finally, after the 2000 TVPA, other countries began more focused antitrafficking efforts on a larger scale. After the passing of the 2003 TVPRA, data began to be published in the annual Trafficking in Persons Report on cases of sex trafficking within various countries. In addition, legislative efforts from various countries have continued in an attempt to identify and reduce cases of sex trafficking. However, the activity of sex trafficking is still often misunderstood and misidentified; therefore, sex trafficking continues. Only through research and books such as this one will sex trafficking finally be understood, identified, and eliminated.

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### **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions



please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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## **DISCUSSION QUESTIONS**

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1. If human trafficking is a problem in essentially all countries, why are law enforcement efforts so limited?
2. Why is there little public sympathy for adult victims of human trafficking?
3. Is it conceivable that a parent would allow one of their children to be a victim of sex trafficking to provide food for the others?
4. Why do you think sex trafficking continues and becomes even more profitable every year?
5. With so many crimes of concern in the United States, do we really have the time or the money to be concerned about a crime that largely occurs outside of the United States?

**THE EXPLOITATION EQUATION**  
***DISTINGUISHING CHILD  
TRAFFICKING FROM OTHER TYPES  
OF CHILD MOBILITY IN WEST  
AFRICA***

**Anne Kielland**

## Introduction

When trafficking in women and children hits the headlines, prostitution and other forms of sexual exploitation is the first association that comes to mind. The second may be children abducted and forced to participate in armed conflict. This chapter is not about these most extreme forms of trafficking in children, nor is it about the use of children in smuggling and other illicit activities. They are indisputable and terrible crimes and should be fought by all means available. Instead, this chapter takes a closer look at the vast gray zone between what may constitute child trafficking and what could represent other types of child mobility that both normatively and politically should be treated differently. That way the possibility for a more thoughtful process of defining the phenomenon is addressed.

The chapter starts by presenting three debates that are central in contemporary child research and explains how they are relevant to the analysis of child trafficking situations: childhood as a social construction, child agency, and the inter-generational contract that binds children to family and kin, especially in uninsured societies. In the second section, definitions of relationships of dominance are explored: when do we (ab)use power against a child? How is child slavery different from child trafficking? And what indeed constitutes child trafficking according to the international discourse? In the third section, I present the empirical setting of West Africa—a region where child mobility and child labor, two of the core indicators of child trafficking, are rampant. Over the past decade international agencies have struggled to sort out which parts of this labor-related mobility can be said to constitute child trafficking. I will argue that they have largely failed due to overly simplistic definitions, and that this failure has had some undesirable consequences. I will focus on trafficking to domestic servitude, mainly because similar academic approaches to the other large issue in the region, trafficking to farm work, are excellently explored in other academic contributions (Castle and Diarra, 2002; De Lange, 2006; Hashim and Thorsen, 2011; Akresh, 2009). In the fourth section, I will suggest ways to organize the relationship of exploitation, the central term in defining child trafficking, into a social equation. How can we best identify the complexities of rights and duties, and benefits and costs for each of the two parties tied together in an exploitative relationship in a given social setting? Exploitation would assume that this relationship—this equation—is seriously out of balance. The chapter concludes with some future considerations and discussion questions.

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## CHAPTER LEARNING OBJECTIVES

The main objective of this chapter is to provoke critical thought around the use of the child trafficking term. Although child welfare is always the ultimate concern, it matters greatly what label is used to define a given situation. A trafficking situation requires legal interventions. Many mobile and working children may be in need of very different types of support. The intended learning goals are reached if the student is able to provide a complex discussion of a given child mobility case, where arguments for and against defining the situation as trafficking can be provided in light of the concepts and ideas presented here.

Additional chapter learning objectives include the following:

- Understanding of what is meant by *the social construction of childhood*, and how this construction affects the way the international discourse addresses child labor and child mobility issues.
  - Understanding of what is meant by *child agency*, and how the two main forms of agency are relevant to children in general and children in trafficking situations in particular.
  - Understanding what is meant by *the inter-generational contract* and what possible implications of such social commitments are for children working away from home.
  - Understanding the difference between child trafficking and adult trafficking.
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## **Core Concepts and Child Research Debates**

In this first section I will present some theoretical concepts that will be useful to the later discussion. I will argue that in spite of claims of childhood being a Western social construct, children are different from adults in terms of their relative developmental vulnerability, their more limited ability to recognize and negotiate their interests, and their high dependency on adult caretakers to meet their basic needs. I'll present the central scientific discourse on child agency, and explain its constraints in the context of the social contracts and informal safety nets into which children in developed countries are often born.

### ***The Construction of Childhood and the Differentness of Children***

From a relativist perspective, the heading of this sub-section could be contagious. Childhood has, in Western culture and in recent history, been defined in very deterministic terms as a period fundamentally different from adulthood. Notably, labor and sexuality were perceived to be adult activities and had no place in the lives of children. Constructivists have argued that such a perception is a Western social construction rather than nature-given (Aries, 1960). Circumstantial conditions, such as the demand for highly skilled labor that requires a time consuming education process, have created an artificial divide between citizens who qualify for adult work life, and those still in training.

If childhood is indeed socially constructed, global generalizations about children should be avoided. While this observation is important and deserving of reflection, I will argue a more pragmatic position in this chapter. I claim that there are some central distinctions between children and adults that affect the way we should look at child victims of trafficking compared to adult victims of trafficking. These differences are (i) developmental, (ii) cognitive, and (iii) social.

Children are physiologically different from adults and they are in a constant process of adaptation and development. These differences are quite evident in the relatively helpless infant. It takes six months to learn to grab an object and a year to learn to walk. Advances are then gradually made by growth and practice. The following two examples of developmental processes children undergo help

to illustrate their physical vulnerability. Bones are soft and moldable—an unfortunate working position or the repeated carrying of heavy loads could affect the development of the bone structure and create malformations that may lead to chronic muscle problems later in life. The brain is the last organ to develop in a child’s body—at birth the brain is only partly wired and external impulses contribute to defining its structure. Physiologically speaking, this means that a child growing up in a violent environment may experience brain development and structuring that prompts the release of adrenaline at minute cues that otherwise may not have caused such an intense reaction. Such sensitive developmental processes add an aspect of vulnerability to children victims of trafficking.

Childhood is a relative state that gradually merges into adulthood. From infant to adolescent, children develop the cognitive ability to relate to multifaceted environments and complex social settings. Under sound conditions, maturity and experience gradually make children more self-reliant, both with regards to trusting their own instincts and with regards to assessing and responding to their environment. On such a background they develop self-identity, self-respect, and the ability to recognize and negotiate their own interests in encounters with others (Giddens, 1991). Children do not mature at the same rate or along the same paths. Social factors and biological conditions interact to determine the speed and direction of development. Children growing up under unfortunate conditions risk developing a disintegrated self-identity and a poor ability to both recognize and negotiate their own interests.

Due to factors like these, children depend on adult (or adolescent) caregivers to have their basic needs met as they develop physically, mentally, and socially. This dependency is stronger for children than it is for adults, and only gradually declines with age. The importance of this dependency, for the purpose of this chapter, is the fact that the situation and interest of children cannot be understood without consideration of the situation and interest of the child’s parents, kin, or caretakers. The child is often vitally dependent on the welfare of the mother (Case et al., 2002); therefore, the interest of the mother becomes a crucial interest to the child. The child’s reliance on the social interest structures of close family and kin is qualitatively distinct from that of many adult victims of trafficking.

### ***Children have Agency: Strategic versus Tactical Agency***

The previous section conveys a picture of the relative weaknesses and

vulnerabilities of children compared to those of adults. It is important to stress that this vulnerability is by no means absolute. The term **child agency** has been central to contemporary debates around childhood and has been a part of breakthrough childhood theories that are based on the notion of **the competent child**. “The competent child” contrasts historical images of children as passive victims of other people’s decision making. From birth, children’s preferences are constantly negotiated against the interests of their caregivers. The infant screams for food. The toddler learns that it can distract parental fighting by acting out. The girl child learns to calm down a violent father by imaging adult flirtation. Gradually, children develop overt or covert social strategies to defend or to advance their interests within their particular social setting.

Agency is a term closely related to the concept of **power** (Honwana, 2006, p. 69). Giddens (1984) defines human agency as the *capability* of doing something. It involves responsibility, as the person in question either produces or prevents a certain outcome by not acting: it is in the power of the person to do differently. Drawing on de Certeau (1984), Honwana distinguishes between **strategic** and **tactical agency** in her book about child soldiers in Africa. In short, the distinction corresponds to Bourdillon et al. (2010) who distinguish a *proactive* form of agency from a *reactive* one. Honwana points out that strategy assumes situational normality of some sort, a social setting where relations are generated with some level of autonomy. Tactics, on the other hand, are short term and assume the absence of situational normality. That is the lack of “a spatial or institutional locus under the subject’s control” (Honwana, 2006, pp. 70–71). Quoting de Certeau: “The place of a tactic is the space of the other ... it must play on and with a terrain imposed on it ... it is a maneuver within the enemy’s field of vision ... it takes advantage of opportunities and depends on them ... accepts the chance offerings of the moment.” Tactical agency is characterized as the art of the weak.

The term “he had no choice” is still often used to explain incidences where children in extreme situations act in ways that seem to conflict with their self-interests. Yet, within the current discourse children are often seen as holders of agency (Iversen, 2002a, b; Hashim and Thorsen, 2011). While children in certain cases literally act with a gun to their heads, the child agency discourse argues that in most cases they have at least a restricted set of options (Bourdillon et al., 2010). The fact that there are constraints to agency does not mean it ceases to exist: agency is almost always restricted (Whitehead et al., 2005). It still seems meaningful to apply the definition of a reactive *tactical agency* rather than strategic agency to children who find themselves in extreme situations such as

trafficking. It can further be argued that to some extent all children play on the field of “others”—the playing field of the world is generally structured and ruled by adults.

### ***Children Are Not Isolated: Informal Safety Nets and the Inter-Generational Contract***

The first spatial and institutional locus for most children is their immediate family and kin. Looking primarily at children in poor countries, families represent more than a home and a source of food and care. The less insured the society, the stronger is the role the family members play as the informal social safety net for one another. In uninsured societies, survival rates of children would fall substantially without such kinship networks. It is also important to recognize that adults in these societies depend on children as they age. Consequently, the social contract between parents and children tends to represent a substantial commitment in those societies (Whitehead et al., 2005).

In uninsured societies there is no pension, no sick leave, and no unemployment compensation. If drought or locust kills the family’s crop, there is no insurance company to cover the damage. If the father dies, the widow receives no allowance and the children are not compensated by some governmental power. No one pays your hospital bill, and the decision of investing your own savings in your children’s education requires thorough deliberation in an insecure formal labor market.

In these uninsured societies around the world, families play the role of insurance agents. Within the informal safety nets composed by families and kin, risk is pooled and costs are shared. Individual aspirations may be compromised against collective interests. A risky business investment, a marriage proposal, or relocation is ideally discussed within the group or left to the head(s) of family to decide or advise. What would a gain or a loss mean to the group? What will a prospective spouse bring to the unit— benefits or risks? What benefits or risks could be derived from sending a young son to Cote d’Ivoire? To the son? To the group? The clan leaders may not forbid a young girl to marry her infatuation from a dubious family, but if she does not follow their advice and her new husband lets her down, she often carries the costs alone. Disobedience cannot be encouraged; rewards are given to those who step up and make decisions that serve the interests of the group.

One social institution that supports this informal insurance arrangement is the



inter-generational contract (Kabeer, 2000, p. 465).<sup>1</sup> In short, parents give life and care to their children. Children repay them with obedience and are obliged to take care of their parents when they are no longer able to work to sustain themselves. The inter-generational contract is in many places fortified by religious institutions: only by the parents' prayers can the children succeed in life, and parents pray for the children who cooperate and obey. This social structure puts a harsh constraint on individual freedom, but consider the options and consequences of any rapid dissolving of this arrangement without the gradual introduction of a tailored welfare state—the consequences could be catastrophic. Not surprisingly, people in poor countries tend to be more collectively oriented and less individualistic than in the Western hemisphere. A striking expression of this is the labeling of the article collection of the African Charter on the Rights and Welfare of the Child as "Rights and Duties." Linking rights to duties makes children's rights relative, instead of absolute, as they appear in the UN Convention for the Rights of the Child. Concretely, Article 31 of the African Charter reads:

Every child shall have responsibilities towards his family and society, the State and other legally recognized communities and the international community. The child, subject to his age and ability, and such limitations as may be contained in the present Charter, shall have the duty: (a) to work for the cohesion of the family, to respect his parents, superiors and elders at all times and to assist them in case of need; (b) to serve his national community by placing his physical and intellectual abilities at its service.

(Organization of African Unity, 1999)

In conclusion, children are developmentally vulnerable, have limited bargaining powers, and depend heavily on adult caretakers. They are, however, in most cases, the competent holders of agency, at least a tactical agency, and promote their interests by overt or covert negotiations with their surroundings. Their agency is constrained by the social contracts they are born into, notably the social safety net arrangements of their family units, fortified by inter-generational contracts and religious practices.

# The As and the Bs: The Social Relationships of Power, Slavery, and Exploitation

Both trafficking and slavery assume that an individual exercises power over somebody else. As this section will explain, trafficking in children is definitionally closely tied to the idea of exploitation. The concepts of *power*, *slavery* and *exploitation* all define social relationships between two parties. Such parties are commonly labeled A and B in definitional work, and follow the structure “the superordinate A interacts with the subordinate B,” preferably in a non-trivial way. In this section some central concepts related to the trafficking of children will be explored and clarified along this line.

## ***Children and Power***

The classical definition of power is credited to Robert Dahl (1961), and states that A has power over B to the extent that A can get B to do something B would not otherwise have done. The definition, and especially the way it was operationalized by Dahl, presupposes an overt, observable conflict between A and B. In a discussion of the use of power against children, it becomes relevant to know whether A and B’s subjective interests also correspond to their “real” interest (Lukes, 2005). For example, is B, the child, both clear and right about what is good for him/her? Normative concerns over the use of inter-personal power differ if an altruistic A makes B do what is best for B, in a case where B does not seem able to understand B’s own best interest: some children clearly express that they would like to live on candy and never go to bed at night, while this would obviously cause ill health. An adult refusing them to do so exercises power in responding to what the children perceive to be a conflict of interest.

Lukes (2005) proposes an alternative definition of power: A exercises power over B when A affects B in a manner *contrary to B’s interests*. Lukes stresses that, although problematic to determine, subjective interest and “real” interest do not always correspond. For example, one may not know what is in one’s own interest if information vital to the decision is withheld. Moreover, deliberate attempts can be made to manipulate B to believe that his interests in fact correspond to the interests of A. According to this definition of power, an adult (A) exercising power over a child (B) does not only force B to accept A’s agenda, but also violates B’s “real” interests. As we will see, this definition of

power borderlines a definition of *exploitation*, it represents an abuse of power, not simply the exercising of power.

In the first section of this chapter, human agency was defined in terms of power: a capability to shape outcomes. In a situation where A exercises power over B, B may still have agency, but B's understanding of his or her own interests may be limited by A's field of vision. It is likely that B's opportunity to exercise power is mainly of the tactical type: moving within the imposed space of A. This will often be the situation of a child in a trafficking situation.

## ***Children and Slavery***

Slavery is a state that occurs where there is little space left even for tactical agency. Inspired by the modern slavery definitions of Bales (1999) slavery assumes that A fully controls B, and by violence and threats makes B work without pay, and physically prevents B from leaving. There is a considerable inflation in the use of the slavery concept. People working for a very low salary with few other options are frequently labeled as working under slavery-like conditions. I support Bales in arguing that the slavery concept should be conservatively defined, and reserved for the unambiguous cases. In a complex world, it is difficult to draw any absolute lines for what ought to be morally condemned, but slavery should be an issue that no one should have to morally debate. I have argued, however (Kielland and Tovo, 2006), that the definition of child slavery be slightly modified from the adult definition of slavery.

Three points are central to such a modification. First, it is a central point to the conservative definition of slavery that A does not pay B. In many countries children work a lot, and most of their work activities are not remunerated. Child activities predominantly take place in the informal sector, where the employers are their own families or immediate caretakers. While adult workers generally expect to be paid, unless they work for themselves, the practice is different for children, and social expectations change correspondingly. A child working is seen as a helper to his care-takers, but also as a learner. The child learns to do the task well, and in addition, he or she learns about the hardship of life and incorporates the needed discipline to cope with it (Reynolds, 1991). Working without pay would clearly be an issue for an adult, but is hardly out of the ordinary when it comes to a child, and the assumption is therefore less suitable to distinguish a relationship of slavery from another type of a child labor arrangement.

The second point relates to how a slave is controlled. The strict definition would require that A uses violence or the direct threat of such in order to make B work. Although violence is frequently used against child workers, it may not be necessary in order to keep the child producing a profit for the person in control. As explained in the previous section, children are easy to manipulate due to immaturity and lack of experience. A child who is constantly told that he or she is worthless, dirty, undeserving, or owing something will have his or her self-confidence seriously undermined. Traffickers might say “You are so stupid! Not even your parents wanted you!”; “You are such a burden and should be grateful that I keep you here”; “You have done things (real or imagined) that make you socially unacceptable.” In the end, B may come to believe that he is lucky to be exploited by A, as B comes to see himself or herself as disgusting and unwanted by everybody else: B comes to fully adopt A’s strategic perspective.

The third point relates to possibilities to run away. Many children, especially the younger ones, do not need bars to be kept in captivity. Traditional definitions of slavery underscore the importance of distance to deprive the captives of networks and knowledge that could be used to escape (e.g. Lovejoy, 2000). Distance is an even higher barricade to children, and a shorter distance is needed to control an inexperienced child than is necessary for a more experienced adult. A (young) child needs not be very far away from parents or potential rescuers but would still know no way of getting there by themselves in a complex social environment like a city or a remote rural district. Yet, the main obstacle to escape is often created within the mind of the child. An intimidating adult saying: “Wherever you go, I’m going to find you!” The use of religion or witchcraft can be scary and powerful: “Without my prayers you’ll go to hell!” “I have a lock of your hair, and can put a spell on you.” Moreover, urban legends circulate about the child who got away and was gruesomely punished. I have met many children who have heard them, but no-one who in fact knew the child in question. Finally, and quite significantly, breaking out of a situation, changing all coordinates in one’s life is extremely stressful to a mentally drained individual, as is often the case with abused children. Bales’s (1999, p. 61) description of young prostitutes who run back to the brothels after their rescue is a stark example of this. There is a stage in the human psyche where people prefer the safety of the known to almost anything else, even though the person lives in absolute misery.

It should be noted that some of these limitations would also be true for adolescents and adults who have not enjoyed a safe and healthy childhood. Disorientation and lack of confidence in one’s own judgment and perception of

reality are common consequences of oppression and enslavement. Being removed from peernetworks renders people vulnerable across the world. Although B may be free to walk out the door, she or he may in reality have no other place to go than back to A when the day is done.

## ***Children and Trafficking***

Leading international agencies currently apply some very broad definitions of child trafficking. Comparing those definitions to a Bales-inspired definition of slavery would indicate some important overlaps, but not all child trafficking would qualify as slavery. The three points discussed in the previous sub-section are crucial here: children considered trafficked may be remunerated, they do not always work under threats or use of violence and they may in some situations be in a position to choose and change employers.

As this book explores, definitions of human trafficking are elaborate.<sup>2</sup> According to the UN, a trafficker is someone who is part of the *act* of recruiting, transporting or receiving of a person, through criminal *means* ranging from brute force and purchase of a person to taking advantage of someone in a vulnerable situation, and whose *purpose* is gross exploitation. The trafficking term in popular discourse tends to refer to criminally organized groups moving people across borders against their will, often women for sexual exploitation. The UN, however, stresses that trafficking also may take place within countries, organized crime groups need not be involved, and that there are many types of exploitation that qualify as trafficking beyond sexual exploitation.

A main challenge becomes determining acts and practices that do not qualify as trafficking. The US State Department, probably inspired by the Palermo Protocol, has made an attempt at this by providing a practical guide to distinguish a trafficking victim from a person involved in human smuggling. In their definition, someone being smuggled is not a victim, but the contrary: someone who willingly crosses a border and by that violates the law. An interesting aspect of their definition however, is that they acknowledge that someone who agrees to be smuggled may turn into a trafficking victim if their situation transforms into one of captivity and exploitation.

Child trafficking was earlier defined within the same framework, but as practical challenges started to arise, many of the initial criteria were tossed out. To follow the structure of the UN: With regards to the *act*, it remains sufficient that the child has relocated somehow, by what *means* is no longer important,

while the essence remains the *purpose*: someone's intent to exploit the child. In short child trafficking comprises three elements: (i) relocation; (ii) evil intent; and (iii) exploitation.

Why did the international community decide to remove a range of specificities from the definition that applies to children? How did they see children as different from other human beings?<sup>3</sup> The current, broadened definition of what qualifies as trafficking a child is an expression of some of the claims made earlier in this chapter. Children are perceived as poor negotiators, immature, with limited experience and therefore limited ability to recognize what may seem to be their own "real" interest. Their dependency on adult guidance makes us prone to accuse their caregivers rather than the child for being in a situation that seems to conflict with the child's real interest. Children are less liable, that is, they are seen to have a constrained, and mainly tactical agency, where knowledge about their options and potential are being severely restricted by the field of vision of their superordinate. In such a situation, a child may travel quite voluntarily into an exploitative situation, no abduction, force, coercion, or payment needed.

The broad definition of child trafficking makes it even harder to distinguish a trafficking case from a non-trafficking case, when acts and practices in a given situation would be similar. The International Labour Organization (ILO), after consultations with the United Nations Office on Drugs and Crime (UNODC) and the International Organization for Migration (IOM), has suggested distinguishing between *child trafficking* and *migration-related child labor* much along the lines of the State Department's distinction between the trafficking and smuggling of adults. However, while the latter suggests that an act of smuggling can turn into a trafficking situation, ILO concludes that if the relocation of a child was not motivated by exploitation, the exploited child will be a child laborer and not a trafficking victim (ILO, 2007). In conclusion with regard to children, without movement there is no trafficking (this is not true when children are involved in commercial sex acts in the United States). Without evil intent we have migration-related child labor. That is, if the child ends up being exploited. But what exactly is exploitation?

## ***Child Trafficking as Exploitation***

Most definitions of *exploitation* describe a social relationship out of balance. A exploits B when A takes unfair advantage of B (Wertheimer, [1996] 2008). Ethical definitions emphasize the way A treats B as an object and uses her or

him instrumentally to cover their own needs. Economic definitions refer to A profiting from the labor of B to an unreasonable price.

Is exploitation slavery? Reiman (1987, pp. 3–4) claims that exploitative societies represent forms of slavery when they are structured in ways that force given groups of people to offer their labor to others at unfair rates. Taking the point of departure in a Bales-inspired, modern slavery definition, as I do here, slavery and exploitation should however be clearly distinguished from one another. While all slavery is exploitation, the opposite is not the case. In an exploitative relationship that is not slavery, B may be paid, although underpaid. B might also be able to leave to look for other, although not necessarily much more attractive opportunities.

Moore (1973, p. 53) presupposes “a substantial degree of coercion” to take place in an exploitative relationship. There are two frameworks for defining exploitation, offering two different approaches to the coercion factor. First, in exploitative social relationships between individuals, coercion is exercised in the form of power where A forcefully imposes his will on B. The second approach (as exemplified by Reiman) focuses on how some societies are structured in ways that produce systems of individual exploitative relationships.

Similar to the slavery debate, Bourdillon et al. (2010) underscore how the exploitation term has become incorrectly inflated by central participants in the child labor debate. In some contexts, any child below a certain age entering into the labor market is automatically regarded as exploited (*ibid.*, p. 176). ILO, for instance, regards child labor as exploitative per definition, and in Convention 138 Article 2 this includes all work done by children under the minimum age for admission to employment (ILO, 2007). Similarly, when the working child is of a foreign nationality, he or she is easily considered a victim of trafficking. I concur with these authors, and stress that like slavery, exploitation is a serious term associated with criminal action. It should consequently be reserved for serious cases deserving of physical intervention.

So, when is a child exploited? There is a series of challenges related to the identification of a child victim of exploitation. I have previously mentioned how considering the salary level of a child may be misleading in societies where children are socially perceived as the helpers and learners of the people with whom they stay. In real life settings we constantly run into children who insist on staying in situations that seem fundamentally intolerable to the Western eye. A common reason is the plain fact that they come from places that are even worse. They consequently see a potential return as a sure deterioration of their

living and working conditions, as well as their future prospects. The backbreaking agricultural work of the rural areas from which many relocating children depart is certainly not romantic. So, when a technically speaking exploitative situation means a welfare improvement to the child, does it still make sense to talk about exploitation? What do “unreasonable” and “unfair” really mean in this context?

In his book *Exploitation* and in some more recently updated articles, Alan Wertheimer (2008) has collected an impressive list of exploitation definitions from both the systemic and micro-relational academic debates. I’ll make reference to some of them, as they may apply to children in particular ways. First, Hill argues that

exploitation is a psychological, rather than a social or an economic, concept. For an offer to be exploitative, it must serve to create or to take advantage of some recognized psychological vulnerability which, in turn, disturbs the offeree’s ability to reason effectively.

(1994, p. 637)

The previous discussion has highlighted the particular and psychological vulnerabilities of children. The problem is that it is exactly this vulnerability that disturbs the child’s “ability to reason effectively” and necessitates adult guidance. This adult guidance should ideally be fully altruistic if we are to say that advantage is not taken.

Are children exploited if they escape an even worse situation? Theorists do not agree on this point. Roemer (1986, p. 136) argues that a group “is exploited if it has some conditionally feasible alternative under which its members would be better off.” Benn (1988, p. 138) on the other hand claims that “Exploitation [in exchange] demands ... that there is no reasonably eligible alternative [for the exploitee] and that the consideration or advantage received is incommensurate with the price paid.” In the first case, the child is exploited because she or he would have been better off elsewhere. In the second case, the child would have no other place to go, and the exploiter takes advantage of this lack of options by treating the child unfairly.

The concepts “unfair” and “unreasonable” repeatedly come out as indicators in the identification of child exploitation. In this chapter I argue that the social relationship of exploitation can be illustrated by an equation. On the one side of the equation we have the benefits minus the costs of A. On the other side, the benefits minus the costs of B. Exploitation occurs when this equation is seriously imbalanced. I’ll round off this theoretical section with two more definitions that

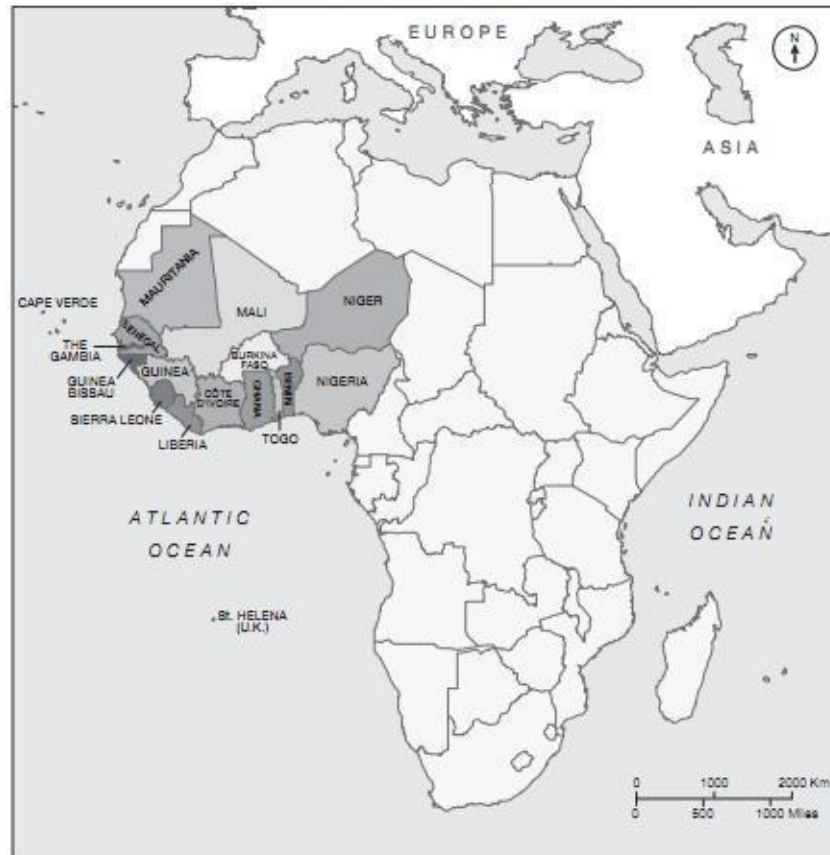


may support the idea of an exploitation equation. Munzer (1990, p. 171) describes the relationship between A and B as one where A benefits and B is harmed: “Persons are exploited if (1) others secure a benefit by (2) using them as a tool or resource so as (3) to cause them serious harm.” Importantly he adds the element of instrumentality—A is treating B as an object, personal or emotional relations are excluded from his case, at least for B’s part. This condition certainly simplifies the equation and appeals to a mathematical modeling of the relationship. Similarly Levine (1988, pp. 66–67) says that “An exploitative exchange is ... an exchange in which the exploited party gets less than the exploiting party, who does better at the exploited party’s expense.” Here the equation becomes more complex than in the simple case where A profits and B suffers. B simply gets “less” than “A,” but we do not assume he gets nothing. Empirical situations will help shed light on the real definitional challenges.

## Child Mobility in West Africa

The previous section concluded that the two most important elements in the child trafficking definition are mobility and labor exploitation. This section presents an empirical setting in which extensive child mobility and endemic child labor practices define normality. West Africa is a place where international definitions and legal frameworks continue to meet considerable challenges: determining whether a given child presented to a police officer, court room or child protection agency is indeed the victim of trafficking has turned out to be far from straightforward. The complex realities of West African children are simply difficult to fit with the one-dimensional definitions given by international conventions, charters and declarations.

Child mobility is and has been common in the West African region ever since the establishment of sedentary societies. In the research literature the phenomenon is most commonly treated under child fostering practices, and labeled the circulation of children (Goody, 1982) or child relocation (Isiugo-Abanihe, 1985) and more recently as child migration (Kielland, 2008; Hashim and Thorsen, 2011). In the classical work on the topic, *Parenthood and Social Reproduction* (1982), Esther Goody presents the variation of the practice across cultures in the region, and identifies some of its main motivations as (i) education and social mobility: for children to learn skills other than those of the parents (Goody, 1982, p. 4); (ii) informal social protection: establish and consolidate reciprocal claims within families and between households (Goody, 1982, p. 114; see also Bledsoe, 1990; Kielland, 2009); (iii) economic and social: distribute child labor and the joyful company of a child within extended families to the places where it is most needed (Goody, 1982, p. 142; see also economic theorizing by e.g. Ainsworth, 1992; Akresh 2009); and (iv) promoting character development: to prevent spoiling of the child (Goody, 1982, p. 117; Isiugo-Abanihe, 1985).



**FIGURE 8.1** Map of West Africa

### ***Skills Diversification and Social Mobility***

Childhood is the period for acquiring the technical skills needed for adulthood responsibilities and survival. Besides—or in the absence of schooling—children learn by imitating their caregivers. Goody (1982) emphasizes that one of the main functions of child circulation is to allow children to learn other skills than those mastered by their parents. In increasingly complex societies, differentiated and specialized adult roles are developed thanks to the outsourcing of child rearing to households with different skills to teach (ibid. p. 5).

Both vocational and social skills are important. Vocational skills achieved by child mobility range from the farming of a different crop to the learning of a craft or an art. However, social skills could be just as attractive to an out-fostering family, as they allow for social mobility. If a child is allowed to stay with a family of a higher social standing, perhaps involving relocation from a rural to an urban area, this could represent the acquisition of social skills that

could be marketable in both the labor and spousal market. In Muslim areas it is similarly still common to entrust children with religious teachers in the hope that they will obtain a spiritual quality from religious reading and interaction with knowledgeable, true believers.

In my 2009 article in *Forum for Development Studies*, I have suggested that skills diversification within a family unit, obtained through outfostering, can contribute to income diversification and thus a less vulnerable joint family portfolio. A household whose members are predominantly involved in agriculture will be utterly vulnerable to drought. If the household members operate as a mutual insurance unit, and they are all involved in the production of the same crop, no one will be able to support the others if that crop fails. If, however, skills and therefore income is diversified within the group, the unit will be much less vulnerable. While some markets may fail simultaneously, all seldom do. So-called apprenticeship fostering can therefore be useful and even a deliberate part of household efforts to develop social safety nets, as described in the next sub-section.

### ***Mutuality and Informal Social Safety Nets***

In largely uninsured societies, informal social protection becomes vitally important. Families represent the natural insurance units, where mutual binding is represented by inter-generational contracts between parents and their children. Mutuality commitments are created and reinforced selectively also within the extended family structure and with kin, but the functioning of such additional ties depends on active maintenance and investment.

Goody (1982, p. 47), specifies that while skills training may be the main rationale for child mobility, its main function is to reinforce ties between kin. The same way that marriage binds two families together, child relocation from one household to another, as Bledsoe (1990) says, opens up a channel for the exchange of goods and services between the two households. That is, such a channel can be opened, or an existing, perhaps fading relationship may be renewed and reinforced, securing the same mutual commitments.

Children can be excellent network builders. They help reinforce the social networks of their parents, while simultaneously starting to create future safety nets on their own. Being a good helper in and around a labor intensive household, an obedient and pleasant child will often create a sense of gratefulness towards the biological parents who gave him or her up. This

gratitude converts into obligation, a feeling that is fortified by the emotional bonds children often invoke in their caretakers. In addition to this, Reynolds (1991) describes how children initiate the building of social protection on their own behalf. She explains how children strategically choose to allocate their labor to a favored older brother or uncle, and that way begin the investment in a tie of obligation that can prove most useful to them in the future.

### ***A More Effective Allocation of Child Labor ... and Affection***

West African households are labor intensive, and many of the everyday tasks required are technically simple and considered low status jobs: that is, the typical kind of work that children do. Traditionally, farm production was limited more by the lack of labor force than land scarcity, and an additional, productive household member was generally welcomed by a family. Murray Last (2000) interestingly describes how parents in a rural farmstead in northern Nigeria simply did not corporally punish children, as the latter could easily relocate and offer their labor to others if they were discontent.

Compared to children of the largely legally regulated Western world, African children, especially in rural areas, are often allowed a much greater agency with regards to who they want to live with (see also Reynolds, 1991). However, child relocation decisions are generally influenced by other family members or the relocation decision is made by family leaders. Economic theory not surprisingly emphasizes the labor allocation aspect of child fostering practices. If child relocation is predominantly an efficiency concern, economic theory suggests that children are relocated away from households with a large child labor surplus and limited productive assets towards households with a more limited labor supply and more productive assets (Ainsworth, 1992; Akresh, 2009; Serra, 2000). That way, children are able to be more productive in the households they are fostered out to, and contribute to an increase in the joint production of the kinship group. As discussed above, households that give up child labor can instead incur a social debt from the household where the child was placed. This debt could in turn be repaid in terms of skills acquired by the child, goods or services—or as insurance, as earlier explained.

Both Ainsworth (1992) and Akresh (2009) look specifically at this in their doctoral work in economics. They both empirically demonstrate how households fill demographic gaps in their own membership structure: households will foster in children of genders and ages that are not yet represented in their family, and

conversely foster out children of a gender and age of which there is a surplus. Many labor tasks are gender and age specific, and they thus ensure a daily labor supply appropriate for the household demand.

Goody (1982, p. 44) is critical to the claim that child mobility is motivated by economic concerns. In her discussion from Gonja, she argues that if labor was indeed so attractive, stepfathers should be expected to make a greater effort to retain the children of their wives from previous marriages, the sons especially. The argument is interesting, but again met by economist Bhalotra (2003) who points out that labor capability is clearly worth less without loyalty. In his classification of child fostering types in West Africa, Isiugo-Abanihe (1985) hardly refers to economic motivations. Education, child rearing concerns and strengthening of kinship dominates his argument. Even when debating crisis fostering situations, he predominantly refers to social crises rather than economic ones.

A final aspect of child redistribution within networks deserves mentioning in the context of this paragraph. Labor is not the only thing a child brings to her or his new household. Children are generally seen as affectionate and joyful, and perhaps the most important asset they bring to their new family is life and love. When children are placed with childless relatives or elderly family members this aspect may be as important as the child labor provision. The child can most certainly contribute to the everyday work needed in the household, but to keep an elderly person company may be equally important. In some cases the two functions may overlap: a child obliged to entertain an elderly relative may suffer a considerable constraint on his or her freedom of movement. Entertainment and caretaking easily becomes a round-the-clock occupation, as some elderly and singles resist being left alone, even for a few hours, and the child is expected to fill their void of loneliness.

## ***Character Development and the Ethos of Sufferance***

We have seen how child mobility can help children obtain social mobility or a profession, serve as investments in social safety nets and help extended families distribute their productive capacity in an efficient way. A central concern however is the hardships faced by many of these children on the move when they leave their primary caregivers and guardians. They work hard and often, it seems, without being paid. They are frequently corrected, also corporally. However, those adhering to West African social traditions may not perceive these hardships as problematic in the same way as those in the international

debate on trafficking. To the contrary: the hardship suffered by relocated children can be a goal in itself. It represents a path to true learning and to character development. Sufferance is an ethos: working so that your caregiver can rest will earn you his prayers. As Caroline Bledsoe puts it in the name of her well known article about foster children in Sierra Leone from 1990, there is “No success without struggle.”

Life in Africa can be hard, and those who cannot cope with hardship may have poor chances for survival. Reynolds (1991) describes the ethos of womanliness as “the dull compulsion of daily work” explaining how the duty of a mother is to ensure that her daughter can take it, and thereby become useful to the kinship network. Learning to suffer and take harsh treatment is by no means seen as a survival skill only for girls. Bledsoe (1990) describes how the unruly boy Munda is left in a slave-like existence at the teacher’s house in order to get his act together. His father shows no compassion with his sufferance, because “to advance, children must work and study hard, endure beatings and suffer sickness, to mould their character and earn knowledge” (1990, p. 71).

Goody (1982, p. 44) similarly stresses that fostering can be used as a disciplinary measure in itself: “difficult and proud children” risk being sent away to be taught respect and discipline from someone less lenient than their own parents. Ushe Isiugo-Abanihe writes:

Children may be sent away at a very early age to homes where they are disciplined or where they learn a trade. Some parents are thought to spoil their children by not being firm with them, so



**FIGURE 8.2** (*Left* ) Perpetue Dagba was a live-in domestic servant for some remote relatives (by marriage not blood) for many years. She was not paid and did not go to school. Yet a complex set of factors described in this chapter makes it difficult to say that this was simply a “purposely exploitative” relationship. (*Right*) Today, 10 years later, Perpetue is a skilled hairdresser. Her apprenticeship was paid for by the family she served, and their acquaintances.

sending them away is supposed to help the children develop better characters. It is generally believed, in many parts of Africa, that thrashing makes a child wise and helps it to learn quickly. A surrogate parent is believed to be in a better position to inculcate acceptable forms of social behavior, and to spank a child, or inflict other punishment, until the child learns to perform useful functions. Clearly, the motivation for this type of fostering is social mobility, and it is commonly believed that children raised under the supervision of surrogate parents, especially those socialized in superior or prestigious homes, are more sophisticated than those raised by their own parents.

(Isiugo-Abanihe, 1985, p. 57)

Many of the classical works about child circulation in Africa are 20–30 years old. Yet, the social perceptions of the positive outcomes of hardship are still very much alive today. A recent survey asked parents in rural Senegal if they would accept corporal punishment for children who were sent away to stay with others. Almost 60 percent of the parents said they accepted occasional slapping, while 52 percent found corporal punishment acceptable or conditionally acceptable (Kielland and Gaye, 2010). Religion plays an important role in the reinforcement



and maintenance of the social obligations children have to their parents and employers—when you suffer for your parents or master, they will pray for you, and only with those prayers can you succeed in life and reach paradise.

## Child Exploitation as an Equation: Factoring the A and the B Side

In April 2001, the Nigerian registered bulk ship *M/S Etireno* went missing in the Bay of Benin. The cargo vessel had been refused docking in Gabon as it was suspected to contain Beninese and Togolese children who were being trafficked. The incident caused enormous international attention. There was a reasonable suspicion of someone planning to profit from the children's labor. More than that, the image of African children being transported on a ship out of what is historically labeled the Slave Coast, inevitably evoked some very unpleasant associations. Rumors were spinning. There were supposed to be as many as 250 trafficked children on board, children who were bought and paid for (BBC, 2001; CNN, 2001).

A week later in Cotonou, Benin, the ship was welcomed by the world press. The confused passengers included 23 children who had been on their way to expatriot Beninese families in Gabon. The children were taken into custody and placed in the care of the NGO *Terre des Hommes*. As it turned out, only one knew about a transfer of money having taken place, while two reported that a very small sum had been spent on a departure ceremony when they had left their home village.<sup>4</sup> Most likely, the *M/S Etireno*, like other cargo ships in the area, had been the vehicle for a number of similar relocations over the past five years.

The *Etireno* incident shed international light on the massive streams of independent child migrants in West Africa. The world discovered that children from the entire region, especially Mali and Burkina Faso, were moving towards the Ivory Coast for agricultural labor. Children from Ghana, Togo, Benin, and Nigeria went by sea to the wealthy in Gabon for domestic services. In addition, children were legally crossing borders all over the continent to work abroad. However, the foreign eye was relatively blind to the fact that not many of these children had been recruited by cunning middlemen, and few, if any, were heading for the households of complete strangers. Instead, they were travelling to family and kin for housing, work, and the hope of a better future. As anthropologist Dorte Thorsen put it in a presentation at the University of Oslo: “[child] migration is not seen as a rupture with the family but perhaps rather as incorporation into the wider network of kin” (Hashim and Thorsen, 2011).

The children are moving away from their parents and most of them will be

involved in labor when they arrive at their destination. Along the way they may get assistance from other travelers or locals—these people are not naive and understand where the children are heading. Sometimes the children pay these people for the help that they get. But is this trafficking? Are their helpers traffickers? For a decade the international community tried to convince national governments and local police that this age old social practice was indeed trafficking.

### ***The Socially Constructed Child Trafficking Case***

If we were to take the international discourse and construct the perfect representation of child trafficking in a West African context, this is the story we would get: A young rural boy and his naive parents are lured by a charming stranger who is recruiting children to work on a cocoa plantation in the Ivory Coast. After being brought to the plantation, the boy is locked up behind bars with no way to escape. The children work with bleeding backs and are maltreated and die. Taking an extreme risk, the little boy manages to escape the plantation and is taken in by the nice policeman who brings him to a joyful reunification with his parents.

This is not an imagined story, but the booklet *Chaga and the Chocolate Factory* (Hartman, undated), developed by a Western NGO to advocate for fair trade chocolate. Had this been representative of the child trafficking situation in West Africa, identification of victims and perpetrators would not have been much of a problem. The story has everything: deception, control, violence, and a child who has no problem understanding his own real interests. Once the deception is revealed, his parents are happy to have him back. The implications of the story are clear: by buying fair trade chocolate you can help the thousands of children who, just like Chaga, are working as slaves on cocoa farms (ibid.).

In all my years working with child labor and child mobility issues in the region, I have never heard a story like Chaga's. That is, none of the stories I have been told fit the definitional blueprint of the international discourse. They are simply too complex, and all of them are full of surprising twists and turns. I cannot say that the Chaga story never happened, but I dare to claim that it would be rare and unusual if it did. Few cocoa farmers could afford to send recruiters into Burkinabe villages—the revenue produced by the children's labor is not enough to pay for something that financially taxing. Recruitment, when it takes place, goes through ex-patriot kin who are visiting their home villages, although it is important to keep in mind that recruitment is often not necessary. An ex-

patriot leader may help with labor mediation, notably a process often taking place within an already established kinship network (see Akresh, 2009;<sup>5</sup> de Lange, 2006; Thorsen, 2007, 2009; Hashim and Thorsen, 2011). Locking the children up is normally not necessary. They tend to withstand tough working and living conditions to the end of the season when involved in agricultural work—for if they leave, all their potential salary would be lost. To me Chaga seems to be the perfect cliché, and not a real child.<sup>6</sup>

### ***The Simple Equation: A and B Are Alone***

The child mobility described in the previous sections may or may not qualify as trafficking. If we are to apply the going definitions of child trafficking as a combination of mobility and exploitation, the key to assessing the situation of relocated children in the region becomes the concept of exploitation. The basic definition of exploitation stated that A is exploiting B when the benefits that A gets from the relationship appear unreasonable compared to those of B. The idea of exploitation as an equation measuring the benefits and the costs of A versus B is suggested by Kielland and Bjorkhaug (2009). In the equation “The cons are subtracted from the pros on each side of the equation symbol, and, ideally, there is a cut-off point where the benefit/compensation ratio between the parties must be deemed to be unreasonable” (ibid., p. 238).

A striking feature in the international trafficking debate has been the isolation of A and B from their social and familial embeddedness. This again reflects a Western, individualistic approach to human rights—an ideological perspective that contrasts the strongly collectivist social norms of West Africa, as described in the first part of this chapter. The equation picturing the balance between A and B thus becomes very simple with clear demarcation in both time and space: the costs and benefits included on each side are those borne or enjoyed by A and B alone. Others, with which their lives are intertwined, remain in the obscure outskirts of the picture. The image is static: it ignores the fact that the situation in question may be a springboard to future opportunities, or to the contrary, put constraints on such future possibilities. The equation reads: (benefits of A) – (costs of A) = (benefits of B) – (costs of B) + X. The X term expresses the absolute size of the difference in net benefit. The ratio ((benefits of A) – (costs of A))/((benefits of B) – (costs of B)) may express the degree of unfairness. Exploitation requires this equation to be strikingly imbalanced; that is, X is substantial, or the ratio is much larger than 1.

Some children are indeed alone: boys and girls run away from abusive

parents, driven by their own ambition, fleeing a forced marriage or the miserable conditions in some relocation arrangement staged by their parents or close relatives. The children need to work to live and are among the most vulnerable in the labor market since their bargaining power and negotiation skills are both weak. Some of these children succumb to brutal labor conditions that may be their only apparent option at the time. In the simplest of real life situations, X is larger than the net A-side of the equation as A has only benefits and B only losses, like in Munzer's (1990) definition of exploitation. Independent child migrants estranged from their families are often found in miserable jobs in the agricultural sector or as porters or water sellers in urban areas. Yet, common for most of them is that they see this situation as a springboard—a necessary rung on the ladder to something better. “I’m going to work in agriculture to get a foothold in this country, but then I’ll go to Abidjan and work in construction.” “I’m going to sell water for this lady for a while, but then I’ll save enough money to buy myself a sewing machine.”

### ***The Complex Equation: A and B Are Social Beings***

The simple equation would require a comparison of the value of the child's labor services to the employer, to the pay the child receives and how the child is fed and treated. Most West African children on the move, however, are not always free to operate outside their family and kinship networks, as described in the child mobility section. As Thorsen concludes, family relations are not likely to be broken by child mobility, even when the child appears to be running away without the permission of the parents (Thorsen, 2007). In fact, in most situations children tend to be drawn into family and kin networks at their destination sites (Thorsen, 2009). A more complex scrutiny of a given child mobility situation therefore requires a range of new factors to be introduced into both the cost and benefit links of the equation.

If the A-side of the equation and the B-side of the equation no longer represent individuals but instead represent extended families and networks, the role of the child may come out as a piece in a larger puzzle. The piece can be significant or minor to the overall picture, yet still affects the overall balance of the inter-household relationship. The transfer of a child can serve to (re)initiate a relationship, as suggested by Bledsoe, or constitute one part among many in an ongoing exchange that may also involve cash, credit, loans, or a countless number of other payments, goods, or services. Taking in a child can be a complete win-win situation for the two households and even a win-win-win

situation if the child is included as an independent actor. However, it will also often constitute a net cost or a net burden to one of the parties, or at least be perceived as such. A perceived cost can be compensated for by other parallel transfers or obligations from the biological parents, or simply as social status incurred by the benefactor. When the child represents a net contribution to his or her new household, the biological parents may be compensated in the form of money, gifts, or services (like insurance). It is easy to see how all of these factors can create a much more complex equation from which it is difficult to determine who benefits the most.

### ***Unequal Bargaining Powers***

Some households exchanging children may be equal to each other with regards to bargaining power; and sometimes the social bonds of love, commitment and responsibility may overrule the mere considerations of costs and benefits. However, this is not often the case. Several of the exploitation definitions presented above were concerned with the unequal bargaining powers of A and B, and assume the bargaining powers of B to be inferior to those of A. Where social practices do not regulate and prevent the abuse of such inequity, the equation may easily become unfair.

Bledsoe's (1990) description of political patronage in Sierra Leone is perhaps one of the clearest examples of uneven bargaining powers between two parties. In short, she describes how social relationships form between influential families (patrons) and those in need of political or economic assistance (clients). The latter is granted, as "In exchange, clients work for patrons when required, give them important information, provide them with daughters as wives or children as servants, and so on" (ibid., p. 75). Structural social inequalities force the powerless to offer what they may have, including their children, to gain access to assistance from those who monopolize power and resources. The offering of a child may symbolize a token of collective submission; the poor family implicitly suggesting a patron-client relationship. The patron's promise of future protection in the form of political and economic assistance when needed may be invaluable to the client household. The equation shifts: the guarantee of future social protection is added onto B's side of the equation, and subtracted from A's. In practice, such a guarantee may allow B's parents to take a new risk that may be highly rewarding, and thereby improve their livelihoods. Indirectly, this will also help secure the future of B. With regards to security, an alliance with A may protect B's family from aggressors and conflict as the mere possibility of

engaging in conflict with A's ally would be deterring (Bledsoe, 1990). This also implies that A cannot simply decide to take in any child—the risks involved with regards to the obligations incurred must be carefully considered.

## ***A Case from Benin***

While Bledsoe writes about Sierra Leone, I'd like to share a case from Benin that is in many ways illustrative of the complexities of the social relationships wherein child relocations take place. My acquaintance, a single mother living in one of the southern cities of the country, has taken in two girls that by first glance would fall into the suspected category of exploitation. The two get up early in the morning, sweep the compound, and then spend the day producing little items that they sell in the woman's store. In difficult times she sends them to sell water on the street, then they go back home to cook and babysit. None of them are related to the woman, they both come from different towns quite far away, and they are not paid. They are not in school, while all three of her biological children are. She occasionally slaps them when she gets upset.

The background for the situation however confuses the picture in what I will argue is a fairly typical way, and so do the complications that arise: The woman is not rich and does not have a stable income. However, she has a house. Thus, as the motherless daughter of her sisters imprisoned husband needed a place to stay (after the sister had a mental breakdown), the family elderly decided, above her head, that the girl was to be sent to her. Although only 11 years old at the time, the child has been out of school for a long time working in a small bar, and the local schools turn out not to be very flexible with regard to late enrollments. Besides, the girl is not interested in studying.

The second girl is sent to the woman by her older brother, who lives in the northern part of the country. The girl dropped out of school in the second grade because the teacher rarely showed up to class. Instead she has been working on the farm of the woman's brother. One day the girl saw some other workers stealing the employer's seed and went to report this to him. As a reward to the loyal girl (and possibly to protect her from the retaliation of the perpetrators) he sent her south to his sister. In some ways the brother appears to be taking on patron role vis-a-vis the girl's family, all of whom are working for him on his farm. Unlike the first girl, the second girl is extremely keen on learning. The woman faces a difficult trade off. For now, she spent almost all her income paying school tuition for her own three daughters. The only way she can pay for another, unacquainted (and unsolicited) child would be to take her own children

out of the good school and send all the children to an inferior school, which she decides not to do. The daughters are her social security and she needs to invest in them. However, the new girl quickly learns French from the other children in the household.

Around the same time, yet a third child is transferred to her household. This time the child is a boy and is a relative—the son of another sister who has remarried and cannot bring along her son to her new husband. The family decides that the boy is to live with the woman. A brother is made responsible for paying his school fees, an obligation he later invents a reason to neglect. Officially this boy is given to the woman's old mother, who is also a member of her household. In spite of going to school, the boy is considered her keeper, assistant and companion, and when not in school he is expected to stay at the house at all times to be available to her. While the other children are coming and going he is not allowed out to play with friends or do sports.

The equation of this household is obviously a complex one. The woman takes the money from her shop, where the products were partly produced by the two girls and also often sold by them. The returns from the shop are quite meager, but still help her pay for the education of her own three daughters. She also enjoys all their housework that frees up her own time to look for business and her daughters time to study. She gains the freedom of moving around, as babysitters are always available. In addition, she accumulates a social credit with the family heads and her brother in the north. Refusing to take in the children could easily have become a liability —services expected from close kin, consultation and participation in decision making of importance could quickly have become withheld if she had not collaborated. On the negative side, she got some new expenses. Her household has quite a fluctuating income, and in bad times, she is now bound to feed the six children rice, instead of buying some chicken for her own three. She is not made of stone, and the education issue bothers her conscience, not so much for the first girl, but the second is clearly gifted and interested in learning. Her family no longer goes to restaurants, as this is a place where the difference between three and six children is noticeable. They have also stopped going on trips to nearby beaches, since they no longer fit into one car, and she feels uncomfortable taking only her own girls. In addition to this, she is starting to become aware of the social risks that she has taken on, something that is about to manifest in reality.

What does the equation look like from the side of the girls and their families? The first girl is virtually an orphan, while the second regularly provides support



to her family in their home village. They have a reasonably comfortable life, especially compared to their previous homes, but also compared to the other children in the same household. They sleep on the floor, but so do the family children on hot days. They get the same food and the same occasional slap. They do not go to school, but the northern girl has picked up a lot from the other children. Both feel they have improved their life situation a lot. The first girl worked in a bar before she came to the household, and the second in the hot cotton fields. Both are thus protected from past risks: the bar girl from the clients, and the farm girl from parasites and illnesses rampant in the rural areas. However, beading and housework does not do much to earn them a future marketable skill, and they do not get to save any money.

Then two things happen. The girls get older. The first girl finds a boyfriend on the street. He encourages her to steal from the households she has access to and give the goods to him. After a while they are discovered. She flees back to the village of her paternal grandparents, and they later learn she is pregnant. Instead of being credited for taking care of the girl, the woman is now blamed for her sad destiny. Tension arises in the waters of a boat that cannot rock. Bad news also arrives from the north. The second girl was promised to a local boy a long time ago, and her future in-laws would now like them to get married. The girl is upset. The woman tries to mediate. Many social relationships that involve a number of people need careful management. And it goes wrong. The girl runs away, most probably towards Nigeria. Networks are harmed, both those of the woman and those of the brother in the north. And she becomes truly depressed about it all.

What did she gain from all this and what did she lose? And the girls? What were their costs and benefits?

## Practical Consequences and Future Considerations

Perhaps the girls should be considered victims of trafficking. One could argue that they fit the simple child trafficking definition reasonably well. They certainly had few options in life that could have been a better investment in their future. What would have been the consequences of this labeling? In a legally functioning West African state, probably that they would have been sent back home, and possibly the woman would have been reprimanded by some authority. What would this have meant to the woman and the girls, and their networks and futures? And should it matter?

There is a trap of cultural relativism where the abuse and exploitation of children easily may become legitimized as cultural. Should we not, as a principle, agree that the criteria that define a trafficked or exploited child should be equal to a child in Norway and a child in Guinea Bissau? Perhaps it is not so much the technical definition as its political implication that is the problem at stake in a real life situation: since trafficking and exploitation are considered crimes, legal responses seem inevitable. The problem of following the logics of legal responses to what is defined as trafficking or exploitation becomes obvious in a context where both child labor and child mobility is endemic, and massively intertwined with a range of vital, informal social institutions. It resembles the establishing of children's right to parents and a home as legally binding in a poor, AIDS-ridden society. We agree about how things ought to be, but who deserves persecution and punishment when things are not as they should be?

In the West African setting a traditional social practice of child circulation has largely become criminalized by the trafficking labeling, at least on paper. Technically speaking, quite correctly, as trafficking is defined as a crime, and destined to be met by judicial policies and regulations. Simultaneously, poverty and poor education systems were pointed out as the main causes of the trafficking, but due to the legal labeling of the practice, investments were placed in legal projects rather than in poverty alleviation, social protection and schools. Police were trained, laws developed and new papers and procedures were introduced to make border crossing more complicated for minors. And as it turned out, targeting was poor. For a period of time all child travelers not accompanied by parents were indiscriminately suspected of being trafficking victims, they were persecuted, detained, and returned without much investigation

into the reasons why they were out there and the situations causing them to be. Consequences were dramatic. Because as it turned out, the children kept traveling. Their helpers, however, were now suspected of intermediation, largely scaring off the good ones, while leaving the field to less scrupulous people. On top of this, the children now had to obtain false papers and bribe border guards and police in order to move across borders (see Castle and Diarra, 2002; Dottridge, 2004; UNICEF, 2008; Kielland and Bjorkhaug, 2009). Definitions of child trafficking and exploitation may seem unquestionable, but there is still room for using sound judgment when it comes to action. As John Rawls advises, right action is what you get when you deduct the logical conclusions from theory and then test it against your gut: although logically sensitive, if it does not feel right, it probably isn't. The truth lies between the logics and the gut feeling in what Rawls (1971) calls *areflexive equilibrium*.

Currently this situation is more widely being acknowledged, and the international actors who have pushed for the labeling and policies are changing their approach. In line with the child agency discourse, relocating children are redefined from passive victims to actors on their own. The new label reflects this and the understanding of the diverse nature of these children as a group: they are “the children on the move.” Children on the move are people with agency, but vulnerable. The new policy approaches aim to provide protection for these children rather than pursuing them, and to prevent risky mobility rather than rescue. Preventing child mobility should not be done by force, but by identifying the causes of why children leave home (and families let them) and addressing those causes (Dottridge, 2004). International charters and conventions set the normative standards: Children should not be exploited, and should under normal conditions be best off with family and kin. The issue is the place of legal and other means in the enforcement of such goals. In the end, the welfare of each child must remain a short-term pivotal concern.

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## **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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## **DISCUSSION QUESTIONS**

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1. What are the normative and practical implications of using the child trafficking term to label traditional social practices in a context like the West African?
2. What do you think would be the practical consequences of a boycott of chocolate for the children who work on cocoa farms in the Ivory Coast? Would it still be right?
3. What is meant by *the social construction of childhood*, and how does this construction affect the way the international discourse addresses child labor and child mobility issues in a region like West Africa?
4. What is meant by *child agency*, and how are the two main forms of agency relevant to children in general and children in trafficking situations in particular?
5. What is meant by the *inter-generational contract* and what may be the implication of such social commitments for children working away from home?
6. How is child trafficking defined differently from human trafficking, and why do you think this difference has developed?

## Notes

1. Kabeer (2000) uses the term “intergenerational contract” to refer to the shared, although possibly conflicting, understandings between family members “as to what each owes and can expect from others within the family.”
2. [T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.  
(Article 3, paragraph (a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons)
3. At this point I would like to mention that children are commonly stated to be protected by the UN Convention for the Rights of the Child (CRC), in this context notably by Articles 35 and 36. It is interestingly often left out—and therefore worth stressing—that children also are human beings, and therefore also covered by the Universal Declaration of Human Rights (in this case Article 4). Globally the Universal Declaration gives more extensive rights, and it is symptomatic that the CRC seem to replace it in the case of human children.
4. The source of this is my own personal conversations with the managers at Terre des Hommes, as I was working in Cotonou at the time of the incident.
5. In his dissertation work, Richard Akresh traces around 350 children from Burkina Faso to the Ivory Coast.
6. In fact, the story of Chaga brings about some unfortunate associations with the treatment of Africans in the very tale it refers to: *Charlie and the Chocolate Factory* (Dahl, 1964). Indeed Willy Wonka travels to Africa to rescue the Oompa-Loompa tribe from their awful diet. He transports them to England in little boxes and keeps them locked up in the factory where they work for up-keeping. They are mischievous like children, but seemingly happy and singing all the time. The main difference— Roald

Dahl was outrageous on purpose.

## **SECTION III**

# **THE ANTISLAVERY MOVEMENT**

**LAW ENFORCEMENT  
CONSIDERATIONS FOR HUMAN  
TRAFFICKING**

**Bradley W. Orsini**



# Introduction

Human trafficking is a crime that has gone largely unnoticed and unreported in the United States. Within the last 10 years, efforts to address this issue have increased among federal, state, and local law enforcement agencies. Resources allocated to these agencies have been primarily dedicated to efforts in support of understanding the crime, identifying the perpetrators and victims and the development of significant intelligence bases and robust investigative programs about the problem. This chapter addresses law enforcement considerations when investigating human trafficking organizations or attempting to identify a victim. The emphasis is on the responsibility of law enforcement agencies to recognize indicators of human trafficking and to coordinate intelligence gathering efforts with local and national groups working on this issue.

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## CHAPTER LEARNING OBJECTIVES

- At the end of this chapter the student should:
  - Understand human trafficking as a crime through a law enforcement lens.
  - Understand unique investigative considerations and techniques germane to the crime of human trafficking.
  - Know the indicators of human trafficking.
-

# Law Enforcement Definition of Human Trafficking

The Federal Bureau of Investigation (FBI) has long been involved in the battle to confront and eradicate human slavery in the United States. The FBI works with other federal, state and local law enforcement agencies to identify and investigate organized groups that engage in human trafficking. The FBI also enlists the help of non-governmental organizations (NGOs) and civic groups to help identify victims of human trafficking.

Predominantly, the FBI investigates human trafficking within its Civil Rights Program. The FBI Civil Rights Program is made up of four subprograms, which are briefly described below.

- **Hate crimes** are those crimes that are motivated by a bias against the victim, such as skin color, ethnicity, country of origin or religion. In 2009, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act added sexual orientation, gender, gender identity, and disabilities to the list of biases that constitute hate crimes.
- **Color of law violations** involve actions taken by someone acting under the authority of the law—local, state, or federal. Examples include use of excessive force by law enforcement agencies or correctional officers, or allegations of sexual assault and theft.
- **FACE Act violations** are crimes committed against individuals who seek to obtain or provide reproductive health care services. These crimes include blockades, assaults, threatening phone calls or mail, assaults and murders.
- **Human trafficking** includes forced physical labor, forced household service, and sex trafficking involving international victims or adult US citizens. (Sex trafficking of US children is handled by the FBI's Crimes Against Children program.)

Currently, human trafficking takes up approximately 16 percent of man-power of the Civil Rights Program.

It is important to note that trafficking of minors may also be investigated by members of the FBI's Violent Crime Program. Both of these programs are housed within the FBI's Criminal Investigative Division. Human trafficking is divided between adult and minor victims because, although the crime is the

same, the law is very different for minors and investigating an incident that involves minors takes special training and expertise.

The basic definition of human trafficking is when force, threats of force, physical restraints or threats of physical restraints; serious harm or threats of serious harm to any person; abuse or threatened abuse of the law or legal process; any scheme, plan or pattern intended to cause fear of serious harm to any person; are used to compel an individual for labor, services or commercial sex acts. When this exploitation involves a minor, according to federal law, the sex trafficking of children does not require the element of force, fraud or coercion; but the perpetrator must knowingly benefit from the commercial sex act of a minor or knowingly or recklessly disregard the age of the minor, or had reasonable opportunity to observe the minor.

The conditions under which human trafficking occurs are not always straight forward and easily identified. To clarify further, the FBI breaks down and investigates human trafficking under the following three categories:

- sex trafficking;
- forced labor;
- domestic servitude.

## ***Sex Trafficking***

Approximately 50 percent of FBI human trafficking investigations are sex trafficking cases. These are the types of cases most people think about when they hear the words “human trafficking.” The commercial sex trade in the United States and the world is systemic and incredibly lucrative. Sex trafficking can take place in the form of street prostitution, brothels and massage parlors. Commercial sex trafficking can involve women, men, and children who are United States citizens and those who are brought into the United States from all over the world. Many of the individuals are lured into the country under false pretenses and promises. The traffickers begin a psychological pattern of coercion designed to keep the victims under their control. Another means of coercion is “debt bondage,” which is a method employed to keep the victim under control. The traffickers convince the victim that they are indebted and owe a payment for entry into the United States. Over time, it may or may not be realized by the victim that the debt may never be paid. It should be noted, despite common misperceptions, that United States citizens are not immune to sex trafficking.

## ***Forced Labor***

Forced labor investigations make up approximately 35 percent of all human trafficking cases across the country. The agriculture industry makes up the majority of these investigations in using migrant workers for unskilled labor with the cultivating and harvesting of crops. Other industries that may enter into human trafficking are construction, landscaping, factory, food processing, and hotel/resort cleaning jobs throughout the United States. Victims may be forced to live in inhumane conditions, have excessive work hours, and may be exploited further by nonpayment from employer. As with sex trafficking, forced labor victims may live in inhumane conditions, and sheltered together. Many times, if the victims have immigration documentation, it may be confiscated by their employer.

## ***Domestic Servitude***

Domestic servitude encompasses approximately 15 percent of human trafficking investigations worked by the FBI. These cases are usually singular in nature and the victim is kept in a private home. Routinely, the victim is subjected to mental and physical harm by the trafficker to keep them under control. Many cases result in the victims also being sexually assaulted by the trafficker.

The term human trafficking may seem confusing to some. The word trafficking implies transportation of victims, and that is not required for most federal statutes in which the cases are investigated under the human trafficking program. Human trafficking is different than alien smuggling, which does require transportation of humans across an international border. Law enforcement agencies should understand the fundamental differences between human trafficking and alien smuggling. The differences are:

### *Trafficking*

No movement required

Focus is compelled labor, service or commercial sex

Victim is a person

### *Smuggling*

Must involve illegally moving across borders

Focus is transporting or harboring illegal alien

Crime is against integrity of

border/victim is a country

Victim can be a citizen, documented  
migrant or undocumented

More specifically, smuggling usually involves a one-time interaction, the focus is the transportation of the individual, the crime is against the sovereignty/border and the person is complicit. Whereas, with human trafficking the victim is held for a term, the focus is the denial of liberty, the crime is against the civil rights of the victim and the victim is not complicit, the victim was coerced.

# Law Enforcement and Human Smuggling in the United States

The United States has always been a destination for millions of people in search of freedom and economic opportunity. However, the very characteristics that make the US attractive for immigrants converge to create an environment that is conducive for those willing to engage in exploitative practices. Human trafficking is a very lucrative industry. It has been identified as one of the most lucrative criminal acts committed in the United States, resulting in billions of dollars of profit for perpetrators.

How can law enforcement combat human trafficking? What legal mechanisms are in place for law enforcement officers to use? In 1865, the 13th Amendment to the US Constitution abolished slavery and involuntary servitude. The 13th Amendment states, “Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist in the United States. Congress shall have power to enforce this article by appropriate legislation.”

In October 2000, the Trafficking Victims Protection Act (TVPA) of 2000 was enacted. Prior to this law, no comprehensive Federal law existed to protect victims of trafficking or to prosecute their traffickers. TVPA updated federal antislavery statutes. The goals of TVPA are for prevention, protection, and prosecution:

- Prevent trafficking overseas and provide education and public awareness.
- Protect victims and help them rebuild their lives in the United States with federal and state support. The law established the T-Visa, which allows victims of trafficking to become temporary residents of the United States. The T-Visa signifies a shift in immigration policy. The law also makes victims of trafficking eligible for the Witness Protection Program.
- Prosecution, wherein the law strengthened the prosecution and punishment of traffickers, making human trafficking a federal crime with severe penalties. TVPA addressed the subtle means of coercion used by traffickers to bind their victims in servitude, including psychological coercion, trickery, and the seizing of documents.

In 2003, the Trafficking Victims Protection Reauthorization Act (TVPRA) of

2003 renewed the US government's commitment to combating human trafficking. The TVPRA provides resources and initiatives to assist victims of human trafficking. In December 2008, the TVPRA of 2008 further enhanced federal law through inclusion of language to address both human trafficking conspiracy, as well as anyone who benefits by receiving anything of value knowing that the venture engaged in a human trafficking violation.

The FBI's Civil Rights Program launched a Human Trafficking Initiative in 2004 to establish a proactive approach to aggressively investigate human trafficking. The FBI's goal was to take a multi-agency approach to identify human trafficking that may affect communities across the country. Each of the 56 FBI field offices was tasked with recommended actions to be implemented.

Some of the recommendations were as follows:

- Conduct a threat assessment to determine the nature and scope of human trafficking problems within each field office. This entailed a thorough research of existing intelligence reports gathered, existing information on investigations (past and present), contact with other federal, state and local law enforcement agencies, and contact with community based groups.
- Join or establish, if appropriate, a Task Force or Working Group. This group, which will include members of state and local law enforcement agencies as well as community-based groups, will enhance the intelligence base for all of law enforcement to enact on the threat of human trafficking.
- Outside of the Task Force or Working Group, establish liaison contacts with NGOs, community based organizations, and churches and other civic groups. These groups are uniquely positioned to provide information on potential victims and possible case referrals.
- Aggressively investigate the human trafficking cases once the matter has been predicated as a viable case that will have an impact on the trafficking organization.

In order for the advancement of this initiative, it was imperative that the FBI implement all of the above strategies to build a robust intelligence base to identify the true nature of trafficking in each of the 56 field offices. In particular, training has been key in increasing awareness for law enforcement agencies as well as the community as a whole. Community awareness is critical to enhance the extent to which everyday citizens are able to report to law enforcement bodies any issues that may even have the appearance of human trafficking. Following the receipt of a tip, it is incumbent upon law enforcement agencies to

aggressively investigate. This initiative has had success since its inception and has increased awareness of the growing problem throughout the entire United States. Some of the success can be noted as follows:

- The number of human trafficking cases identified has nearly doubled.
- The number of prosecutions and convictions quadrupled from 2004 to 2009.
- In 2010, the FBI's 56 field offices participated in approximately 70 Working Groups dedicated to addressing human trafficking. The groups are important to showcase law enforcement efforts to consolidate resources to leverage the number of agents and officers working on the human trafficking threat. The groups were involved in approximately 60 percent of the human trafficking cases that resulted in an indictment in 2009 and 2010.

Law enforcement utilizes many different statutes to prosecute offenders of human trafficking. Many states have their own statutes that relate to human trafficking. In as much, this chapter will focus on the federal statutes enacted in which the FBI, other federal law enforcement agencies and the above Working Groups and Task Forces utilize to prosecute offenders. These federal statutes are explained in detail in the Federal Criminal Codes and Rules, 2011 edition under Chapter 77.

The applicable federal statutes regarding human trafficking matters are: Title 18, United States Code (U.S.C.), Sections 1584 and 1589 to 1594 (inclusive). The federal government gets its authority to enforce violations of all of these statutes through the 13th Amendment, except Title 18, U.S.C., Section 1591. Although slavery was fraught with sexual misconduct, it was not the primary purpose, and therefore was not protected by the 13th Amendment. Title 18, U.S.C., Section 1591 must prove interstate commerce. A more detailed explanation of the statutes appear in the box on the following pages.

Within the peonage and slavery statutes, federal law provides a separate conspiracy provision under Title 18, U.S.C. 1594. Generally, conspiracy can be described as when two or more people conspire to commit any of the above stated offenses.

The legal statutes stated above are not inclusive of the statutes law enforcement can utilize to investigate human trafficking. However, they are listed for the sole reason that they are the most prevalent and relevant to human trafficking issues. It should be noted that each statute has numerous elements



which law enforcement must demonstrate the occurrence of in order to charge a subject. It is extremely important that law enforcement agencies continually consult with prosecuting attorneys to ensure the investigation is yielding the best possible evidence to meet the elements of each statute in order to prosecute offenders.

# Challenges of Investigating Human Trafficking

Law enforcement faces many challenges when it comes to human trafficking. As previously discussed, human trafficking can go largely unnoticed in a community. For example, a seemingly innocent business front can be passed by countless individuals on a daily basis without anyone noticing. As it relates to sex trafficking, most business establishments are not labeled and go “under the radar” with the general public. Law enforcement and other professionals who might come into contact with victims (i.e. nurses, doctors, other health care professionals, psychologists, counselors, social workers, etc.) should be constantly vigilant and understand the indicators of human trafficking in their area of responsibility. The indicators of trafficking can be broken down into two categories. One relates to human trafficking indicators to be aware in victims and the other are indicators for a business that houses trafficked victims.

## **TITLE 18, UNITED STATES CODE**

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Title 18, United States Code (U.S.C.), 1584, Sale Into Involuntary Servitude:

(a) Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in sub-section (a).

Title 18, U.S.C., 1589, Forced Labor:

(a) Whoever knowingly provides or obtains the labor or services of a

person by any one of, or by any combination of, the following means—

- (1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;
- (2) by means of serious harm or threats of serious harm to that person or another person;
- (3) by means of the abuse or threatened abuse of law or legal process; or
- (4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

- (1) The term “abuse or threatened abuse of law or legal process” means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.
- (2) The term “serious harm” means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

Title 18, U.S.C., 1590, Trafficking With Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor:

(a) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be fined under this title or imprisoned not more than 20 years, or both. If death results from the violation of this section, or if the violation includes kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or

both.

(b) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties under subsection (a).

Title 18, U.S.C., 1591, Sex Trafficking of Children or by Force, Fraud, or Coercion:

(a) Whoever knowingly—

- (1) in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, obtains, or maintains by any means a person; or
- (2) benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in violation of paragraph (1),

knowing, or in reckless disregard of the fact, that means of force, threats of force, fraud, coercion described in subsection (e)(2), or any combination of such means will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished as provided in subsection (b).

Title 18, U.S.C., 1592, Unlawful Conduct With Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor:

(a) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person—

- (1) in the course of a violation of section 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);
- (2) with intent to violate section 1581, 1583, 1584, 1589, 1590, or 1591; or
- (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, shall be fined under this title or imprisoned for not more than 5 years, or both.

(b) Subsection (a) does not apply to the conduct of a person who is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(c) Whoever obstructs, attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be subject to the penalties described in sub-section (a).

Title 18, U.S.C., 1593A, Benefitting Financially From Peonage, Slavery, and Trafficking in Persons:

Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in any act in violation of section 1581(a), 1592, or 1595(a), knowing or in reckless disregard of the fact that the venture has engaged in such violation, shall be fined under this title or imprisoned in the same manner as a completed violation of such section.

Some of the indicators of trafficking in victims are as follows:

- absence of contact with friends or family;
- psychological manipulation and control used in workplace;
- no access to identification documents or bank accounts/money;
- inhumane living and working conditions;
- provided with drugs to increase dependence;
- communication and movements always monitored;
- confined in living accommodation by locks and fences;
- lives in a general atmosphere of violence;
- provides inconsistent accounts of where they have been with a lack of knowledge about city they currently reside in;
- subject to arbitrary penalties, rules, and control;
- show signs of physical restraint, sexual/physical abuse, confinement, malnourishment, or torture;
- not allowed to speak for themselves when questioned;

- dishonest when questioned by law enforcement agencies about involvement in the trafficking situation;
- is frequently moved to or rotated through multiple locations in a short amount of time;
- owes a large and/or increasing debt and is unable to pay it off;
- works excessively long and usual hours and is unpaid, or paid very little through tips;
- has been sexually assaulted or abused by an employer or someone who forces them to work;
- recruited on false promises concerning the nature and conditions of the work;
- unable to take breaks or days off or has unusual work restrictions;
- has unexplained work injuries or signs of untreated illness or disease.

Business that engages in human trafficking can also display signs that may indicate the presence of human trafficking. Some of the indicators are as follows:

- a business that caters to males only;
- a business that is opened at unusual hours;
- a business that opened with no real advertisement;
- if the business does advertise, it may only do so in the personal section of the newspaper;
- a business with no real signage, may be painted on building;
- a business that cannot be viewed from the outside, for example, windows covered.

It is important to keep in mind that the indicators stated above are nothing more than a guide for law enforcement officers to use in their day to day activities. The presence of one or even two indicators does not mean that human trafficking is present. Indicators should be utilized to identify areas for further investigation. As law enforcement starts to identify the presence of human trafficking, other investigative problems arise. Many of the victims and subjects of human trafficking are international and law enforcement may encounter a language barrier. This issue may result in a delay of investigative efforts and a proper

interview of initial complainant or victim. Law enforcement agencies may not have the ability to provide a sworn officer who speaks the language necessary. The next hurdle to overcome is for law enforcement to solicit the services of a qualified translator. Law enforcement officers have to ensure that the translator is not only qualified, but has the ability to work with law enforcement so that facts are interpreted and exactly what is being said is communicated. Law enforcement agencies have to be vigilant for an interpreter who may not be used to working with law enforcement and may not translate precisely what the officer is asking the victim or witness. Sometimes field expedient methods are used by law enforcement officers to gather information from a witness/victim on the scene. This may entail the officer utilizing a community member or someone close to the victim/witness. Law enforcement should follow up, when possible, an interview with a qualified translator.

Another issue that may arise with the victim or witness is cultural issues. Many international groups who immigrate to the United States have an inherent distrust of law enforcement. This distrust may lead to ineffective interviews of individuals without gathering a full understanding of the problem. Witnesses/victims may mislead law enforcement to cover for subjects. They also may have a larger fear of the perpetrators than they have of law enforcement, which will leave law enforcement with no real guidance or influence on the victim/witness to tell the truth. Law enforcement officers' ability to understand the cultural issues of a particular group in their area of responsibility is crucial for a successful relationship with the community as a whole. As talked about above, when human trafficking is worked in a Task Force/Working Group setting, law enforcement has already established contacts and liaison in the affected communities. A pre-established relationship with the community that may already be affected by human trafficking is built into the system.

A common scenario that law enforcement deals with on a daily basis is that of the immigration concerns of the victims/witnesses. These valid concerns provide enormous hurdles for law enforcement and the victims/ witnesses of the investigation. Law enforcement agencies recognize the need to coordinate the investigative efforts with Immigration Custom Enforcement (ICE) early on in an investigation. Law enforcement as "one entity" has to discuss these issues and work together to bring a successful conclusion to the investigation. Federal law makes allowances for victims and witnesses who are "out of status" within the United States. Law enforcement will work with federal prosecutors to obtain visas to allow victims and witnesses to stay during the course of an investigation and prosecution of the human trafficking subjects. As discussed earlier, the

TVPA provides the mechanism for law enforcement groups to utilize a special visa to protect these victims from deportation and aid in prosecution.

As these investigations mature and grow, additional issues may arise with subjects having involvement in foreign countries. Sometimes these issues can be addressed through a multi-agency investigation in collaboration with federal agencies that have the ability to conduct overseas investigations. For example, the FBI has legal attachés throughout the world. A legal attaché has the ability to facilitate investigative efforts within a foreign country once proper approvals have been obtained. This can aid significantly in addressing a human trafficking organization at its root, when that organization has its origins outside of the United States.



# Investigative Techniques and Training

Law enforcement investigations can be broken down into two categories, “reactive” and “pro-active” investigations. Generally, law enforcement, throughout the country investigates crimes in a “reactive” nature. That is, a complaint is made by a citizen and the police respond and start the investigation. This is an everyday occurrence and will never change. Law enforcement is charged with the responsibility of protecting the public and responding to incidents and crimes in progress when they occur.

In regard to human trafficking, many of the cases are dealt with in a “reactive” manner. Victims may report the crime or a witness may bring forth information regarding a possible human trafficking crime. In many instances, law enforcement may learn of a human trafficking crime while responding to other complaints, such as a domestic violence call.

Law enforcement’s best avenue to combat and diminish the threat of human trafficking, is to work the criminal threat in a “proactive” approach when possible. That is, law enforcement agencies should attempt to work the investigation in a covert manner as long as possible to get to the core organizational structure of the group being investigated. Many criminal enterprise organizations are investigated in this manner. Human trafficking organizations should be no different.

When practical, law enforcement investigations should focus efforts in the following areas to achieve a proactive approach to combat human trafficking:

- intelligence gathering;
- intelligence sharing;
- physical surveillance techniques;
- consensual monitoring;
- utilization of cooperating witnesses;
- possible utilization of an undercover scenario.

The above law enforcement techniques are not unique and are in fact quite common. Law enforcement should start out by building a strong intelligence base to garner as much information on the human traffick-ing organization as possible. As discussed earlier, working human trafficking in a task

force/working group maximizes law enforcement ability to quickly gather information from numerous sources. It may be as simple as information from your community-based group or a local law enforcement official reporting possible indicators of human trafficking. This intelligence can then be exploited by checking public records, Internet checks and law enforcement intelligence data basis. As the information is obtained, law enforcement officers have the ability to share intelligence with other agencies to possibly verify or strengthen intelligence obtained.

When information is vetted and determined credible, law enforcement agencies have the ability to investigate the matter fully. At this point, physical surveillance may be deployed to ascertain movements of subjects and/or victims. An example of this could be the established surveillance of a “massage parlor” where law enforcement developed possible intelligence that led to numerous indicators of human trafficking. A physical surveillance can be established to determine the possible movements of victims to/from the business. It could also show that the victims may be housed at the business establishment. Photographs at a physical surveillance location can possibly provide pictures of subjects and victims of human trafficking. These photographs can be used throughout the investigation and a potential prosecution of subjects.

Sometimes, a covert investigation is conducted utilizing cooperating witnesses or informants. These individuals may have direct access to the subjects, victims, business, or may have been involved in the criminal acts themselves. Law enforcement investigations are always very careful in utilizing the cooperating witness/informant and needs to assess their motivation, before using them in a covert manner. Agencies have to be vigilant in their efforts to corroborate informant information. The rationale to continually assess informant information is to ensure the intelligence furthers the investigation and not the motives of the informant. If the informant’s information can be proven credible, the investigation can move forward and further intelligence and evidence can be obtained.

Where feasible, cooperating witnesses/informants can obtain evidence through the use of consensual monitoring of conversations with subjects. It should be noted that every state has their own laws on the utilization of consensual monitoring and law enforcement should be aware of these laws and seek appropriate approval to use the investigative technique. Numerous considerations should be evaluated prior to conducting a consensual conversation with an informant and a subject. This investigative technique needs

to be closely monitored by law enforcement authorities to ensure proper procedures and stay within the bounds of state laws. The informant should be thoroughly instructed on what they can and cannot do or say during the conversation. If successful, invaluable evidence can be obtained through this technique. Law enforcement, hopefully, will gather evidence and determine any safety issues for victims. The safety of victims is paramount and it should be noted that the ultimate rescue of victims should take priority over the case in chief.

When possible, law enforcement groups should consider the deployment of an undercover operation. When a human trafficking organization is identified, law enforcers needs to keep in mind the complexities of the organization and try to gather evidence that will expose the root of the organization. An undercover operation may be the best way to gather evidence deep into the organization. As the human trafficking organization operates under a veil of secrecy, the undercover law enforcement official can gather evidence while the crime is occurring. Ultimately, this may be the best evidence to use to convict the subjects. Also, by deploying an undercover operation, law enforcers can control the investigation much better than with the utilization of a cooperating witness/informant.

With the use of this technique, it is possible to design a scenario to best infiltrate the organization and allows investigating officers to explore the extent of the criminal activity. It will be important to penetrate the organization to identify as many subjects as possible and determine if there is any nexus to interstate or international subjects. Furthermore, an undercover operation can assess the full extent of victim's health and safety and aid in devising a plan for their ultimate rescue.

When an investigation turns from the "covert" stage to "overt," law enforcers can investigate in a more traditional manner. One of the significant aspects of this part of the investigation is the determination of the financial aspects of the human trafficking organization. This can involve many facets and, dependent on the size of the organization, law enforcement should seek financial records of these organizations. The records should include, but not be limited to: banking records, real estate holdings, and corporate records.

As discussed above, law enforcement has the ability to leverage considerable resources to investigate criminal organizations. When it relates to human trafficking, there is no one technique that will work with every type of trafficking subject. It should be assessed on a case by case basis to determine the

best investigative methods necessary to investigate and prosecute subjects, and to rescue victims.

While on the topic of investigative techniques, it goes without saying that training should be a continuous process within law enforcement. When law enforcement investigators become aware of possible human trafficking within their domain, they should react accordingly. The quick reaction and adjustment to specific situations is where training becomes critical.

Training should be designed and implemented in a three-pronged approach:

- training of law enforcement officers only;
- training of NGOs and community-based groups; and
- training of both law enforcement and NGOs/community-based groups.

Training for law enforcement should focus on elements of human trafficking laws and methods to collect evidence to meet those elements. There is also a need to educate law enforcement professional how to identify human trafficking indicators. Awareness of human trafficking issues is critical in order for law enforcement agencies to recognize and accept the threat as real.

Law enforcement groups should identify and liaise with NGOs and community-based groups who have a special interest or can impact a human trafficking investigative program. Once identified, a presentation can be conducted on human trafficking laws, and methods in which these groups can aide law enforcement.

Finally, bringing law enforcement agencies and NGOs/community groups together can have a significant impact on building a productive coalition to combat human trafficking. During these meetings, strategies can be designed and relationships fostered to gather as much intelligence on the threat of human trafficking as possible. Law enforcement professionals will build a base of support to aide in every aspect of investigating and prosecuting subjects. They will also put mechanisms in place to support rescued victims. Conversely, NGOs/community-based groups will have an outlet to provide information when they develop any intelligence of human trafficking. The collaboration between law enforcement and NGOs/community-based groups will ultimately lead toward exposing and eradicating human trafficking organizations.

## **Victim Considerations for Law Enforcement**

As stated above, human trafficking investigations offer unique challenges to law enforcement. Officers balance investigative activities while having to keep in mind the safety and well-being of any potential victim of human trafficking. Law enforcement has a duty and a moral obligation to protect these victims and keep them from further harm. Law enforcers need to continually assess investigative activities to determine the nature and extent of physical harm to victims.

Early on in any human trafficking investigation, there should be consultation with victim advocates to determine the best courses of action once a victim is rescued. The paramount consideration is the physical and mental health of the victim. Victims should be examined as soon as possible to determine any health issues. Law enforcers need to be particularly aware of this and take necessary precautions to protect themselves from the possible threat of any communicable diseases from victims.

Other considerations may involve the inability for law enforcement officers to communicate with victims because of language barriers. They may have to go outside their agency to acquire an individual to interpret. Financial concerns may arise, as there may be a need to facilitate the feeding, clothing, and lodging of victims.

With international victims, consultation with ICE and the United States Citizenship and Immigration Services is advisable in order to discuss immigration issues. These agencies provide law enforcement the tools necessary to work with victims on immigration issues. For international victims, the fear of being deported may overwhelm and limit their cooperation in an investigation. These agencies ensure the victims' rights are met under federal regulation as it relates to human trafficking victims.

As stated above, federal law provides a wide array of services and protections for victims of severe forms of trafficking. The FBI has established the Office of Victim Assistance to ensure that the victims of federal crimes have access to the rights and assistance to which they are entitled. Throughout the FBI, there are over 100 "victim specialists," most of whom are licensed social workers. The primary role of the victim specialist is ensuring the provision of basic victim's rights, crisis intervention, comprehensive direct services, and appropriate referrals. The victim specialist can also provide access to Emergency Victim

Assistance Funds and the identity of additional victim assistance resources.

FBI special agents routinely consult with the victim specialist during the course of a human trafficking investigation. Victim specialists help bridge the gap between law enforcement authorities and victims, therefore giving law enforcers the tools necessary to strengthen the relationship. These strong relationships are necessary for a successful investigation and aids the victim in healing. The victim specialists are also trained to conduct forensic interviews of children who may have been traumatized by sex trafficking exploitation.

## Conclusions

Human trafficking is tantamount to modern-day slavery. As demonstrated above, law enforcement has many obstacles to overcome in the battle to fight this horrific crime and violation of humanity. Discussed in this chapter were the law enforcement definitions and types of human trafficking law enforcement officers investigate; the background of human trafficking as it pertains to law enforcement and the federal statutes law enforcement authorities utilize to investigate this crime; the challenges law enforcement faces; investigative techniques and the importance of continuous training; and victim considerations for those involved in law enforcement. Successful resolutions can be achieved as law enforcers become more aware of the nature and extent of this criminal violation. Public awareness, law enforcement training, liaison with NGOs, coalitions and task forces make up the necessary formula for successful identification, investigation and combat of human trafficking.

### **DISCUSSION QUESTIONS**

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1. What programs fall under the Civil Rights Program in the FBI?
2. How are human trafficking and smuggling different from each other?
3. What are some law enforcement considerations when investigating human trafficking cases?

**VICTIM PROTECTION POLICY IN A  
LOCAL CONTEXT**

***A CASE STUDY***

**Patrizia Testai**



## Chapter Organization and Structure

This chapter focuses on anti-trafficking policies by presenting a case study of the ways in which grass-roots organizations and NGOs play a role within specific local contexts where anti-trafficking law is applied. The case study is Italy and Article 18 of the Italian immigration law passed in 1998, which grants a residence permit for “reasons of social protection” to migrant women who are defined as victims of trafficking by state authorities and social actors. The importance of this case study consists in the fact that Article 18 has provided Italy with an anti-trafficking policy, which gives central importance to the protection of victims, as a social aspect to be treated independently from juridical considerations, such as the value of victims as witnesses to prosecute traffickers.

The chapter pays particular attention to the institutional process and aspects of the law related to the meaning of “slavery” and its applicability to migrant women engaged in prostitution, and to the selective criteria operating within the protection system in order to distinguish between victims and nonvictims. It also aims to shed some light on the meaning of social integration as either acquisition of citizenship rights or simply as a process of “redemption” from prostitution and regaining of an identity as nonprostitute woman. By doing so, the chapter will critically assess the working of victim protection as an instrument for regaining citizenship rights. In particular, the social integration process of trafficked prostitutes into Italian society through Article 18 will be problematized to the extent that it is achieved through a social and institutional process that first marks them as “victims” and “sexual slaves,” and then recasts them into the domestic field of servile labor via a rehabilitation process, which turns them into domestic workers still subject, or at risk to be subjected, to considerable exploitation.

The chapter is based on the results of a doctoral field research that the author undertook between spring 2005 and summer 2006 in three Italian cities where social protection programs under Article 18 were applied. Prior to this research, however, the author had accumulated substantial background first-hand information on a local level in Catania (Sicily), where she was involved in a sexually transmitted diseases (STD) prevention project carried out by the local branch of the NGO Italian League Fighting against AIDS (LILA) and the local health authority.

The study offers an analysis of social protection programs as applied in each of the three research sites studied, which were Catania, in the Sicilian region, Lecce, in the Puglia region, and Rome, in the Latium region. Quantitative and qualitative interview data will be provided, particularly about specific sex market contexts and local approaches to prostitution and social protection. Although the original study was based on interviews with both key actors working in social protection programs and with migrant women working as prostitutes and migrant women who were administratively identified as “victims of trafficking” and who were accepted to access social protection programs, for the purpose of this chapter, I will report only interview extracts with key actors. These qualitative data will reveal the importance of questions of moral meaning in social protection programs, and of the way in which “slavery” and “trafficking” get conflated with prostitution, of the tension between repressive aspects (immigration and crime control), and human rights aspects (protection of victims) within projects under Article 18, and finally of the way in which citizenship is linked to sexuality and gender.

The chapter is divided into two parts: the first part will give an overview of the international and national (Italian) contexts of trafficking law and of the principle of victim protection within the law. It will highlight specific differences between the international and the national approaches to victim protection. The second part will present the three local contexts studied, with a particular attention to the ways in which anti-trafficking policy is affected by local administrative approaches towards prostitution and to the ways in which “slavery” is treated as a concept describing prostitution and trafficking.

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## **CHAPTER LEARNING OBJECTIVES**

This chapter will enhance students’ understanding of the combination of legal aspects and social outcomes implied in the victim protection system. In particular it will offer students the opportunity to reflect on the following issues:

- How the international legal definition of trafficking is translated and applied in national and local policies.
- How the concept of victims’ protection is configured in anti-trafficking law and applied in anti-trafficking policies.
- How links between concepts of trafficking, slavery, sexual exploitation and prostitution are worked out and how they lead to a particular understanding and application of anti-trafficking policies, especially on a local level.

- How grass-roots activities and organizations, including religious organizations, shape specific anti-trafficking campaigns and policies.
- How in practice the principle of victim protection is influenced by particular definitions of trafficking.

In particular the chapter will point out that a particular definition of trafficking as sexual exploitation and as a crime affecting migrant women and girls working in prostitution has opened the way for anti-trafficking campaigns and policy that have migrant women as main targets, who are thus considered not as agents of migratory experiences and projects, but simply as casualties of migration/trafficking. At the end of this discussion, the students will reflect on possible alternatives to protection policies, as not linked to the idea of turning “prostitutes” into “good domestic workers,” or to get testimony from them in order to combat trafficking-linked migration, but inspired by a genuine human rights approach, which would not link protection to witnesses’ testimony, but would effectively give them access to a range of services that will help them overcome the abuse suffered and to find long term socio-economic integration that is not necessarily tied to the domestic field.

From a theoretical point of view the chapter will illustrate how anti-trafficking policies are influenced by particular theoretical frameworks dominating the discourse of trafficking. In particular, the linking of trafficking—prostitution—slavery reflects radical feminist theorizing of prostitution as a form of slavery, viewed in terms of women’s subordination to men as a consequence of patriarchal forms of power affecting societies across all geographical and cultural contexts. This theorizing of prostitution as a modern form of slavery linked to global migratory movements and projects pursued by women from poorer countries has also been embraced by moralizing actors and policy-makers, such as catholic organizations and the political right, which have traditionally had opposite political aims and agenda to feminist ones.

There are also gender implications from trafficking being linked, in policy terms, to prostitution, and these are:

- Anti-prostitution laws that affect negatively the life and work of migrant and non-migrant women involved in prostitution, and even women who are not involved in prostitution.<sup>1</sup>
  - Anti-immigration and emigration laws that affect negatively women, both those in destination countries and those in emigration countries.
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# **I TRAFFICKING AND THE PROTECTION OF VICTIMS: THE INTERNATIONAL AND NATIONAL CONTEXT**

The principle of “victim protection” was established in Italy through Article 18 of the Italian immigration law (Law Decree n. 286/1998), which grants a residence permit for “reasons of social protection” to foreign individuals who are administratively defined as victims of trafficking. This principle is not unique to the Italian context, as it had already been established in the international arena and was part of a wider debate on trafficking in persons.

Italy took an active role in this debate, and it was in fact under pressure of the Italian delegation that, during the works of an ad hoc group for the drafting of the United Nations (UN) Convention Against Transnational Organized Crime and of the additional Protocol against Trafficking, the slavery offence was included among the crimes involved in trafficking, and the protection and assistance of victims was proposed as part of the strategies to combat trafficking (Spiezia et al., 2002). The final document signed in Palermo, 2000, known also as the Palermo Protocol, is the present



**FIGURE 10.1** Map of Italy

international instrument against trafficking and, in it, the latter is defined in terms of exploitation, including “the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs” (United Nations, 2000, Article 3, paragraph a). Article 6, Section II, of the same document provides specifically that each state shall ensure the assistance and protection of victims of trafficking in persons. The inclusion of “sexual exploitation” within the scope of trafficking and “exploitation of the prostitution of others” and their interpretation, within the trafficking discourse, as forms of modern slavery, is particularly relevant, since, as we shall see, Article 18, as an anti-trafficking policy, also established a link between trafficking, prostitution, sexual exploitation, and slavery practices.

On a UN level, it was in particular the American-based Coalition Against

Trafficking in Women (CATW), together with the European Women's Lobby (EWL) and the International Abolitionist Federation (IAF) that pressed for an inclusion of sexual exploitation within the Palermo Protocol and for prostitution as the main sector of exploitation for women and girls within trafficking. This concept of trafficking as sexual exploitation has left ample room for single states (and Italy is one of them, as we shall see) to interpret anti-trafficking policy as anti-prostitution policy (see Doezema, 2002; Ditmore and Wijers, 2003). However, another, more moderate, feminist lobbying bloc, called Human Rights Caucus and comprising the International Human Rights Law Group (IHRLG) and the Global Alliance Against Trafficking in Women (GAATW), pressed for a de-linking of trafficking and prostitution, maintaining that trafficking occurs in other labor contexts, and for a limitation of trafficking to cases where force and coercion were used, arguing that prostitution can be a freely chosen "legitimate labour" (Doezema, 2002; Ditmore and Wijers, 2003; Raymond, 2002). The result is an ambiguous definition of trafficking that, while formally accepting a gender-neutral language and including exploitation in sectors different than prostitution as instances of trafficking, gives special attention, in practice, to trafficking for the purpose of sexual exploitation/prostitution, popularly considered as a particularly degrading form of slavery.

As for the protection of victims of trafficking, although Article 25 of the Convention Against Transnational Crime addresses the protection of victims and their rights to compensation, the provision is not mandatory for states in any sense. By the same token, Article 7 of the UN Convention invites state parties to provide for legislation or other instruments that will allow victims of trafficking to remain in their territory, temporarily or permanently in appropriate cases, but with no obligations within the letter of the article.

In 2004, the European Commission also provided for a Council Directive on short-term stay permits issued to victims of trafficking and to those who have been subject to an action to facilitate illegal immigration and who cooperate with relevant authorities.<sup>2</sup> In this Directive the aim of protecting and assisting the victims is entirely secondary to that of strengthening instruments to combat illegal immigration (Curtol et al., 2004). It is clearly stated that protection and assistance are linked to the victim's usefulness for the purpose of investigations, evaluated by the competent authority, her willingness to cooperate and the fact that she has severed all relations with those suspected of the given offence. Although progress was made on a European Union (EU) level, with the Convention on Action against Trafficking in Human Beings in 2005,<sup>3</sup> in general we can say that in victim protection policy both the EU and the UN treat

protection as part of a strategy to obtain cooperation from the victims and therefore within a repressive framework. Meanwhile there is no universally recognized standard for the rights of victims to receive assistance and protection (Brusca, 2011; Shinkle, 2007).

In Italy the protection of victims of trafficking is provided for in Article 18 of the immigration law that, under [Section III](#) entitled “Dispositions of humanitarian character,” establishes that:

When, during police operations, investigations or proceeding related to the criminal offence provided for in article 3 of the law 20 February 1958, n. 75, or to the criminal offences provided for in article 380 of the penal code, or during interventions of local authorities’ social services, there are [...] situations of violence or of severe exploitation against a foreign person, and there emerge concrete dangers for his/her safety, as a result of his/her efforts to escape the control of an association dedicated to one of the above mentioned crimes, or of statements given in the course of preliminary investigations or during trial [...], the Chief police officer [*Questore*] [...] grants a special residence permit to allow the foreign person [...] to participate in a programme of assistance and social integration.<sup>4</sup>

While this piece of law does not mention “sexual exploitation” in its text, it nevertheless refers to prostitution as one of the crimes of which the “foreign person” may be victim. Law n. 75/58 (mentioned in the text above) is in fact the law that regulates prostitution in Italy, and Article 3 provides for the punishment of third-person involvement in the exercise of prostitution and makes brothel-keeping punishable. N. 6 of Article 3 in particular, punishes anyone who induces a person to move to another state or within it for the purpose of prostitution, in other words it refers to “trafficking for the purpose of prostitution.”<sup>5</sup> Article 380 of the penal code, on the other hand, refers to a range of criminal offences, among which is “reduction to slavery” and organized crime.<sup>6</sup>

It has been noted by some that Article 18 is situated between a witness protection measure and an “amnesty” law to regularize specific migrant groups, in particular women “victims of trafficking.” In the mind of the legislator, it was this second aspect that distinguished Article 18 on a European level, since it stressed “not so much the protection of the witness, to guarantee the genuine nature of his/her statements, but rather the legalization of a foreign person (generally a woman) victim of trafficking-related crimes” (Petrini and Ferraris, 2002, p. 53). Article 18 allowed for an anti-trafficking policy that, while providing for punishments against perpetrators (by collecting testimonies from victims), it stressed the humanitarian character of the law (by providing for



protection and assistance for the victims). The uniqueness of Article 18 as a victim protection measure, then, is that it can effectively separate the aspect of protection from the aspect of repression by allowing a foreign person to obtain a residence permit for reasons of social protection even if she (since in most cases the person is a woman) refuses to act as a witness of trafficking-related crimes, the central preoccupation being the victim's safety and protection in front of a concrete danger. Even if we make a comparison with other countries where similar measures have been applied, the Italian system remains the most advanced in terms of the central attention given to the humanitarian aspect of trafficking, and in providing for a program of integration that allows for a permanent settlement within Italian society. Thus, Belgium, in its legislation against trafficking in human beings passed on April 13, 1995, also provided for a temporary residence permit for reasons of social protection to victims of trafficking and that this permit be transformed into permanent residence rights, but this is allowed only if the victim cooperates with police investigations and if investigations lead to good results (i.e. they must lead to the conviction of traffickers; Pearson, 2002, p. 90).<sup>7</sup> For a victim to access Article 18 protection programs, on the other hand, it is sufficient that she has integrated into Italian society during her "rehabilitation" process (Pearson, 2002; Mancini, 2007).

More recently, it has been noted that the emphasis posed on "situations of violence or severe exploitation" means that Article 18 is different from other similar anti-trafficking provisions because it does not apply exclusively to irregular (i.e. undocumented) foreigners who are found to be victims of trafficking, but it can apply also to foreigners who have a regular residence permit (Mancini, 2007). This point was made clear in 2006 by a legal provision (Law Decree n. 300/2006)<sup>8</sup> that establishes that nationals of new member states of the EU who did not need a visa and had a regular residence permit could access social protection programs under Article 18 of the immigration law if they were found in the conditions described by the same law article. This was certainly the case of many women from Romania, who, by 2004 (the year of the fifth enlargement process within the EU), did not need a residence permit, but could still access Article 18 protection and assistance programs. As noted by David Mancini, the delinking of Article 18 from residence status makes victim protection in Italy a truly humanitarian instrument that would benefit those (even EU, and therefore even Italian, citizens) who are victims/witnesses of serious crimes and, as such, are entitled to protection, assistance, and social integration through state-funded projects in which the voluntary sector and social services are also actively involved (Mancini, 2007).



In spite of this good legislative framework, the application of Article 18 can be quite difficult, as it can be influenced by a number of factors, namely the regional context where programs take place, the role of the voluntary sector in general and, in particular, religious actors active in social protection projects, and the priorities of local governments in relation to immigration control and prostitution policies. In terms of Article 18's relation to prostitution, we should consider, for example, that Article 18 has allowed for a kind of policy orientation operational in Italy since the early 1990s, when many NGOs, both religious and lay, began to work in the field of migrant prostitution, giving basic assistance and protection to migrant prostitutes. The grass-roots activities carried out by these NGOs created the ground for a policy framework that reflected a mixture of progressive instances of migrants' and women's rights groups on the one hand, and religious groups' and ordinary people's preoccupation with street migrant prostitution, viewed as the most degrading form of slavery, on the other. Behind the anti-trafficking campaigns and projects there were a variety of interpretations as to the target-people involved (prostitutes, sex workers, victims of trafficking), the type of problem (prostitution, trafficking, exploitation, and slavery), methods (rigid/institutional control, flexible/harm-reduction/empowerment method) and aims (eradication of prostitution, management of social conflicts linked with migrant street prostitution).

## II ANTI-TRAFFICKING POLICIES AND LOCAL APPROACHES TO PROSTITUTION AND SLAVERY

### Introduction: Article 18, Slavery, and Prostitution in Local Contexts

Over the past 10 years, Italian anti-trafficking policies have been influenced by the domestic discourse around (migrant) prostitution, which has become an important area for consensus-building within local politics. On the other hand, local governments have also been influenced by the various religious and nonreligious groups working around migrants', women's and sex workers' rights. These groups have pressed for specific, often ideologically-driven (but also driven by the mere need for funding), approaches to prostitution, going from conservative (usually deploying the metaphor of slavery to describe migrant prostitution), through to preventive (e.g. harm-reduction approaches) and sex workers' rights measures (based on the principle that prostitution can be freely chosen as "work") (Prina, 2002; Picciolini, 2000).

These approaches have caused the discourse concerning prostitution to be polarized in a way that, as noted by Prina, can be summarized on the lines of the scheme shown in [Table 10.1](#).

While local policies have been affected by the different rhetoric used by the different actors operating on a grass-roots level, the concept of slavery has been adopted by all groups (religious and nonreligious) as a metaphor to describe the condition of virtually all migrant women involved in prostitution. To signify the importance of slavery as a dominant category within anti-trafficking policies, in 2003 the legislator intervened to modify the penal code just in those articles concerning the crime of slavery-like offences, by introducing Article 223 that, indeed, defined trafficking essentially in terms of "reduction to slavery" and "servitude." Although the intent was to apply the slavery offence in trafficking cases, in practice the slavery crime was difficult to demonstrate and the law on prostitution was more often applied in cases investigated through Article 18. In spite of the

*Table 10.1 Representation of Actions and Rhetoric on Prostitution in Italy*

**Table 10.1** Representation of Actions and Rhetoric on Prostitution in Italy

<b>Actions towards</b>	<b>Considered as ...</b>	<b>For the purpose of ...</b>
Individuals	Exploited, victims of trafficking	Redemption, salvation, social reintegration
	Migrant prostitutes with no rights	Support to get legalized and to acquire citizenship rights, promotion of autonomy processes
Social phenomena	Evil	Eradication
	Social problems causing conflicts	“Management” of problems and mediation of social conflicts

Source: Adapted from Prina (2002, p. 506)

difficulty of slavery as a viable legal category, women who were protected through Article 18 were described as slaves. This in turn transformed Article 18 and the social assistance and protection programs provided through it, into an “emancipation” and “redemption” machine, in such a way that all actors working in social protection programs were tied to institutional requirements related to a variety of considerations, such as:

1. The selection phase, linked to a definition of “victim” that accords with the slavery rhetoric and that rests on the victim’s willingness to “change her life.”
2. The role of denunciation, which acquires the status of “proof” of a radical change on the part of the victim and her willingness to change her life.
3. The aims of social programs, with an emphasis on a “moral reconstruction” of the person on the one hand, and the suppression/ eradication of prostitution as the manifestation of “trafficking” and as a form of slavery on the other.
4. The instruments adopted, with an accent on institutional control (for example, through community accommodation—flight houses—as opposed to autonomous accommodation,<sup>9</sup> thus substituting “support” with “control.”
5. The work solution, oriented towards “niche” labor markets (e.g. domestic work), rather than towards effective integration in the wider employment

market and using women's personal resources and effective training schemes.

Next, we shall look at how victim protection policy took place in the three research sites, with attention paid to the above mentioned dynamics between repressive and protection aims, and to the question of social control linked to the above listed institutional requirements.

## The Three Research Contexts

The three sites where research was conducted offer different sex market contexts in terms of the numbers and types of groups involved in street prostitution, in terms of the migrant groups involved in social protection programs, the types of organizations in charge of protection projects, and the degree of local government involvement and its role within the projects.

### *Catania*

Catania is the second Sicilian city, after Palermo, affected by migrant street prostitution. Over the last seven years there have been changes to the way in which migrant prostitution is practiced, the groups involved, and the policy adopted by the local government. Until 1999 most migrant prostitution was practiced in flats and houses within the town's historical "red light district" area, where since the late 1980s Italian women and transsexual people have worked together with women and transsexual people from Latin America, mainly the Dominican Republic and Colombia. From the early 1990s Latin American women were joined also by Nigerian women, so that by 1999–2000 the local LILA estimated a total of 270 prostitutes in the area, of which 240 were migrant. Most migrant sex workers were from the Dominican Republic (96) and from Colombia (89), followed by African women (51).<sup>10</sup> At the end of 2000, a massive round-up by the local police led to the removal of all migrant prostitutes from the area and the repatriation of some of them, with the consequence that those who remained were then forced to work in the streets outside the traditional sex market area and in the roadways outside the city centre. From this moment on there were more African women and girls involved in street sex work, whereas many Latin American women in the city alternated street work with work in flats. So, during August 2003-June 2004, the LILA mobile street unit estimated a total of 82 migrant prostitutes working in the roadways outside the city centre, of which 51 were African (from Nigeria, Ghana, Togo, Benin), 20 Latin American (from Colombia and from the Dominican Republic), six Romanian and five Albanian.<sup>11</sup>

The authorities in Catania have not approached prostitution as a potential site of slavery and exploitation, rather they left the market to operate unregulated during the 1980s and 1990s apart from a few symbolic raids, which were

followed, from December 2000, by a politics of repression that led to mass repatriation. Within this new repressive policy framework, while the metaphor of slavery has been used more heavily than before by both the police and judiciary authorities and the voluntary actors involved in protection programs, residence permits for social protection have been rare (the local police records show only two permits from the year 2000, one of which was a renewal of a residence permit issued in another locality).

There are two groups mainly active in social protection, one adopting a non-religious approach based on “women’s rights” principles, the second is a Catholic group, working on the principle that all prostitution is slavery and, as such, must be eliminated. The two groups work separately and cooperate with different police authorities, although they both work with migrant prostitutes who operate in the same Catania area. All relevant institutions in Catania, namely the municipality, the local health service, in particular the trans-cultural psychiatric service, and the police have established cooperative relationships with the Catholic group, whereas relationships with the nonCatholic group have been less cooperative, partly because the Catholic group enjoys more credit nationwide due to the popularity gained by its former director through television programs and the press.

The fact that the municipality has established more positive relationships of cooperation with the Catholic group means that social protection programs have assumed a specific approach based on the principle of a “life change” undertaken by those women who were taken into care by the group. This in turn, meant that the route to social integration for many women and girls who accessed social protection programs in Catania was marked by a “moral” approach to anti-trafficking policy that, while giving primary importance to a “new life” initiated within a family or religious environment where they were “educated” to new values linked to “real affection” and “real, hard work,” as opposed to “commercial love” and the “easy way to money,” gave less importance to the acquisition of citizenship rights, in the form of a residence permit and a work contract that would allow them economic independence. This approach to protection programs for victims of trafficking is also translated, in the case of Catania, in an anti-trafficking policy, which, during the selective phase, may not give importance to the victim’s cooperation as a witness of “trafficking crimes.” In other words, it was not important for the victim to report the names of her “traffickers” or exploiters prior to her access to protection projects, as we can see from an interview extract with the representative of the religious group in Catania:

It is not necessary that women make a report with names of traffickers. Often they don't want to do this out of fear ... for us the most important thing in the first contact is not to speak about residence permit, but to make friendship ... many of the girls did not obtain the residence permit but they managed to exit prostitution with our help. What we ask girls is to stay in families where they are treated like daughters. We don't force them. We ask them "do you have a mother and a father? ... What would they say if they knew what you do in Italy?" This question makes them unsettled.<sup>12</sup>

The methods of victim protection used in Catania were based on "rehabilitation" and re-education to an "honest" life within community/family accommodation and within religious institutes where girls were closely controlled, where their mobile phones were taken from them to prevent them from "falling back" into prostitution.

As to the prostitution-trafficking-slavery link, from the interview with the judge of the Catania court it emerged that, although anti-trafficking operations originally were initiated because there was a suspicion that people were smuggled from Sri Lanka to be exploited in agriculture and in domestic service, Article 18 was applied only to prostitution cases:

As far as our experience is concerned, I must say that the crime of reduction into slavery was always linked to sexual exploitation, not to other sectors ... We have found some cases of ordinary crime committed by some ethnic groups against people in the same groups, like money extortion and things like that, but not really something like slavery ...

Article 18 is applied in cases of migrant prostitutes because the most striking cases were found among people who were exploited in prostitution, but also because in many cases where people are found in exploitative situations (domestic work, agriculture) left their country voluntarily, and this makes the application of Article 18 impossible.<sup>13</sup>

To summarize, we can say that in Catania the tension between the government's desire to control immigration and its commitment to protect women's human rights is played out at the expense of the latter; that women's search for citizenship rights through a residence permit granted under Article 18 is frustrated by the predominantly religious approach adopted by the local group, for which the aim of "getting a woman off the street" prevails over that of granting her real residence rights. Finally, the combined local government, courts' and NGO's interest exclusively in prostitution suggests that here, as in most parts of Italy, (migrant) prostitution is seen as a serious problem linked to "trafficking" and "slavery," and that persons subject to exploitation and abuse in other sectors, such as domestic work, agriculture, construction, stand little chance of being identified or assisted as victims of trafficking.

## ***Lecce***

The first interesting aspect of this research site is its special nature as a border city, situated as it is along the coastal area near Albania (the nearby Otranto is only 70 km from Vilonia), from where boats approached the Italian eastern coast, leaving, from the second half of the 1990s up to 2002, thousands of people from Eastern Europe, mainly Moldavia, Ukraine and Romania, on its shores. The second important aspect of Lecce concerns the role of the local detection centre (Centro di Permanenza Temporanea e Assistita, CPTA) as a collector of undocumented migrant people and potential victims of trafficking and smugglers. The centre, which was closed in 2005 for overcrowding and because basic human rights were found to be routinely violated, was co-funded by the Regina Pacis Foundation, a church agency, and the Ministry of Home Affairs. The Regina Pacis Foundation was also responsible for the social protection project for victims of trafficking, which used part of the detention centre premises as a “protected house” for women and girls who accessed protection projects. Although there was another project in Lecce, run and promoted by the Lecce province and based on nonreligious, women’s rights values, it was, like in Catania, the church-funded Regina Pacis Foundation that maintained a special, privileged, relation with the prosecutor’s office and the local police headquarter (*questura*). However, unlike in Catania, this cooperation produced, between 1999 and 2002, a total of 150 residence permits for social protection granted mainly to women and girls from Moldavia (Orfano and Ferraris, 2002, p. 281), making Lecce a case of high production of residence permits for social protection in a context of low incidence of migrant street prostitution. As reported by Orfano and Ferraris:

the high number of residence permits issued is linked to the peculiarity of the Lecce area, on the one hand, as a territory of shipping of clandestine migrants, and, on the other, as a collector of applications of residence permits linked to facts of exploitation of prostitution which have taken place ... in other geographic contexts.

(Ibid., p. 285)

Unlike what happens in the great majority of projects for victim protection in Italy, in Lecce victims were not contacted by social operators while they were working in the street during their outreach work,<sup>14</sup> but by the police in the detention centre where they were brought as soon as they arrived in the nearby port towns. Among the residence permits issued by the Questura in Lecce there were, therefore, those granted to women who had worked as prostitutes in other



Italian cities or in other transit areas outside Italy.

Given this premise about Lecce, the question arises on the specific approach adopted here by the various institutions involved, in particular, how they went about identifying victims and how they established the link between trafficking, prostitution, and slavery. The following interview extract with the prosecutor in Lecce clarifies this point:

The women who arrived here in order to be exploited in prostitution were easily identifiable because our experience led us to understand this and also they spoke against their traffickers ... Our criterion really was based simply on the fact that these women were young, they were in groups, and so it was assumed that they were transported here to be sexually exploited ... they had all been sexually exploited abroad ... there was evidence that there had been violence, although not from the country of origin, as normally these women voluntarily left their country.<sup>15</sup>

While the Lecce case is usually cited as one where a purely social approach to victim protection is applied, meaning that women are not asked to report or give testimony in trial against their traffickers, in actual fact, the Lecce “system” consists of a mixture of social and judicial approach whereby, after a first contact between the woman and the volunteers of the detention centre, a second phase is initiated with the woman’s decision to report against those who “brought” them in Italy to be exploited in prostitution.

To summarize, Lecce, like Catania, has a predominantly moral approach to anti-trafficking policy, since the great bulk of social protection offered here is provided by the Regina Pacis Foundation, an agency linked to the church. However, unlike Catania, Lecce was characterized by a high number of residence permits issued under Article 18 and benefiting pre-dominantly women and girls coming from Eastern Europe who were identified within the Regina Pacis detention centre as “victims of trafficking.” Prostitution was considered by the local administration and institutions as a serious and real problem related to “trafficking” and slavery, as the interview with the prosecutor indicates:

I think 90% of trafficking concerns exploitation in prostitution. It is true that there are cases of trafficking concerning labour exploitation in general, and in fact in Italy 16 residence permits with article 18 were granted to men who were not working in prostitution. The new law on trafficking has also given more importance to cases of trafficking concerning labour exploitation, but in my experience in Lecce most cases were about prostitution not because of a deliberate interest in prostitution, but because obviously trafficking did involve mainly prostitution.<sup>16</sup>

This leaves Lecce in the paradoxical position of having a high number of residence permits, which would suggest a greater openness to granting citizenship rights not only to women exploited in prostitution but also to women exploited in the domestic sector (two cases registered by the nonreligious project run by the Provincia authority). On the other hand, like in Catania (without wanting to generalize for the rest of Italy) an “unholy” relationship exists between the religious-based operation of protection programs and citizenship rights granted to women who are institutionally defined as “sexual slaves.” In Lecce, in fact, as in Catania, social protection programs acquire a moral meaning that gives a great deal of importance, again, to “rehabilitation” to a “new” life that “breaks” with the previous prostitution experience. This is illustrated by the volunteer interviewed in the Regina Pacis centre:

It's easy to take a woman off the street, but it's difficult to rehabilitate her ... she is an empty woman, deprived of her femininity, so she has to regain the ability to take care of her body, her hygiene, her sexuality ... they are people who've lost any guideline.

... Once the women accept to enter the protection programme they would be asked to sign their commitment to adhere to the rules of the programme and to take all responsibilities ... if in the course of the programme they adopted a behaviour which was incompatible with the programme itself [i.e. to go back to the streets], there would be the revocation of their residence permit.<sup>17</sup>

As to the tension between “repressive” and “human rights” approaches from the part of the authorities, Lecce has not been affected by a policy of rounding up and massive deportation, as there was in Catania, but the absence of such policies is due more to the absence of a local street sex market than to a tilting of the balance in favour of a “human rights” commitment. On the whole, however, women and girls detained in the Regina Pacis centre were treated as real or potential sexual slaves, or “victims of sexual exploitation,” as the interview above suggests, but not as participants in criminal offences. In Lecce, perhaps more than in the other two research sites, social protection programs were characterized by a marked paternalistic approach towards migrant women prostitutes, for whom the metaphor of slavery was widely used in a way that reduced their roles as the programs’ beneficiaries to mere objects of a disciplinary project which aimed to re-define their identities as women, workers, daughters, and mothers in opposition to an identity as prostitutes.

## ***Rome***

Rome is different from the two other sites for the particular organization of protection programs around the municipality that coordinates all the groups involved and has decision-making power over individual programs in terms of funding, supervision and services provided. The main characteristic of this research site is the great number and variety of groups, both religious and nonreligious, and projects involved in protection programs, using a variety of methods, from rehabilitation on the same line followed in Catania and Lecce, through to “emancipation” according to women’s rights conceptions, and prevention through an harm reduction philosophy. In spite of this variety, however, programs are all influenced by the institutional control of the municipality and also of the prosecutor’s office, whose discretionary power over granting residence permits remains crucial, in spite of its peripheral role under the letter of the law. In relation to the relationship between the migrant sex market and the anti-trafficking policy pursued under Article 18 programs, we have in Rome quite the reverse of what happens in Lecce. According to data elaborated by the Parsec action-research group in 1996–1998, the Rome metropolitan area attracts 50 percent of the total prostitution market in Italy, with 3,000–3,500 units out of a total of 5,537–6,989 units (Carchedi, 2000, p. 165). Within the Roman market there are all the national groups represented throughout Italy, with a predominance of Eastern European women coming mainly from Moldavia, Romania, Albania and ex-USSR countries, and women from Nigeria. With respect to the discrepancy between the large prostitution market and the low level of prosecutorial activities carried out by the Rome court, we have to remember that Rome, like Lecce, is also a transit area for migrants heading towards other cities and it is perhaps for this reason that here “there were far more proceedings for smuggling of migrants than for trafficking in persons” (Curtol et al., 2004, p 116). The municipality in Rome acted both as a funding agency and as a promoter of projects of social protection, and this made the whole system of social protection under Article 18 a lot more structured around a central authority, which provided all groups involved with funds, services, training, and expertise. However, relationships between the municipality and the various NGOs and grass-roots organizations involved were not always smooth, and, according to one informant, NGOs sometimes lamented that the central administration adopted its own selective criteria and often denied protected houses to women already taken in care by them.

With regard to the links between trafficking, slavery and prostitution, I will quote what the judge in Rome told me, as it well illustrates the difficulty of “slavery” as a legal category but at the same time its constant association with

prostitution:

I'm involved in offences related to illegal immigration, exploitation of prostitution and introduction of women to be exploited in prostitution, not trafficking and reduction in slavery as such, although the women exploited are kept in conditions similar to slavery and are in actual fact prisoners of these exploiters. But it's not easy to contest an offence disciplined in the penal code, like reduction to slavery, through Article 18 ... I mean, within the anti-Mafia District Direction, once the slavery offence is contested it gets easily linked to prostitution related offences and exploitation of prostitution, so they are not two separate things altogether.<sup>18</sup>

As to the importance given to denunciation as a prerequisite for access to protection programs, people working in the Rome project pointed out that this was a problem and made Article 18 very limited in its application. I report here what a female psychologist of a nonreligious group working in the Rome project told me:

In Rome it's impossible right now to apply for a residence permit under Article 18 without a full report. In reality it's always been like this, but in the past it had happened that if there were particularly dangerous groups involved and it was too risky for the girl to denounce them, the police would agree that they would use only our information leaving the girl outside the actual legal proceeding. This wouldn't happen anymore ... They treat the granting of a residence permit as a reward for the woman who collaborates with the judiciary and the police. In other words the report with names of exploiters is essential. The last amendments to the law have led to an ever more rigid interpretation of Article 18, more than in any other city. As a consequence, if a girl who has already accessed Article 18 programmes goes to the police to have her residence permit renewed, she will have her fingerprints taken, then if they find out there was a past deportation order for her in their files, they will stop her and keep her in custody for a night. So, after she has started a social protection programme, she is suddenly treated like a criminal.<sup>19</sup>

Within the Rome project, access to social protection programs concerned a total number of 40 women as in June 2002, of whom three abandoned programs and two decided to repatriate after a long wait for residence permits (Minguzzi, 2002). Of the 35 women in protection programs who had been monitored by the municipality office during June 2002, two were without residence permits, whereas, among the residence permits granted to the other women, 22 were for work reasons, eight were for social protection, and two were for family reunion (ibid., p. 172). It is further reported that only 15 women with residence permits for work reasons have maintained their jobs when the project was concluded, whereas the rest, including those with no residence permit at all, had experienced precarious and discontinuous work. Among the reasons for this precariousness

and discontinuity the research carried out within the Rome municipality mentions women's difficulty to adapt to a work environment and lifestyles which they perceived as different and "to the difficulty of accepting job offers which they perceived as unfavourable" (ibid.), with work in the black economy and long "apprenticeship" periods during which women work irregularly, and work contracts which are extremely "volatile" and underpaid (ibid., pp. 172–173). In terms of the types of work that are normally available for women who complete protection programs, domestic and care work remains the most common solution in Rome, as in the rest of Italy.<sup>20</sup> However, as it was reported by the project coordinator of the municipality office, "there are some of them [women] who decide to get married and get a little job or no job at all." Another crucial weakness with regard to the job opportunities afforded by social protection programs is the absence of trade unions as economic actors, which, as a female psychologist in Rome pointed out, "leaves a lot of rooms for risks of labour exploitation."

In terms of the tension between "repressive" and "human rights" approaches used by the municipality, the accent on cooperation between the victim and judicial authorities as expressed by the psychologist above, means, among other things, that women are less and less treated like victims of human rights violation, more and more as penal subjects (e.g. witnesses in anti-trafficking operations, illegal migrants when found with an expired residence permit). We should also consider that, although the municipality was keen to present its project in lay, nonmoralizing terms, the "religious" aspect emerged also in this research site, where a number of Catholic institutions and associations were involved in social protection programs. This, together with the "repressive" evolution of protection programs mentioned above, suggests that in Rome, as in Catania and in Lecce, victim protection was applied according to a "rehabilitation" principle which, again, marginalized the economic (i.e. work) and legal (residence rights) aspects of integration and privileged the ethical aspect, centred, again, on the regaining of an identity as "good" woman, in opposition to an identity as "prostitute," as the following interview extract illustrates:

She [the woman] is a destroyed person ... She has no point of reference, she lost her dignity ... so we really have to help her to become conscious of what happened to them, their experience of prostitution, to understand its meaning, how they found themselves in this situation, and then restart life as it was before ...

The important thing in this process is to regain a sense of childhood, innocence, and all positive things they did before the bad experience. So it's important to understand and to

forgive what they've done.<sup>21</sup>

In this rehabilitation process it is important the distinction between a “real victim” and a “fallen” woman, and the justice system has an important role in the application of “sexual” criteria for selecting a victim, as one of my interviewees, a female flight house coordinator in a nonreligious group in Rome, pointed out:

In practice the women who enter Article 18 programmes have the feeling of being judged on a moral level, they begin to feel a sense of guilt, to feel dirty ... I have observed some pre-trial hearings, where the woman had to testify in front of the public prosecutor who questioned her ... in these circumstances some questions are really terrifying, like “before you worked as a prostitute did you have sexual relations with men? How many sexual relations? With how many men?” ... this is the way they see whether the women are responsible of their prostitution or not ... the lawyers or judges ask these kinds of questions in order to help the woman, because in this way they demonstrate through legal proceedings the real innocence of the woman.<sup>22</sup>

## Conclusions

Discourse and policies on trafficking in human beings have tended, on an international level, to link trafficking to “sexual exploitation” and exploitation for prostitution purposes. Within single states, there have been tensions with respect to “humanitarian” (victims protection) *versus* “repressive” (i.e. immigration and prostitution control) aspects of anti-trafficking policies, with some states emphasizing the former, others the latter. With the introduction of Article 18 of the immigration law passed in 1998, Italy has approached anti-trafficking policy decidedly—if only rhetorically—as a humanitarian issue, and in consequence has emphasized the protection of victims.

Field research in three Italian cities shows that social protection programs have been influenced by an anti-trafficking campaign which, in Italy as elsewhere, was centred on the old image of the victim—that is the migrant/“trafficked” prostitute—as powerless and in need to be restored to mainstream society’s values regarding sexuality and work. In other words, in order to gain protection and assistance and to be able to stay and work permanently within the country, a victim of trafficking is to abide by some institutional requirements related to her decision to “break” with the exploitative environment (i.e. break with prostitution) and to “change life.”

As interview data in the three research sites confirmed, prostitution was regarded as the main site of exploitation in “trafficking” and a form of slavery linked to organized crime. It emerged that, in spite of the difficulty of “slavery” as a legal category to be used in prosecutions, it was nevertheless used in key actors’ narratives about who was a “victim of trafficking.” Research also shows that religious groups play an important role in interpreting Article 18 according to a “redemption” from the experience of prostitution and to a disciplinary approach which effectively prevents the “risk” of falling back into prostitution and is oriented towards “good” (female) sexuality (e.g. as wife or mother) and “good” work (e.g. as domestic worker).

Religious/redemptive, as opposed to principles of emancipation as economic autonomy, the focus on prostitution as a form of slavery, and the evolution towards a judiciary/witness approach to Article 18, as opposed to social/human rights protection approach, mean that in the three cities where research was conducted repressive principles prevailed over human rights principles. While the granting of a permanent residence permit is never straightforward and tends

to depend on the victims' willingness to cooperate with the judiciary system, the process of social integration to which the granting of permanent residence and work rights is subordinated under Article 18, is often turned into a form of social control. Women who are defined as "victims" are subjected to paternalistic measures designed to turn them into "good women" and "good workers," rather than into individuals whose citizenship rights are recognized also by being enabled to gain economic independence through a wide range of work opportunities.

Finally, the evolution of the immigration law, in particular amendments made in 2002 with Law 189/2002 (the so-called Bossi-Fini Law), together with other law provisions under the rubric of security and public order (see note 1), have led to a further restriction of migrants rights concerning entry, residence and many other aspects, and which can be summarized in the provision of making the residence permit tied up to the existence of a work contract. This has impacted negatively on the condition of those women who obtained a residence permit under the system of victim protection established by Article 18 and whose work contract is not renewed by their employer.

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## **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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### **DISCUSSION QUESTIONS**

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1. What are the main obstacles to establish an effective victim protection policy on an international level?
2. On the basis of the case study presented in this chapter, how do you understand the tension between repression and protection within the Italian national context of victim protection policy?
3. In what ways is the principle of victim protection influenced by gender issues?
4. What did this case study show in terms of local policy and the nexus trafficking—prostitution—immigration?



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## Notes

1. In 2008 there were some ordinances issued by the mayor in Rome which, as part of a public order law package, targeted all women who were found to wear clothes which might distract drivers' attention and caused public disorder.
2. Directive 2004/81/EC: "On the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who cooperate with the competent authorities." European Commission. Official Journals, OJ L 261, 6/08/2004. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0081:EN:HTML>.
3. Council of Europe Convention on Action against Trafficking in Human Beings. Warsaw 16.V.2005. <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>.
4. Law Decree 25 July 1998, n. 286, *Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*, [www.parlamento.it/leggi/deleghe/98286dl.htm](http://www.parlamento.it/leggi/deleghe/98286dl.htm). For a further discussion on the impact of Article 18 as an anti-trafficking/anti-slavery law see Virgilio (2001).
5. See Virgilio, 2002, p. 78.
6. While Article 18 includes "reduction to slavery" as one of the crimes of which a foreigner may be victim, the Italian legislation provided in 2003 for a specific law against trafficking in persons and against slavery (Law n. 228/2003, which modified the penal code in those articles dealing with slavery and the slave trade). Law n. 228 of 2003 also provides, in Article 13, for assistance and protection programmes, but only for victims of slavery or slavery-like practices, whereas in Article 18 it is sufficient that a foreigner is found in "situations of violence" or "serious exploitation." In practice, Article 18 has made it easier for the judiciary authorities to prosecute and convict persons involved in trafficking-related crimes. For a further reading, see the research by Pearson, 2002, p. 142. For a comparison with Article 13 of Law 228 against trafficking, see Mancini (2007).
7. See also *Articolo 18: tutela delle vittime del traffico di esseri umani e lotta alla criminalità (l'Italia e gli scenari europei. Rapporto di ricerca. Chapter*

- 4, “La dimensione comparativa,” 2.5 Belgium, pp. 393–422.
8. The general title of the law is “Prorogation of terms provided for by legislative dispositions.” See Mancini (2007).
9. According to data from the Equal Opportunities Department related to the monitoring of 42 protection projects carried out throughout Italy from March 2001 to March/April 2002, 1,194 women were lodged in flight houses, 428 women were lodged in autonomous housing, 190 in families, and 203 were lodged in other types of accommodation, including semi-autonomous lodging (47), community centres, and friends. See Barberi (2004, p. 78).
10. Part of the results of the pilot research conducted by the local LILA are published in Nigro et al. (2006).
11. These are unpublished data from the street unit operators of the local LILA.
12. Representative of religious group, Catania.
13. Judge1, Catania.
14. For the modality of contacts with victims of trafficking see Barberi (2004). See also Pearson (2002), in particular [Chapter 9](#) on the Italian case.
15. Judge1, Lecce.
16. Judge1, Lecce.
17. Volunteer of religious project, Lecce.
18. Judge1, Rome.
19. Female psychologist2, non-religious group, Rome.
20. Barberi (2004) reports that “the greatest difficulty [...] consists in inserting people into a ‘normal’ occupational sector, that is a productive activity, whereas in reality they are ‘parked’ in pseudo-jobs consisting in most cases in domestic work,” p. 80.
21. Female psychologist2, religious group, Rome.
22. Female flight house coordinator!, non-religious group, Rome.

# HUMAN TRAFFICKING AND POST-TRAUMATIC STRESS DISORDER

**Veronica M. Lugris**

Traffickers engage in wholesale modern-day slavery for the purpose of sexual exploitation or forced labor. They are able to succeed in this lucrative criminal activity by threatening and coercing vulnerable children and adults who experience a lack of control over their safety or freedom. Unable to protect themselves, trafficking victims often become submissive in order to survive, so that regardless of whether the threats are acted upon, the perpetrator maintains psychological control over the victim, often with devastating long-lasting emotional consequences that may meet criteria for post-traumatic stress disorder (PTSD). This chapter will address the issue of PTSD as a potential mental health concern for victims of human trafficking.

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## CHAPTER LEARNING OBJECTIVES

Learning objectives for this chapter include the following:

- Know the DSM IV-TR definition of trauma.
- Know the criteria for PTSD.
- Understand the variety of ways in which symptoms may manifest in victims of human trafficking.
- Understand potential neurobiological correlates of PTSD.
- Understand important treatment considerations when working with traumatized victims of human trafficking.

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Trauma is defined as an experience that threatens one's sense of safety and

security, and may or may not involve physical harm. Generally, trauma is experienced as either a single or a repeating event that overwhelms an individual's coping mechanisms and interferes with one's ability to integrate and make sense of emotions and thoughts related to the experience. According to the *Diagnostic and Statistical Manual of Mental Disorders IV-TR* (American Psychiatric Association, 2005), a traumatic event is one that involves "actual or threatened death or serious injury, response involved intense fear, helplessness, or horror" (ibid., pp. 218–219). A wide variety of events can be characterized as traumatic. Examples include naturally occurring or human-made catastrophic events such as dangerous storms and war or interpersonal violence such as intimate partner violence, rape, and emotional or physical abuse. Trafficking victims are among those individuals for whom captivity and threats of harm often render victims helpless, making them vulnerable to developing PTSD.

Particularly vulnerable to PTSD are trafficking victims who experience severe physical and sexual assaults. Given that 70 percent of trafficking victims are trafficked for sexual exploitation and sexual assault is a traumatic experience, these victims are likely to experience PTSD. Furthermore, 80 percent of trafficking victims are women and girls, and research suggests that women are more vulnerable to PTSD than men (Seedat et al., 2005) and that PTSD symptoms last longer in women than in men (Breslau et al., 1998).

A second criterion associated with a PTSD diagnosis includes a persistent and distressing re-experiencing of the traumatic event through intrusive images, thoughts, or perceptions in the form of dreams, illusions, hallucinations, and flashbacks, and physiological reactions to traumatic cues.

A third criterion consists of symptoms that include avoidance, numbing, and forgetting of aspects related to the trauma. Avoidance can also manifest in significant decreased interest or participation in activities, detachment and estrangement, restricted range of feelings, and a sense of foreshortened future.

A fourth criterion, generally seen in individuals with anxiety disorders, includes hyperarousal such as difficulty falling or staying asleep, irritability or anger outbursts, difficulty concentrating, hypervigilance, and exaggerated startle responses.

To meet a PTSD diagnosis, the duration of the three latter criteria must persist more than one month, and in some cases may last throughout a lifespan, causing significant distress or impairment in social, occupational, or other areas of functioning. Complicating early and accurate diagnosis is the fact that

individuals may not exhibit PTSD for months or years following the traumatic event, only to be triggered by a situation that resembles the original trauma.

Often a person diagnosed with PTSD also meets criteria for other diagnoses, including mood and anxiety disorders, alcohol or substance abuse and dependence, or personality disorders, potentially complicating treatment (Alexander et al., 2005; Zimmerman et al., 2006; Zimmerman, 2003; Raymond et al., 2002).

# The Complexity of Human Trafficking and PTSD

Herman (1992) suggests that current PTSD criteria fails to consider the complexity of symptoms present in individuals exposed to prolonged violence, such as domestic abuse, sexual abuse, and torture, all commonly seen in trafficking victims. Herman proposes an alternative formulation that takes into account somatization, dissociation, and pathological changes in identity. Survivors of more complex trauma, such as trafficking victims are also at risk for self-destructive and risk-taking behaviors as well as re-victimization (Courtois, 2004).

It is important to consider that current PTSD diagnostic criteria reflects Western culture and worldview, limiting our understanding of the impact of cultural influences on the experience of trauma, specifically with regard to trafficking victims from non-Western societies. Culture is a significant variable, given that there are approximately 15–20 million in bonded labor in India, Pakistan, Bangladesh, and Nepal and the remaining (of the estimated 27 million) are primarily in South East Asia, northern and western Africa, and parts of North and South America (Bales, 1999). Furthermore, countries of origin are primarily in south Asia, South East Asia, Latin America and the Caribbean, former Soviet republics, eastern Europe, and Africa, while countries of destination primarily include United States, Japan, Canada, and many countries in western Europe, emphasizing the need for culturally sensitive approaches to working with traumatized trafficking survivors in our sphere, if not elsewhere in the world.

Strong family or social support networks can mitigate the risks of PTSD in trafficking victims. But while the Trafficking Victims Protection Act makes clear that all the risk factors for severe PTSD are present in the human trafficking experience, the mitigating factors that might help prevent the long-term mental health consequences, such as family and social supports, are generally absent.

# Neurobiological Correlates of PTSD

Over the past two decades, neuroscience has begun to uncover the neurobiological changes that correlate with symptoms of traumatic stress disorders. Under normal circumstances, the human brain has evolved to effectively assess different stimuli, discriminate what is truly life threatening, and respond quickly. While threat activates autonomic nervous system (ANS), exposure to more extreme forms of threat, such as that found in human trafficking, significantly impacts individuals' ability to modulate sympathetic and parasympathetic nervous systems in the ANS, failing to organize an effective response to threat. Instead of a fight or flight response, immobilization ensues (Van der Kolk, 2006). A clear example of this is the conditioned behavioral response of immobilization that follows inescapable shock in laboratory animals.

The traumatization of trafficking victims takes place in a context of repetitive and unrelenting boundary violations, and loss of agency, self-regulation, and social support. Such conditions lead traumatized trafficking victims to develop a mechanistic compliance or resigned submission not unlike the response demonstrated in laboratory animal subjects, even in situations where one might expect them to react differently.

Neurobiological findings show that trauma entails a fundamental dysregulation of arousal modulation at the brain stem level. Traumatized victims suffer from baseline autonomic hyperarousal and lower resting heart rate compared to controls, suggesting that they have increased sympathetic and decreased parasympathetic tone (Cohen et al., 2002; Sahar et al., 2001). These biological changes can have a long-lasting impact on a traumatized trafficking victim's personality, such as losing the ability to regulate emotions or manage even small amounts of stress. They may exhibit chronic states of irritability or anger. For some, dissociation may become the primary way of coping and they may be unable to account for significant periods of time. Victims may also become "dissociated" from their emotions so as to seem emotionally numb.

Many traumatized victims become chronically overwhelmed by their emotions and are unable to use their affective states as guides to adaptive action. They frequently fail to identify their feelings and may freeze at the moment of responding (Van der Kolk, 2006). When they try to attend to their internal process, they often report becoming overwhelmed by intrusive imagery and



distressing physical and emotional feelings triggered by their traumatic experiences. Traumatized victims also tend to struggle with a clear sense of self and often report negative body image, potentially leading them to ignore physical concerns. Thus, a lack of emotional attunement may cause traumatized victims to neglect their needs and/or the needs of others.

Biological changes in the cortical regions of the brain may cause loss of cognitive abilities, so that a traumatized trafficking victim may experience difficulty remembering, organizing, planning, or thinking. Alternatively, a constant emotional state of numbness may lead to depression, lack of energy and a sense of hopelessness. One of the most robust findings of neuroimaging studies of traumatized people is that, under stress, the higher brain areas involved in “executive functioning” (i.e., planning for the future, anticipating the consequences of one’s actions, and inhibiting inappropriate responses) become less active (Markowitsch et al., 2000; Shin et al., 2001).

Neurological studies of trauma survivors show changes in cognitive abilities, such as preferential use of the right hemisphere; inhibition of left frontal cortical areas of the brain; activation of the limbic area; and diminished hippocampus volume. There is also a wide literature showing dysregulation in various neurotransmitter and neurohormonal systems, including the hypothalamic pituitary axis, catecholamines, serotonin, and opioid systems (Van der Kolk, 2006).

Reminders of traumatic experiences activate brain regions that support intense emotions and decrease activation in the central nervous system (CNS) regions involved in integrating sensory input with motor output, modulating physiological arousal, and communicating experience into words. Traumatized research participants show cerebral blood flow increases in the right medial or bitofrontal cortex, insula, amygdala, and anterior temporal pole, and in a relative deactivation in the left anterior prefrontal cortex, specifically in Broca’s area, the expressive speech center in the brain, the area necessary to communicate what one is thinking and feeling (Hull, 2002; Lanius et al., 2001; Lindauer et al., 2004; Rauch et al., 1996).

Neuropsychology and neuroimaging research reports findings that traumatized individuals have problems with sustained attention and working memory, which causes difficulty performing tasks with focused concentration, and with being fully engaged in the present. This is most likely the result of a dysfunction of frontal-subcortical circuitry, and deficits in corticothalamic integration (Vasterling et al., 1998; Clark et al., 2003). Such dysregulation helps to explain

how traumatized trafficking victims may either lash out or become helpless in the context of minor challenges, leaving witnesses to question the validity of victims' responses.

Specifically, neuroimaging studies of people with PTSD have found decreased activation of the medial prefrontal cortex (mPFC) (Markowitsch et al., 2000; Shin et al., 2001; Devinsky et al., 1995). The medial prefrontal comprises anterior cingulate cortex (ACC) and medial parts of the orbitofrontal prefrontal cortices. The ACC specifically has consistently been implicated in PTSD. The ACC plays a role in the experiential aspects of emotion, as well as in the integration of emotion and cognition.

The mPFC plays a role in the extinction of conditioned fear responses by exerting inhibitory influences over the limbic system, thereby regulating the generalization of fearful behavior, by attenuating peripheral sympathetic and hormonal responses to stress, and in the regulation of the stress hormone cortisol by suppressing the stress response mediated by the HPA. The fact that the mPFC can directly influence emotional arousal has enormous clinical significance, since it suggests that activation of interoceptive awareness can enhance control over emotions and allow traumatized victims to overcome their conditioned immobilization (Van der Kolk, 2006).

# Treatment Considerations

Ethnicity can impact the way individuals seek assistance, identify their problems, consider psychological difficulties, experience their trauma, and understand recovery. Many cultures do not distinguish psychological, emotional, and spiritual reactions from physical ones. Just as therapy can be commonplace in Western culture, individuals from other cultures may turn to folk healing or other forms of treatment in support of psychological wellness (Williamson et al., 2008).

It is recommended that treatment be individualized to focus on the traumatized trafficking survivor's needs and capabilities, all the while considering safety and affect regulation as foundational to the work. Part of creating safety and a sense of self-determination includes informed patient consent, the assessment of motivation for treatment, clarification of treatment expectations, education about the therapy process in ways that are demystifying, and communication of a sense of hope.

Initial sessions typically assess for prior traumatic experiences, co-morbid symptoms, and availability of resources. When inquiring about prior traumas, it is important to not assume that disclosure will be forthcoming, even when there is a history of trauma present. Some traumatized trafficking survivors may only disclose later, as trust develops in the therapy relationship.

Trauma that is acknowledged can be assessed as part of a battery of psychological tests that include validated measures of PTSD, such as the Clinician-Administered PTSD Scale (CAPS; Blake et al., 1996), the Impact of Event Scale—Revised (IES-R; Weiss and Marmar, 1997), the Detailed Assessment of Posttraumatic States (DAPS; Briere, 2001), and the Posttraumatic Stress Diagnostic Scale (PDS; Foa, 1995). These tools can help guide the therapist in identifying the traumatized trafficking survivor's preferred psychological defenses, ability to self-regulate, and relational capacities. Two other recommended instruments offer information that is useful in assessing more complex trauma, such as that found in trafficking victims. They are the Trauma Symptom Inventory (TSI), which assesses domains of the self and relations with others (Briere, 1995; Briere et al., 1995), and the Structured Interview for Disorders of Extreme Stress (SIDES), developed for the DSM-IV field trial (Pelcovitz et al., 1997; Zlotnick and Pearlstein, 1997). Also helpful are the Inventory of Altered Self Capacities (IASC; Briere, 2000b), which assesses

difficulties in relatedness, identity, and affect regulation, the Cognitive Distortion Scales (CDS; Briere, 2000a) and the Trauma and Attachment Belief Scale (Pearlman, 2003), both of which assess cognitions. Measures of dissociation include: the Dissociative Experiences Scale (DES; Bernstein and Putnam, 1986; Carlson and Putnam, 1993), which can be enhanced by the Multiscale Dissociation Inventory (MDI; Briere, 2002a) and the Somatoform Dissociation Scale (SDQ-20; Nuenhuis, 2000), and the Structured Clinical Interview for DSM-IV Dissociation Disorders, SCID-D (Steinberg, 1994).

Regardless of whether or not treatment includes psychological testing, it is paramount from the beginning for the therapist to emphasize safety in the therapy relationship. Part of this includes teaching traumatized trafficking patients ways in which they may exercise self-determination during sessions and ways to contain emotions that may spill over following sessions.

Neurobiological findings suggest that it may be useful for traumatized trafficking survivors to learn to regulate their physiological arousal through techniques such as mindfulness training (Lazar et al., 2005). Mindfulness training allows the traumatized trafficking patient to become a careful observer of one's inner experience, and to notice one's breath, gestures, thoughts, feelings, bodily sensations, and impulses that arise.

Traumatized trafficking individuals need to experience that it is safe to have feelings and sensations. If they learn to attend to their inner experience, traumatized trafficking victims can appreciate that bodily experiences are always in flux and they, themselves, can exert greater agency in their present experiences.

By learning to attend to nontraumatic stimuli in the present, traumatized trafficking individuals can learn to release themselves from reliving their past traumas and they can practice re-engaging their ability to protect themselves. Thus, the therapist helps the traumatized trafficking survivor to gain control over extreme affective responses that may seem out of place, self-destructive thoughts and behaviors, addictions, and dissociative episodes.

While self-attunement is a fundamental building block in physiological self-regulation, interpersonal trauma also often results in a fear of intimacy. Engaging a traumatized trafficking individual in a therapy relationship may trigger shame and memories of betrayal. On the other hand, a strong working alliance of empathic attunement can provide opportunities to resolve past attachments and improve self and relational capacities. Furthermore, connecting

affectively with traumatic memories in the context of a supportive therapeutic relationship helps to provide resolution (Fosha, 2003; Neborsky, 2003; Schore, 2003; Solomon and Siegel, 2003). The goal is not to trigger the emergence of new memories, although that is a possibility when the trauma is addressed more directly (Gold and Brown, 1997). Part of connecting affectively with traumatic memories includes grief work that creates space for the traumatized patient to mourn losses associated with the experience. The goal is to emerge from the therapeutic experience with decreased PTSD and co-morbid symptoms, increased self-attunement and self-regulatory skills, improved self-care, a greater sense of agency, adaptive interpersonal capacities, and a sense of hope and planning for the future.

Evidence-based techniques founded on research that shows them to be effective are recommended, although this does not mean that other treatment modalities may not be effective, just simply less studied due to the complexity of variables involved. Examples of evidence-based techniques that have been shown to be effective with traumatized populations include cognitive-behavioral therapy (CBT; Rauch and Cahill, 2003; Ursano et al., 2004), and attention to trauma-based cognitions can help decrease cognitive symptomatology related to a negative sense of self (Jehu et al., 1985; Roth and Batson 1997).

CBT combines cognitive and behavioral approaches to change dysfunctional thoughts, feelings, and behaviors through techniques such as exposure therapy, thought stopping, and breathing regulation. Exposure therapy entails confronting a specific source of anxiety through progressively intense exposure until habituation is reached. Exposure therapy can take place in imaginal or in vivo formats. Thought stopping and breathing regulation are self-explanatory.

Eye movement desensitization and reprocessing (EMDR) is another empirically validated treatment for trauma survivors that uses rapid eye movement to induce bilateral stimulation to decrease traumatic imagery and negative emotions (Bradley et al., 2005; Rauch and Cahill, 2003; Ursano et al., 2004).

CBT has been found to have long-term effectiveness 8–14 years following treatment in patients with co-morbid anxiety (McIntosh et al., 2004), while a combination of CBT and interpersonal therapy that focuses on the correlation between relationships and mood has been found to be effective for co-morbid depression (Karasu et al., 2000; McIntosh et al., 2004; Weersing et al., 2006).

CBT, motivational enhancement therapy, behavioral therapy, 12-step groups,

and interpersonal therapy are evidence-based treatment for co-morbid substance-related disorders. In addition, self-help books, brief interventions, case management, group, marital, and family therapy can also help (Kleber et al., 2006).

Motivational enhancement therapy uses motivation to form decisions and plans for change (Miller, 2003). Twelve-step groups make use of group support under the rubric of acceptance of a higher power to help with long-term recovery (Nowinski, 2003). Treatment that focuses on managing substance abuse or dependence without addressing the underlying trauma will have less successful outcomes and patients are more likely to relapse (Alexander et al., 2005).

Despite existing research on the psychological effects of trauma, more evidence-based research is needed on trafficking populations. Many non-Western cultures have healing traditions that activate and use physical movement and breath, such as yoga, chi qong, and tai chi all of which claim to regulate emotional and physiological states.

In terms of pharmacological treatments, there is evidence to suggest that selective serotonin re-uptake inhibitors can work in conjunction with psychotherapy to improve PTSD and comorbid symptoms related to anxiety and mood disorders (Seedat et al., 2005; Ursano et al., 2004; Weersing et al., 2006).

Diagnosis of PTSD in children has been less studied than in adults (Pfefferbaum, 1997). Research on younger sexually abused children shows CBT to be more effective than other approaches (Putnam, 2003; Ramchandani and Jones, 2003). Psychological treatment should consider that sexually abused children often have long-term symptoms and/or later onset, and they do not benefit from long-term therapy (Putnam, 2003; Ramchandani and Jones, 2003).

If we are to have successful outcomes, it is just as important to understand what does not work as it is to understand what does work in treating traumatized trafficking individuals. One example of what has been shown to be counter-therapeutic and potentially increase PTSD is psychological debriefing shortly after the traumatic event (Ursano et al., 2004).

Regardless of the technique(s) selected, the pace and intensity of treatment should match the client's capabilities. Briere (2002b) has cautioned therapists about the need to work within what he calls the "therapeutic window," or the client's ability to feel without repeating familiar destructive behaviors such as dissociation, self-injury, alcohol/substance abuse, and suicidality.

Treatment is not formulaic, meaning it needs to take into account the needs of

the individual and the techniques described should be selected taking this individuality into consideration. For some it may require more sessions than for others; still for others, they may only complete part of the work. The option to return to therapy when needed is also advisable as transitions and life changes and stressors may trigger prior traumas, albeit at a likely decreased level of symptomatology. Finally, termination (i.e., ending) can potentially trigger feelings of grief, fear, and abandonment. Thus, it is best when termination can be collaborative and clearly demarcated and processed.

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### **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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### **DISCUSSION QUESTIONS**

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1. What are the criterion associated with a PTSD diagnosis?
2. What are some of the therapeutic approaches useful for working with traumatized trafficking victims? What do you see as the benefits and drawbacks of each?
3. What does it mean to work within the “therapeutic window?”
4. Neurobiological findings suggest that it may be useful for traumatized trafficking survivors to learn to regulate their physiological arousal through techniques such as mindfulness training (Lazar et al., 2005). What are some of the benefits of mindfulness training for victims?

# **HUMAN TRAFFICKING AND ITS CONTRIBUTION TO THE GLOBALIZATION OF INFECTIOUS DISEASES**

## ***IMPLICATIONS FOR VICTIMS AND HEALTH CARE PROVIDERS***

**Nicole Travis and Nurlanbek Sharshenkulov**

This chapter examines human trafficking as a contributor to the global spread of infectious disease, the types of sexually transmitted infections (STIs) and other infectious diseases prevalent within sex and labor trafficked populations, risk factors for the general public, existing responses to the issue from various governmental and nongovernmental groups, and implications for health care providers. A public health model will be used to examine these topics.

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### **CHAPTER LEARNING OBJECTIVES**

At the end of this chapter the student will:

- Understand human trafficking as a contributor to the spread of infectious disease.
- Understand and be able to differentiate among the types of STIs.
- Understand implications of human trafficking for health care providers.





# The Acceptance of Human Trafficking as a Global Public Health Issue

The trafficking of women and children for the sex industry has generated a complex and politically sensitive range of public health and disease prevention threats to local and international communities. The subject of human trafficking has been receiving increasing attention by the media and in the realm of public health policy. An increasing number of studies are being conducted on the forced prostitution component of human trafficking and its implications for global pandemics of infectious diseases. Results of these studies are beginning to force governments, health practitioners, public health policy makers, and law enforcement agencies to view human trafficking as a global public health issue.

Public health is a unique field among health professions, focusing on populations rather than individuals, and prevention rather than finding a cure. It is a scientific, evidence-based profession with a strong link to governmental agencies and politics. Charles Winslow, one of the great leaders in the history of public health, described the meaning of public health as “the science and art of preventing disease, prolonging life and promoting health through the organized efforts and informed choices of society, public and private organizations, communities and individuals” (Winslow, 1920). Modern public health is often concerned with addressing determinants of health across a population, recognizing that our health is affected by many factors including where we live, genetics, our income, our educational status and our social relationships—these are known as “social determinants of health.”

A Public Health Model is used to improve health and quality of life through prevention and treatment of disease, surveillance of cases, and the promotion of healthy behaviors. Promotion of hand washing and breastfeeding, delivery of vaccinations, and the distribution of condoms to control the spread of sexually transmitted infections are all examples of common public health measures derived from a public health model. Whether the complex crime of human trafficking is accepted and viewed as a public health issue or not, there are aspects of the public health model that fit well in this realm. A public health model, regardless of whether it is used by the Center for Disease Control or the Department of Health and Human Services, starts by asking the same basic questions about a possible public health threat:

- Where does it come from?
- What conditions allow it to prosper?
- How is it transmitted?
- What is its lifecycle?
- Can it be eradicated?

It is important to understand that HIV/AIDS and other infectious disease epidemics are by no means isolated from many social issues. They intersect with a number of other human rights concerns, including children's rights, international violence against women, and human trafficking. By investigating and answering the basic questions of a public health model, the intersection of social issues and public health becomes quite clear.

The health of victims trafficked for sexual exploitation and/or labor is an issue of growing importance. Ill health and disease in this population can go untreated for long periods, causing great pain, life-long disabilities, infertility, and a host of other chronic illnesses. Even broader, there are health implications for populations that trafficked individuals encounter during the trafficking process, and to the final community into which an individual is trafficked. Trafficking victims often come from impoverished areas, and have had limited access to health care, and may arrive with hepatitis, tuberculosis, or sexually transmitted diseases. They may become ill on the journey abroad after traveling in overcrowded or unsanitary conditions. They may arrive without proper immunizations or carrying communicable diseases, since they are often unable to attend formal medical screening. According to Beyrer and Stachowiak (2003), lack of access to health care for trafficked men and women can lead to a chronic stage of infectiousness, leaving an entire community susceptible to the spread of viral and bacterial infections (ibid., 2003).

The cross-border transportation that accompanies sex trafficking operations, in-country and across international borders, greatly contributes to the global spread of disease. One infectious trafficking victim can infect the men who buy him or her in several different regions or countries. Those men may go on and infect other partners, both in and out of the commercial sex industry. This avenue for spreading disease has had devastating effects on families worldwide. Some cultural myths about AIDS, like the idea that sex with a virgin will cure an HIV infection, encourages infected men to seek out unprotected sex with very young trafficking victims. All of these conditions allow HIV and infectious disease to flourish and spread on a global level.

# Common Health Issues Prevalent in Victims of Trafficking

## *Sexually Transmitted Infections*

STIs are infectious diseases spread from person to person through direct body contact or contact with infected body fluids. The term is used to describe any disease acquired primarily through sexual contact. STIs include syphilis, human papillomavirus (HPV), chlamydia, herpes simplex 2 (genital warts), gonorrhea, trichomoniasis, hepatitis B, and HIV. Safe sex is about reducing the risks and transmission of such infections. Because they are virtually or literally enslaved, trafficking victims have no ability to insist on condom use, refuse sex with men suspected of having STIs, or seek medical treatment for suspected STI acquisition. Not only are trafficking victims at risk of contracting STIs through their circumstances of sexual exploitation, they are also more likely to suffer complications from the infections.

Involvement in the forced sex industry promotes a high risk factor not only for exposure to STIs and HIV, but also to cancers that are associated with infectious disease. Cervical cancer is a type of cancer that is caused by persistent infection with HPV. The risk of cervical cancers is high in trafficking victims due to possible repeated exposure to HPV. According to the Immunisation Action Coalition (2012), at least 80 percent of women will acquire an HPV infection by age 50. This statistic is based on the average number of sexual encounters a woman who is not a victim of sexual servitude may have in her lifetime. The high number of forced sexual encounters victims of sexual trafficking are forced to endure daily exacerbates their vulnerability for acquiring an HPV infection that can lead to cancer.

Many victims of human trafficking have a low level of education. Victims trafficked from developing countries often experience interrupted schooling in order to contribute to the survival of their families. Therefore, their knowledge of STI and HIV risk factors is likely to be low. Many women and young girls are given inaccurate or mythical information about sexual health from their mothers and grandmothers, and are often lied to about sexual health by their traffickers. Both girls and boys, some as young as 10 years of age are trafficked for sexual exploitation knowing very little or nothing about sexually transmitted infections

due to their age. Male clients often believe that sex with children poses less of a threat for acquiring HIV infection and other sexually transmitted diseases. This belief has caused an increase in the number of children being prostituted. Worldwide, an estimated 1 million children are forced into prostitution every year and the total number of prostituted children could be as high as 10 million (Willis and Levy, 2002). The lack of knowledge around sexual health for most trafficking victims, their powerlessness, and the ignorance of their abusers all contribute to the emergence of human trafficking as a global public health issue.

### ***Communicable Viral Infections***

Communicable diseases can be transmitted from one person or animal to another; they can be passed directly or indirectly; and can sometimes require a quarantine of the suspected carrier in order to prevent the spread of disease. Victims of human trafficking, both labor and forced prostitution, are often housed together in cramped, unsanitary conditions with inadequate ventilation. According to the World Health Organization (1999), population overcrowding has been identified as a health risk by infectious disease experts, linking poor respiratory health and infectious disease to the problem (ibid.). One person infected can spread disease quite rapidly. Historically, communicable diseases found in conditions of overcrowding have been cholera and typhoid—caused by contaminated water; TB—contracted by breathing in the exhaled sputum of someone who already has the disease; typhus—caused by lice; and influenza—caused by skin-to-skin contact, small droplets that form when a person sneezes or coughs, and touching objects that have been contaminated with the virus. Overcrowding in brothels, forced labor factories, and housing in agricultural settings puts human trafficking victims in high risk environments for acquiring an infectious disease. A community's consumption rate of goods and illegal services supported by human trafficking increases the risk and likelihood of an epidemic-like spread of infectious disease throughout that community.

# Organizations Working to Fight Human Trafficking and Global Public Health Issues

## *NGOs*

The Department of Health and Human Services has been increasing the amount of funding it provides to NGOs for programs that combat human trafficking and offer support services to identified victims. Clawson et al. (2009) found that trafficking victims often need a multifaceted continuum of services to attain rehabilitation, therefore, more NGOs are now using a one-stop-shop approach; offering a continuum of services such as emergency housing, basic medical assistance, food/clothing, legal services, and translation services for international victims. Longerterm services include assistance with accessing documentation (e.g., birth certificates, passports, Social Security cards, work permits), life skills training, job training, education, mental health services, specialized medical assistance, permanent housing, childcare, and in some cases, reunification with family or repatriation (ibid.).

Perhaps one of the trickiest parts of the intersection between infectious disease and human trafficking is the history of clashing between NGOs providing prevention interventions. HIV prevention groups have focused on getting condoms into brothels, even if it means befriending brothel owners, to help prevent transmission of infectious diseases. This intervention is an example of a harm reduction model, used most prevalently by infectious disease clinics and HIV/AIDS prevention focused NGOs. The harm reduction model, unlike interventions that aim for complete abstinence from risky behaviors, aims to lessen the negative consequences of these behaviors, both for the people performing them and the general public, while taking into consideration attitudes, beliefs, and abilities (Card et al., 2007). Trafficking prevention groups, on the other hand, have focused on removing enslaved women and children from the brothels, angering the brothel owners, clients, and condom distributors. It's not surprising well-intentioned groups with these different philosophies and approaches have butted heads, and unfortunately that conflict has done little to keep sexually exploited women and children from becoming infected with STIs and HIV. Both human trafficking prevention and infectious disease prevention groups need to work more collaboratively toward their related goals. When the AIDS epidemic destroys a village or family, it makes people more vulnerable to

sex trafficking, which in turn makes people more vulnerable to infectious diseases. These dual epidemics fuel and support each other, making the criminals rich and destroying the lives of vulnerable people all over the world. Only when we truly understand the intersection of social issues, human rights violations, and infectious disease epidemics will we be able to address these issues the way they exist in the world: simultaneously.

### ***Government Agencies (to include Public Health Programs)***

Sexually transmitted infections, influenza (for example, common flu and H1N1), meningitis, tuberculosis (TB), smallpox, typhus, cholera, skin rashes and other bacterial and viral diseases all threaten the health of entire communities if left unidentified and untreated. The global spread of HIV/AIDS and the number of deaths caused by the disease is a prime example of what can happen if governments do not work collaboratively with scientists, public health officials, world health organizations, and public societies. According to White (2004), during the US Reagan administration, HIV and AIDS were virtually ignored by the government and public health experts in the United States, identifying it as an infection that affected only gay men (White, 2004). The explosive pandemic of HIV throughout the world has proved to government and public health officials how rapidly infectious diseases can spread globally. The urgency of response needed for the prevention of infectious disease epidemics and pandemics demands that governments, health organizations, and societies respond quickly with innovative, humane, and progressive public health policies.

While infectious diseases are generally investigated by public health agencies, these agencies need backing, collaboration, and money from government programs to implement an effective and time-appropriate plan of action. According to the World Health Organization (2006) most governments recognize the importance of public health programs in reducing the incidence of disease, disabilities, and mental health conditions; however, public health generally receives significantly less government funding compared with medicine (ibid.). Increased funding could help eradicate and control diseases, preventing millions of deaths and improving the lives of many millions more. US government agencies currently working together to combat human trafficking and the epidemiological spread of infectious diseases include:

- Department of Health and Human Services (HHS): Office of Refugee Resettlement;

- Department of Homeland Security: US Citizenship and Immigration Services (USCIS) and Bureau of Immigration and Customs Enforcement (ICE);
- Department of Justice(DOJ): Office for Victims of Crime;
- Department of Labor (DOL): International Labor Affairs Bureau;
- Department of State (DOS): Office to Monitor and Combat Trafficking;
- Federal Bureau of Investigation (FBI);
- Center for Disease Control and Prevention (CDC);
- Public Health Service Commissioned Corps (PHSCC): Office of the Surgeon General (OSG).

## ***Religious Institutions***

Every year on December 1, World AIDS Day raises awareness about the global spread of HIV infection and AIDS, with governments, religious leaders, and celebrities announcing new initiatives. In 2010, Pope Benedict XVI gained the most attention thanks to comments he made to a German journalist in which Benedict suggested that condoms could be justified in some cases to prevent the spread of AIDS. According to Chua-Eoan (2010), in an interview published in a new book called *Light of the World*, Benedict said that using condoms represents an assumption of moral responsibility “in the intention of reducing the risk of infection” (Chua-Eoan, 2010). While the Pope’s comments do not change the Catholic Church’s stance against condoms and other forms of birth control, this apparent opening to condom use in battling AIDS is important as it confirms the approach that Catholic missionary health workers in the field of infectious disease control have been promoting for years.

Nongovernmental organizations and nonprofits are now enlisting the aid of international, national and local religious groups in the fight against human trafficking. According to Brog (2010), for Judeo-Christian groups in particular, the issue and its victims are being brought into American churches and synagogues; they are exploring sacred texts for direction and solutions, and have been able to mobilize a vast grass-roots army in support of anti-trafficking legislation (Brog, 2010). As various forms of human trafficking have become more prevalent and international, and more children have become involved, more people are beginning to realize that sex workers are often victims, forced into the trade directly or through desperate circumstances over which they had



no control. Their rescue and rehabilitation has become a high priority for many faith-based groups. As Shellnutt (2011) cited, the work done by Traffick911, a Fort Worth Texasbased nonprofit, and Love 146, a Connecticut-based anti-trafficking ministry who were on the front lines combating the sex trade during the run-up to Super Bowl XLV in Dallas have brought multidenominational churches together in the fight against human trafficking (ibid.).

# Health Care Needs of Human Trafficking Victims

Human trafficking is a health care issue in that health care is often central to restoring the life and well-being of the trafficking survivor. The Family Violence Prevention Fund (2005) surveyed trafficking victims and health care providers and found that medical needs ranked second after housing and before advocacy and legal help in trafficking victims' needs (ibid.). Regardless of the form of their exploitation, people who are trafficked suffer severe abuse that often results in outward physical injuries. Victims may suffer malnutrition, broken bones and teeth, facial injuries, and infected open wounds in addition to infectious diseases. Many victims are of childbearing age and have no access to birth control; and most perpetrators refuse to use condoms. If these women become pregnant, they are often forced to have unsafe abortions, or are beaten until they have a miscarriage. The reproductive health of trafficked women and girls is often damaged by the abuse they endure.

Trafficking victims also experience a great deal of psychological trauma, suffering in silence from untreated mental health disorders. Victims can experience post-traumatic stress disorder, substance abuse and addictions, panic attacks, depression, nightmares, constant fear and shame. According to the Office for Victims of Crime, crimes committed against human trafficking victims can lead to the destruction of basic life assumptions; that one is safe from harm, one is a good and decent person, and the world is meaningful and just (Office for Victims of Crime, 1998). Working through the psychological trauma experienced by trafficking victims can require long-term, comprehensive mental health therapy.

The health care response to trafficking victims in the United States differs greatly from efforts made by governments and health care entities in developing countries. In many developing countries, governments have allocated no financial support for programs to combat human trafficking, or for programs to provide medical care to victims. Lack of funding, trained medical staff and the stigmatization placed on many victims once back in their home countries can make access to appropriate health care virtually impossible. The lack of follow on care for victims once back in their home countries, who may have initiated care while in the US, can lead to prolonged infections that cause severe long-term health problems.

# Identifying Human Trafficking Victims in the Health Care Setting

In the US, health care is available to identified victims of human trafficking. However, most health care providers have not been well trained to suspect or recognize possible victims of trafficking. Due to the covert nature of human trafficking, traffickers do not allow their victims to seek health care services alone, often accompanying their victims to clinic appointments, speaking for the patient and refusing to leave the exam room. Other barriers to identifying victims of human trafficking can include language barriers, limited interaction with the health care provider, and the victim's feelings of shame and fear.

There are several indicators a patient may be a victim of trafficking that are more easily identified by health care providers. Victims often do not have access to medical treatment at the onset of an infection or injury. In many cases, victims may try to treat the ailment improperly themselves causing more harm. The more advanced stage of an infection or ailment a patient presents with can be used as an indicator that the person is being trafficked. Victims may also have signs of violence on their bodies, such as bruises, cuts, and scratches in inconspicuous places. Lastly, according to Barrows and Finger (2008) health care providers usually require their patients to present an insurance or identification card, which most victims of trafficking will not possess (Barrows and Finger, 2008).

Most victims of trafficking live in intense fear of their traffickers and of being deported back to a homeland in which they may experience the same exploitation and abuse. It is important that health care workers establish some level of trust with a patient suspected of being trafficked, and reassure her or him that they can feel safe. Sample messages to convey to victims of trafficking may include:

- We will give you the medical care that you need.
- We are here to help you.
- Our first priority is your safety.
- You have rights.
- You are entitled to assistance. We can help you get assistance.

- If you are a victim of trafficking, you can receive help to rebuild your life safely in this country.

The Department of Health and Human Services has supported the idea that health care workers can help in identifying and rescuing trafficking victims. In 2004, HHS initiated the Campaign to Rescue and Restore Victims of Human Trafficking, a campaign to increase awareness of human trafficking among professionals and health care workers who may unknowingly interact with human trafficking victims at work (US Department of Health and Human Services, 2008). The following are questions that a health care worker may ask in order to identify a victim of trafficking:

- Can you describe your working and living conditions?
- Where do you sleep and eat?
- Do you sleep in a bed, a cot, or on the floor?
- Do you have to ask permission to eat, sleep, or go to the bathroom?
- Have you ever been deprived of food, water sleep or medical care?
- Is anyone forcing you to do anything you don't want to do?
- Are you able to leave your job or living situation if you want to?
- Are you able to come and go as you please?
- Have you been threatened against trying to leave?
- Are there locks on your door and windows that prevent you from leaving?

There are best practices when beginning to investigate a suspected trafficking case. Ideally, health care workers should try speaking with the patient in the absence of the person that accompanied her/him to the clinic. Health care providers should begin cautiously with less direct questions that start at the edges of her/his experience, moving to more direct questions once the patient begins to feel more comfortable. If language is a barrier, enlisting the help of a staff member or interpreter that speaks the patient's language and understands the patient's culture is important. Health care workers should also make sure that an interpreter does not know the patient or the person that accompanied the patient to the clinic, and that she/he understands patient confidentiality rules.

The widespread nature of trafficking suggests that a health care provider may at some point come into contact with a person who has been trafficked. For health care providers, trafficking in persons is best understood as a very serious

health risk, because trafficking, like other forms of violence, is associated with physical and psychological harm. It is quite possible for health care providers to unwittingly encounter human trafficking victims often in their daily work. Increasing awareness of human trafficking, and teaching health care workers to modify patient interview practices to facilitate disclosure from suspected victims could greatly improve health care providers' chances for early identification and rescue.

# **International and Domestic Protocols, Legislation, and Human Rights Acts Enacted to Provide Health Care Services to Victims of Human Trafficking**

International norms can influence the responsibility of national governments to provide health care assistance to human trafficking victims. The way in which a population views the issue of human trafficking often dictates the focus of legislation developed to address the issue. One international law that requires the governments of ratifying countries to provide victims of human trafficking with health care services is the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Article 6 of the Protocol has provisions that require the ratifying countries to provide access to health care and psychological treatment (United Nations, 2000). In addition, the Universal Declaration of Human Rights provides people with the right to a standard of living that promotes healthy lifestyles, to include health care services (United Nations, 1948). Another international document that has provisions for access to health care services is the International Covenant on Economic, Social and Cultural Rights, which obliges participating countries to “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” and to undertake necessary steps for these obligations to be realized (United Nations, 1966). Despite the existence of international and national legislation that provide victims of human trafficking with the rights to health care services, the successful implementation of said legislation depends on the performance of national governments, law enforcement, and public health agencies working together to identify the victims.

As a leader in combating human trafficking, the US has its own human trafficking legislation, which incorporates four aspects: prosecution, protection, prevention, and partnership (US Department of State, 2011). It is the Protection component of this legislation that includes the provision for health care assistance to victims of human trafficking. According to the Trafficking Victims Protection Act (TVPA), trafficking victims who are not citizens of the US are eligible for medical assistance from the government upon receiving a US T-Visa (Webber and Shirk, 2005). One of the federal agencies responsible for identifying persons as human trafficking victims, thereby making them eligible

for the T-Visa, is the Department of Health and Human Services. Provisions of the T-Visa include coverage of expenses for health care services. According to Webber and Shirk (2005) the T-Visa application, review, and final decision can unfortunately take quite a long time to complete (Webber and Shirk, 2005). Citizens of the US, who become victims of human trafficking, can receive federal assistance for health care without requiring permissions from HHS (US Department of Health and Human Services, 2009).

According to the TVPA, the US government can provide assistance, including health care, to non US citizen victims of trafficking only on a condition of cooperation with law enforcement agencies to help in identifying and prosecuting those persons they know to be involved in human trafficking. This condition for securing a T-Visa is daunting for victims, as many do not want to face their captors again. Victims also fear that their families will be injured if they are suspected of helping to inform on traffickers, as this is usually one of the threats traffickers use to enslave their victims. To that end, very few apply for and receive T-Visas. According to Leinwald (2009) in the January 16, 2009 issue of *USA Today*, it was revealed that the US government issued only 4 percent of the 5,000 T-Visas permitted by Congress per year (Leinwald, 2009). The mere existence of legislation in a country does not mean that a problem is being solved. It is clear that the US has made great efforts in implementing legislation that will allow for victims of trafficking to receive health care services. Nevertheless, there have been no sweeping improvements in providing health care assistance to victims, and more efforts in this direction are needed.

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### **TO THE PROFESSOR:**

In addition to the discussion questions below, there are examination questions to supplement the book. For those interested in copies of the examination questions please contact [saleshss@taylorandfrancis.com](mailto:saleshss@taylorandfrancis.com).

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### **DISCUSSION QUESTIONS**

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1. Should human trafficking be identified as a global public health issue? Why, or why not?
2. Who should be responsible for the medical costs of those persons who have been harmed by human trafficking?

3. How do you think governments should deal with immediate global health threats?
4. Do you think it is possible that you may have seen or come into contact with a victim of human trafficking? What was the setting?
5. Do you think government agencies and public health practitioners are working collaboratively enough to control infectious disease epidemics and pandemics?



# ADDRESSING THE PROBLEM

## COMMUNITY-BASED RESPONSES AND COORDINATION

**Judy Hale Reed**

While many governments have made great strides in addressing the issue of human trafficking, community based or “grass-roots” efforts have often been more effective at providing immediate responses of prevention and service provision to victims. The necessity of community organizing and the critical role of citizens and social service agencies will be described. This chapter will provide an overview of the good practices evident in inclusive, broad-based responses to human trafficking in communities as well as at the national level.

“There is a role for every sector of society to play. There is a prevention side and there’s a detection side.”<sup>1</sup>

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### CHAPTER LEARNING OBJECTIVES

Learning objectives for this chapter include the following:

- Understand key roles of the “3 Ps:” preventing, protecting, and prosecuting, and the new “4th P” of partnerships.
- Understand frameworks for inclusive, broad-based responses to human trafficking.
- Become familiar with analysis of anti-trafficking frameworks.
- Understand the fundamentals of effective community-based responses to human trafficking.
- Identify and assess “good practices” in anti-trafficking work in various cultural, economic, and government contexts.

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The field of work that encompasses anti-trafficking in human beings or counter-trafficking has evolved from both the bottom up and the top down. An example of bottom-up responses is that local women's shelters and women's organizations have identified victims of domestic servitude and domestic violence at the hands of American husbands met online through international dating services. Another bottom-up example is that agricultural labor organizers have discovered migrant laborers forced to work in dangerous and toxic conditions without pay, health care or freedom of movement. An example of a top-down response is the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, also known as the Palermo Protocol, which requires all states that are a party to the convention to ratify national legislation within a specific period of time. The UN, the highest law-making body on our planet, has designed this international law to address the issue at the international, regional, and national level, with laws cascading down to state, county and in some cases city levels.

Barriers to anti-trafficking work at the policy and legal level as well as the service provision level include the greater flexibility of traffickers, endemic poverty, violence and social fragmentation, lack of funding and training for anti-trafficking efforts, and corruption and infrastructure problems in source, transit and destination countries. Lack of coordination and scarce resources between various groups working against trafficking often compounds these issues.

Coordination, like collaboration and cooperation, enables actors to better accomplish mutual goals and has long been a model of good practice in various other fields, including law enforcement, social services, community and international development, social change, and legislative reform.



**FIGURE 13.1** The Palermo Protocol is an example of United Nations efforts to promote coordinated anti-trafficking measures

Source: <http://globalinfoblog.wordpress.com>

Different actors may have radically different approaches that can create barriers to coordination. For example, some believe categorically that all prostitution is trafficking, while others see prostitution as more varied, recognizing that in some situations people working as prostitutes are able to control the conditions of their labor and even advocate for regulation to achieve safer working conditions and ensure legal recourse for abuse. The UN definition and most national definitions of trafficking include a full spectrum of labor, servitude, and other activities as well as forced prostitution and sexual exploitation involving force, fraud and coercion. This question of prostitution is not a central debate for this chapter; rather, it is provided to point out that differing viewpoints do not have to preclude common goals. The purpose of this example is to emphasize that finding common ground or a common working definition for the purposes of joint activities and projects is fundamental to effective collaboration. Complete agreement, on the other hand, is not a prerequisite to effective joint endeavors.

- **Coordination** is the organization of different people, programs and/or activities to work together effectively for a common goal or effect; it involves collaboration and cooperation.
- **Collaboration** is working together to achieve a common goal by sharing knowledge, learning and building consensus.
- **Cooperation** is the process of working or acting together to the same end, creating greater-than-the-sum-of-its-parts outcomes and results; it entails assistance and ready compliance with requests.

**TABLE 13.1 Sample SWOT Analysis of Coordination to Address Human Trafficking**

<p><b>Internal Strengths</b></p> <ul style="list-style-type: none"> <li>• Better information sharing</li> <li>• Faster response by various service providers</li> <li>• Greater extension of outreach</li> <li>• Safer outcomes for identified victims, increased likelihood of testifying in court</li> <li>• Increased convictions</li> </ul>	<p><b>Internal Weaknesses</b></p> <ul style="list-style-type: none"> <li>• Can take more time, especially to establish</li> <li>• Many actors requires professional coordination by central agency or leadership from a relevant authority</li> <li>• Differing definitions, data sets, and philosophical and moral perspectives may create barriers to collaboration</li> </ul>
<p><b>External Opportunities</b></p> <ul style="list-style-type: none"> <li>• Increased reach, scope and authority with multiple actors and agencies</li> <li>• Increased opportunity for funding due to multiple actors and due to trends toward funding collaborative efforts</li> <li>• Increased potential to prevent, protect, and prosecute</li> <li>• Streamlined investigations and enhanced victim support</li> </ul>	<p><b>External Threats</b></p> <ul style="list-style-type: none"> <li>• Not yet observed, but could be infiltrated by traffickers</li> <li>• Due to broad spectrum of professionals, could be difficult to unify on specific issues (e.g., law enforcement cannot lobby for better laws to enforce in order to assist in prevention, identification or prosecution)</li> <li>• Criticism of efforts as dis-empowering can damage effectiveness and hinder coordination and funding</li> </ul>

The strengths, weaknesses, opportunities, threats (SWOT) analysis is an administrative and strategic planning tool, which looks at internal strengths and weaknesses and external opportunities and threats for a program or set of activities. A SWOT analysis of coordination used to address human trafficking provides at-a-glance analysis and is a strong tool for quick analysis without research or empirical documentation of data.

Both top-down and bottom-up approaches have developed effective mechanisms to address human trafficking through prevention, prosecution, protection, partnerships, and other strategies. Both have been proven capable of cultivating different forms of coordination among varied and diverse actors. The broad coordination of many actors in both governmental and community based responses can include:

- all levels of government;
- anti-exploitation, unions, labor and workers' rights groups;
- concerned citizens;

- employment offices and agencies;
- educational and vocational institutions;
- faith leaders and communities;
- homeless and women's shelters;
- human rights groups;
- migration experts;
- legal and law enforcement professionals;
- medical, mental health, and public health professionals;
- social services;
- women's rights groups;
- youth workers.

In broad partnerships, it is possible to accomplish a great deal more than any individual or even individual field (i.e. only law enforcement, only social services, or only faith communities). A major strength of community responses to trafficking is that they help develop partnerships that can more effectively identify, assist, prosecute, protect, and prevent trafficking.

The multidisciplinary approach to anti-trafficking work is based on the principle that effective strategies require systematic and coordinated services from a wide variety of professionals. In 2011, US Attorney General Eric Holder called partnerships “the most effective tool in our anti-trafficking arsenal.” The more people who are working on awareness raising, the better able they are to identify the very hidden victims of human trafficking. By working collaboratively with communities groups, social services and culturally competent interpreters, law enforcement is better able to correctly identify victims without illegal or legal deportation, abuse, and further trauma. This enables law enforcement to appropriately investigate trafficking cases, support victim witnesses, and their families in a way that is safe and not harmful to victims and their families. By working together, victims feel safer and can better understand the value and importance of giving testimony against traffickers when they can, and law enforcement is then better able to obtain convictions. Collaboration among diverse professional fields enables task forces, working groups and coalitions to develop, implement, and improve effective, worthwhile prevention and victim reintegration programs and strong, appropriate laws at

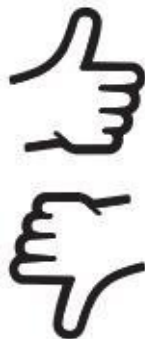
various levels, from international and national to state and local.

Coordination among many actors should be based on the actual needs of victims and potential victims. Individual trafficking victims often have different needs at different times from identification through reintegration, including medical, psychological, legal, social, housing, cash, and vocational assistance. Recognizing and addressing victims' needs can play a crucial role in gaining a victim's cooperation in prosecution, which in turn improves the likelihood of convicting traffickers. In addition, working with victims and vulnerable populations significantly improves prevention schemes, which may range from education about risks and national hotlines, to local and regional or statewide task-force-type coordination groups, to broad economic empowerment and employment projects and socio-economic reform.

## GOOD PRACTICE

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*Best practices or good practices* are generally accepted and informally or formally standardized techniques, methods or processes that have been proven by other professionals or colleagues in the same or related fields. They are usually based on the successful experience of others. Even when these practices may not be completely adaptable to every organization, situation or culture, they can still hold valuable lessons. Thus the term *good practice* is emphasized, not *best*, because best indicates that it is the supreme way of carrying out an activity or program and does not allow for organizational, contextual or cultural variations. In anti-trafficking work, partnerships and collaboration are good practice.



Source: Shutterstock, © danzo80

Here is an illustration of a good practice in anti-trafficking coordination:

In international initiatives, the participants proposed to promote cooperation and partnership among their governments, NGOs, international organizations, private sector, and civil society organizations in prevention, protection, reintegration and prosecution aspects of trafficking in persons. It was suggested that countries should build regional cooperation networks, including cooperation through the Internet, to combat the issue of human trafficking.<sup>2</sup>

## **PARTNERSHIPS: THE NEW, FOURTH “P”**

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Announced by Secretary of State Hillary Rodham Clinton in 2009, the “fourth P”—partnership—serves as a pathway to progress in the effort against modern slavery. The paradigm is outlined in the United Nation’s (UN) trafficking in persons protocol and the United States’ Trafficking Victims Protection Act (TVPA).

Combating human trafficking requires the expertise, resources and efforts of many individuals and entities. It is a complex, multifaceted issue requiring a comprehensive response of government and nongovernment entities in such areas as human rights, labor and employment, health and services, and law enforcement. It requires partnerships among all these entities to have a positive impact.

Partnerships augment efforts by bringing together diverse experience, amplifying messages, and leveraging resources, thereby accomplishing more together than any one entity or sector would be able to alone. Examples of existing partnerships that governments currently use to facilitate prosecution, prevention, and protection include:

- task forces among law enforcement agencies that cooperate to share intelligence, work across jurisdictions, and coordinate across borders;
- alliances between governments and business associations that seek to craft protocols and establish compliance mechanisms for slavery-free supply chains; and,
- regional partnerships among nations, such as the anti-human

trafficking efforts of the Organization of American States (OAS) or the European Union (EU).

Outside the government, partnerships include coalitions of nongovernmental organizations (NGOs) coming together for purposes of advocacy, service provision, and information sharing, and networks of survivors, whose experiences inform the broader trafficking movement.

While there is broad agreement on the purpose and benefits of a partnership approach to human trafficking, there is less agreement on and documentation of proven, successful strategies—something all should endeavor to create and share in the years ahead.

Source: From the US State Department Office to Monitor and Combat Trafficking in Persons, [www.state.gov/g/tip/4p/partner/](http://www.state.gov/g/tip/4p/partner/).

The UN General Assembly background paper, *Report on Improving the Coordination of Efforts Against Trafficking in Persons* (2009), reports that

Poor coordination between law enforcement and criminal justice service providers, on the one hand, and victim service providers, including NGOs, on the other, was a recurrent theme. [Many anti-trafficking actors] pointed to the negative impact on prosecution and repatriation, rehabilitation and reintegration of victims.

The report calls for governmental agencies to “be better informed of the important contribution victim service providers make to law enforcement efforts.” The report also recommends formalizing “the respective roles and responsibilities of governmental agencies and NGOs ... through memoranda of understanding. Priority should be given to State [national government] financial support for NGO service providers, and national referral mechanisms should be established.”

This UN report and its recommendations touch several key points. Many victims, once liberated or deported home, are returned to the same circumstances from which they were trafficked and, compounded by the trauma of their trafficking experience, they often try to migrate again to do what they set out to do in the first place: improve their and their families’ lives. Social service provision plays a key role in victim rehabilitation to reduce or eliminate recidivist or repeat victims—victims who “try again” and think they can “do better this time.” NGO and other human service or social service providers can ensure that victims feel safe and understand the value of participating in legal



proceedings as well as have options to being re-trafficked or accepting risky smuggling or migration opportunities, which can help law enforcement develop stronger cases to gain more convictions. This will both stop the traffickers who are convicted and send a clear message of the negative repercussions of engaging in human trafficking for profit.

Formal partnerships with law enforcement and government actors often increase the reputation of legitimacy for NGOs and social services, which thereby increases their ability to obtain and maintain funding. Formal partnerships also increase public trust of government and law enforcement partners in many contexts. For example, the US Department of Health and Human Services funds the Polaris Project to operate a national hotline. This fosters mutual trust and formalizes lines of communication between the two partners. Perhaps most of all, people with questionable or illegal documentation status in the US are more comfortable to call the non-governmental hotline for information and assistance, because they are not reporting themselves to the government but availing themselves to a concerned, compassionate community group. This is especially important because traffickers often use deportation as a threat to coerce complicity.

Increased communication and interaction fosters further collaboration in victim identification and assistance, among other areas. With limited exceptions, the more they work together, the more diverse partners will continue to work together. The traditional tension between law enforcement (interrogate, prosecute) and social service providers (protect, support) has in many cases been easily overcome with cross training and collaborative task forces, working groups, coalitions, or similar structures to regularize and formalize working relationships across professions. Collaborative work also helps diverse professionals to develop and maintain a common definition of trafficking to ensure common work for common ends.

Effective coordination of actors from a wide and diverse array of professionals depends on the following factors: they must be sufficiently educated about the issue and the ways in which they could intervene to assist; they must have the professional and personal motivation to take action; and they must be empowered by their workplace to take appropriate action. Beyond this, they need a forum or venue to gather and work together with professionals from within and outside of their normal scope of activities.

- **Task Force:** Unit specially organized for a defined task or activity.

- **Working Group:** A committee or group appointed to study and report on a particular question and make recommendations based on its findings. Like task forces, working groups are usually formed for a short-term period with clear end-dates and outcomes for their project or research.
- **Coalition:** An alliance for combined action formed by a group of individuals or organizations with overlapping interests who cooperate in joint endeavors and work together for a common cause. A coalition may be temporary or ongoing, although they generally exist for a longer period of time than a task force or working group, and may be viewed as permanent or long term. A coalition's mandate or activities may be broader and more flexible in scope than a task force or working group.

**Community-based responses** lead the way in anti-trafficking work in many countries, including the US. Think of an elephant and a mouse: a mouse, like a community group, can be nimble on the ground and change direction quickly. An elephant, like a government, takes time to change direction.<sup>3</sup> As trafficking in persons has come to the attention of more people, small groups and organizations have been more able to quickly identify and assist victims; sometimes community groups, which do not directly know about or seek to identify and assist victims of trafficking in particular, identify victims. Members of a community are often best able to identify and address problems in their community, especially problems that are hidden in their own community. One example is identification of abuse victims who met their partner through an international matchmaking organization by women's rights or domestic violence organizations. Another example is labor organizers and union outreach workers who have identified agricultural and manufacturing workers in forced labor and trafficking situations.

Often community groups are the first to identify and assist victims; take action to raise awareness about trafficking in their community; develop guidelines, good practices, and compilations of resources; and train law enforcement, government officials and other potential partners about the issue.

The processes of governments, such as drafting legislation and creating enforcement mechanisms, providing budgets, and hiring and training staff are often inherently slow and cumbersome processes. Nonetheless, these are key components that cannot be ignored. Governments can provide the laws to protect victims and prosecute offenders by providing a legal framework and, in many countries, also funding for anti-trafficking work. In fact, governments often rely on nongovernment and community actors to inform the process in developing

appropriate, effective legal and administrative frameworks to address trafficking in persons.

[M]ost government officials are uninformed about the causes and consequences of trafficking, and the appropriate rights-based legal responses. NGOs can bring their expertise and a human rights framework to the debate by working with government officials to draft and implement new trafficking laws and policies.

(Jordan, 2002, p. 28)

Communities know their own problems best. They are their own cultural experts; they know where their friends, neighbors and co-workers look for information and how to appeal to each other. Information coming from a member of one's own community is much stronger than sterile public information. Word of mouth is still the best advertising, and this is as true for trafficking concerns as for toothpaste. This is especially important in an anti-trafficking context wherein the community may have very little awareness of resources, and local professional actors, especially in legal fields, are unaware of the problems in a particular community. It is also important to work with members of the local community in both international and local anti-trafficking endeavors, in which foreign aid agencies or government groups endeavor to ameliorate local trafficking problems.

A medium term goal for community-based responses to trafficking should be to mainstream services and training—to incorporate training on trafficking and comprehensive or “wrap-around” services for victims and prevention into established agencies and professional training programs, including law enforcement and legal professionals (lawyers, judges, and prosecutors). Working from common definitions, policies, and procedures is paramount to effective coordination. This is also true of prevention efforts: working from common definitions in raising awareness of the root causes of trafficking must be integrated into efforts to address poverty, conflict, economic crisis, inequality, gender discrimination, and cultural tolerance of violence against women. Coalitions of community members, law enforcement, and government actors working together can better achieve these ends than isolated individuals or organizations.

In the US, community-based responses have been vital in addressing victim needs as well as informing the federal legislation, especially in the reauthorizations of the Trafficking Victims Protection Act in 2003, 2006, and 2008. Government response is still slow, as evidenced by the launches of

comprehensive actions to combat trafficking by the Department of Homeland Security Blue Campaign in 2010 and the Department of Justice Human Trafficking Enhanced Enforcement Initiative in 2011— a decade after the first Trafficking Victims Protection Act in 2000. Government structures in the US still, as in many other countries, are insufficient to adequately address human trafficking, making community-based responses vital for effective responses to human trafficking at the local and national levels, from identification, referral and assistance to refinement of national policy and law.

# Risks to Community-Based Responses and Anti-Trafficking Work

Anti-trafficking efforts without a common framework of definitions and laws face barriers in effecting any common activities; moreover, analysis by practitioners and academics has noted that anti-trafficking efforts can worsen conditions for victims as well as other migrants. In 2004, Busza, Castle, and Diarra looked at trafficking as a global public health issue as well as a violation of human rights. Due to “illegal or unsafe occupations, including agriculture, construction, domestic labor, and sex work,” trafficking is “associated with health risks such as psychological trauma, injuries from violence, sexually transmitted infections, HIV and AIDS, other adverse reproductive health outcomes, and substance misuse.” These factors are often exacerbated by lack of access to services in the country of destination and exploitation, a foreign country in which migrants and victims of exploitation both face “language barriers, [social and cultural] isolation, and exploitative working conditions.” Busza, Castle, and Diarra argue that anti-trafficking efforts can worsen the experience, especially for migrants who are not trafficked, as anti-trafficking efforts can leave many migrants further marginalized and therefore vulnerable to exploitation. This can be due to increased scrutiny in accessing services, restrictions on legal and illegal migration or smuggling, and other well-meaning attempts at regulation and control. Another example is criminalizing an activity in which victims are forced to engage, which can increase the negative repercussions for victims if they have to change to more dangerous activities, such as when street begging becomes illegal, or add risks if they continue, including risks of incarceration, fines, and a criminal record.

Many activists and experts also express concern about defining human trafficking as only prostitution, or only prostitution of women and children; human trafficking also encompasses male sex trafficking victims, as well as male, female, adult and child victims of myriad forms of non-sexual exploitation and mixed sexual and non-sexual forms of exploitation. A narrow definition excludes huge numbers of victims from policies and assistance and is a great disservice to these people. This narrowing also causes confusion between trafficking and prostitution. While many people working in sex industries are coerced to greater or lesser extents, programs should focus on those who are not able to leave this work behind due to force and coercion. Many, albeit perhaps a

minority, of the people working in sex industries are able to control the selection of days and hours of work, clients accepted or declined, have influence on and keep their wages, and can change their work if and when they choose. These sex workers are not victims of trafficking involving force, fraud and coercion; and their choices are not for anyone else to control or vilify. Susie Bright (2011) points out that some anti-trafficking advocates are “too eager to close down every manifestation of sex work and free speech they can get their hands on.”

# How to Establish or Improve an Anti-Trafficking Coalition

Good practices will vary from community to community and country to country; however, the following are elements to consider in developing or improving an anti-trafficking coalition, task force, or working group.

- Do no harm.
- Maintain a victim-centered approach.
- Work with local migrant, immigrant and international groups to be educated about communities in your area and take their concerns into consideration.
- Establish a common working definition for the purposes of common action and planning. Everyone doesn't have to agree completely, but they have to agree to a common definition for the purposes of working together.
- Hold meetings at a regular meeting time and place that is accessible to all attendees.
- Have regular facilitator/s. Facilitators can rotate or share duties as cofacilitators or co-chairs. Keep in mind that it is helpful, for leaders and all participants, to maintain consistency in the leadership and to change leadership before the obligations become onerous for any one person.
- Structure the meetings. Structure can take many forms based on the needs and interests of the group, and can change over time. Some examples include: every participant speaking briefly to report on activities; gathering information via email, web form or paper for a shared matrix of activities (also good for record keeping); taking turns to present to or train other members on specific issues; inviting specialists or experts from local, state, and national organizations to present on new or less-understood topics.
- If relevant in your area, increase focus on and understanding of domestic victims, underage victims of human trafficking, or immigrant groups that are new to your area including cultural issues as well as trafficking-specific information.
- Develop and improve mechanisms for collaborative efforts across disciplines (nongovernmental organizations and law enforcement) and

jurisdictions (local, state, and federal) and consider a statewide organizational structure for improved services; identify, when possible, an existing structure to build on.

- Seek ways to increase efforts for improved prevention, protection, prosecution including identification and investigation, partnership, and data collection.
- Listen and cooperate; find the common ground among potential collaborators and find ways to work together. Where there is no common ground, do not force collaboration.
- Learn about and share information to improve the cultural competency of members and the coalition or group as a whole. Educate yourself about the culture of the area or region for which co-ordination is needed, as well as the culture from which potential victims are or may be. Do not forget that many victims are from minority groups, which may have quite different languages and cultures than the better-known groups from their area or country of origin.<sup>4</sup>
- Document your work. Documentation and data are some of the best ways to get or maintain funding for your work, and to recruit more partners. Find someone or an agency in partnership, which has the capacity and competency to document the work of a coalition or coordinating body. Use either an agency that performs this work or a person with gifts in these skills. Google documents is excellent
- for small, unfunded or under-funded groups to share information, resources, tips, and contact information with service providers and other partners.
- Volunteer or fundraise. Research several anti-trafficking organizations and identify one that has needs you can meet. Many of these organizations suggest multiple grass-roots awareness raising and fundraising endeavors, and be creative. Traffickers are infinitely creative in the ways they both use and circumvent laws to fit their profit motive; anti-traffickers can be creative too.



# Case Studies of Trafficking Situations

## ***Domestic Servitude***

In 1990, Helen Clemente of the Philippines was lured into a sham marriage arranged by ex-Seattle police officer Eldon Doty and his wife, who was Helen's distant relative, and then forced into domestic servitude for three years. After making some friends in the community, Helen fled. However, it did not end there: the Dotys, in exchange for de facto immunity, worked with the INS to deport Clemente. Immigration and Naturalization Services (now Immigration and Customs Enforcement) imprisoned Helen for two-and-a-half months, although she was later compensated for the wrongful imprisonment. The Dotys were never charged, and have moved away from the Seattle area. Helen was able to leave because of support from people she met in the local community, especially the local Filipino community.

## ***International Matchmaking Abuse***

In 1995, Timothy Blackwell shot and killed his estranged wife, Susana Blackwell, originally from the Philippines, whom he had met through an international matchmaking agency. Susana Blackwell had left her husband two weeks after the marriage because of physical and emotional abuse. Her life ended in the Seattle courthouse lobby where Mr. Blackwell shot Susana and her two friends as they were going into the divorce proceeding. Susana was eight months pregnant at the time of her murder. She had left Mr. Blackwell and sought assistance from members of the local Filipino community.

## ***International Matchmaking Abuse***

Anastasia King, originally from Kyrgyzstan, married a Washington state man through an international matchmaking agency. Her parents had posted her photo on the matchmaking website. After she began proceedings to divorce him for abuse, her husband and an accomplice strangled her to death in 2000 at their Washington state home. He had previously been divorced for abuse by a woman he had met online from Russia, and was corresponding with a third woman when police began investigations into Anastasia's murder. Friends and family first reported her sudden and unexplained absence to the police.

## ***Labor Exploitation***

Kil-Soo Lee recruited more than 250 Vietnamese people who were forced to work as sweatshop laborers to work in American Samoa in 2001. The workers were imprisoned, forced to work under conditions of violence and abuse, live in squalid conditions, and were not paid. The case first came to the attention of authorities when an employee took an “SOS” note and threw it out of the window of a company car. The note was found and passed on to the Department of Labor.

# Case Studies of Coalitions and Coordination Practices in the US

In many areas of the US, coordination partnerships have been established. Some are nascent or small and ad hoc, while others have longer histories and yet others are in-between. Below are examples of successful, established coordination in three different US states. Each has some commonalities as well as substantive differences based on local needs and context, local capacity, and types of trafficking prevalent or more often identified in their respective areas.

## ***Washington Anti-Trafficking Response Network (WARN)***

Washington Anti-Trafficking Response Network (WARN) is a coalition of organizations in Washington State that provide direct assistance to victims of trafficking. Their website (<http://warn-trafficking.org/>) provides the following information about the activities, services, and resources offered by WARN:

- national Polaris-operated hotline, a state phone number for direct assistance, and an email address;
- basic facts and information about trafficking to increase identification;
- resources and organizations that a person can contact directly;
- overview of types of services provided, including 24-hour urgent response, housing, treatment, legal assistance, education for professional groups and public education;
- information to donate, to volunteer and take action including awareness-raising;
- upcoming events;
- an “Escape” button to go immediately to the Google home page; this is a good practice learned by domestic violence community groups;
- links to other resources.

## ***Central Texas Coalition Against Human Trafficking (CTCAHT)***

Central Texas Coalition Against Human Trafficking (CTCAHT) works collaboratively to increase public awareness and identification of human trafficking cases, and to provide identified victims of human trafficking with comprehensive social and medical services. Their website ([www.ctcaht.org/index.html](http://www.ctcaht.org/index.html)) provides the following information about the activities, services, and resources offered by CTCAHT:

- national Polaris-operated hotline, a state phone number for direct assistance, and a web form;
- basic facts and information about trafficking to increase identification;
- list of 19 partners;
- details of membership comprised of law enforcement, social service, and community groups to provide legal as well as social and medical services, as needed;
- includes a law-enforcement-only task force for case management, and holds public meetings for community allies to get involved and assist;
- outreach and education materials available to download for free, and the public can request trainings;
- list of organized conferences and trainings for continuing education credits for law enforcement and social service providers and to foster greater collaboration between law enforcement and social services.

### ***New York State Anti-Trafficking Coalition***

New York State Anti-Trafficking Coalition is a group of organizations that have joined forces to increase public awareness of human trafficking in their communities, enact anti-trafficking laws, improve law enforcement response and increase social services to help women and girls escape trafficking. Their website (<http://stophumantraffickingny.wordpress.com/coalition-members/>.) provides the following information about the activities, services, and resources offered by the New York State Anti-Trafficking Coalition:

- national Polaris-operated hotline and other resources, a state phone number, email address and web form for the coalition (contact information is for coalition member-organization NOW);
- basic facts and information about trafficking to increase identification;

- focus on women and girls, and sex trafficking;
- list of 57 partners;
- sections on legislation, how to get involved, past awareness campaigns, a survivor's testimony, videos, and resources for different types of assistance and information.

# Case Studies of Community-Based Responses

## ***Philadelphia Anti-Trafficking Coalition***

The Philadelphia Anti-Trafficking Coalition (PATC) is an affiliation of social service, government, and law enforcement agencies dedicated to combating the issue of human trafficking in the Philadelphia area. The coalition aims to create a network of agencies to assist victims of human trafficking, in order to coordinate an appropriate response to victims and to make available a wide range of services. Chaired by Covenant House Pennsylvania (CHPA), the coalition was founded in 2005 and convenes several times each year to discuss the furtherance of efforts to fight this important issue. Their website ([www.covenanthousepa.org/documents/patc\\_infosheet.pdf](http://www.covenanthousepa.org/documents/patc_infosheet.pdf)) provides basic information on their activities and contact information to reach staff.

## ***Covenant House Pennsylvania: Helping Homeless Kids in Philadelphia***

Covenant House began with a Community Outreach Center where young people were offered a place to eat, and get referrals for more complex needs such as housing and medical care. They now provide a full range of services to meet the complex needs of homeless and runaway youth, including Street Outreach programs, a 51-bed Crisis Center, transitional living programs, and Community Service Center.

In the course of their outreach work to homeless youth, Covenant House has identified and assisted victims of trafficking who appear to be homeless youth but are in fact living under conditions of coercion and servitude on the streets of Philadelphia. Through their work with local communities and community leaders, including immigrant community leaders and law enforcement agencies, they have identified strategies to raise awareness of, and assist victims in, hidden brothels as well.

The following is a collection of good practices used by Covenant House Pennsylvania, in collaboration with other members of the Philadelphia Anti-Trafficking Coalition:

- Identify victims to assist them, not to rescue them.

- Focus on developing relationships with people on the street, and developing awareness of Covenant House as a safe resource.
- All contacts are potential leads, or resources, or victims.
- Conducting outreach safely: Meet with police, plan your work in advance, work in pairs, stick to your plan, give victims a story for their safety, be visible and have agency clearly marked on vehicle and clothes, wear an agency ID card; never pretend to be anyone you are not.
- Use a runaway flyer or picture of a runaway to provide a specific a story for starting a conversation and to provide an explanation to traffickers or pimps (do not endanger victims or potential victims).
- Give socks, hygiene kits, sandwiches, juice, and a card with information about the local shelter.
- Be aware of whole the street and safe spots, such as 24-hour businesses, on your route.
- Massage parlors with blocked windows and rundown facades, and new cameras, are a “red flag”; when monitored, the workers may not come and go.
- Blitzing an area near, but at a safe distance from, a suspected trafficking brothel massage parlor must be done in a high traffic and visible area in the daytime, with appropriate languages for that neighborhood; give out the national hotline and talk to people; consider having a culturally competent interpreter.
- Outreach to social service providers in communities where there are suspected trafficking brothels, as well as conducting a blitz; reach out to motels especially extended stay motels by airports or other identified areas with Internet and hotel trafficking.
- Never assume someone needs a service; empower all contacts to refer the agency or street outreach team to others who may want services.
- Mind your manners, be nonjudgmental, and consider how you can meet basic needs of contacts (a person living on the streets needs socks, sandwiches, hygiene kits, information).
- Refer to and communicate with other organizations, and have a known contact at other organizations for an effective referral; never offer a service that you cannot provide directly or through a referral.

- Collaborate with state police, FBI and city police on local the local anti-trafficking coalition.
- Areas of prostitution are also areas of trafficking: streets, truck stops, strip clubs.
- Watch for trends in marketing, in public events, and advertising with out of state or nonlocal phone numbers.
- Recruitment is often conducted by a friend, or can look like a budding romance or a job offer; traffickers pose as sympathetic to runaway youths' problems.
- The average age of entry into street prostitution is 14 years old.
- Staffing practice: in outreach, consistently focus relationships on the agency, not on individual outreach workers.
- Research your area and work with local police and community leaders before developing an outreach plan.

### ***New York City Community Response to Trafficking***

Although no longer active, this is a well-documented example of community groups and diverse professionals coming together to build the local capacity of service providers in all relevant professions, from law enforcement to community groups, to identify and assist victims and potential victims of trafficking; engage in prevention and awareness raising; and working together to achieve greater outcomes through cooperation and collaboration.<sup>5</sup>

The New York City Community Response to Trafficking (CRT) project was designed as a broad-based project to both educate communities at risk for human trafficking about the federal anti-trafficking law and help obtain better protections for victims. The project worked primarily with grass-roots community groups and focused on facilitating relationships between community organizations and criminal justice agents:<sup>6</sup>

The New York City Community Response to Trafficking (CRT) is a trafficking awareness project aimed at developing a collaborative response to the problem of human trafficking by community based organizations and criminal justice agencies, including local police and prosecutors and federal agents and prosecutors, in New York City. Developed by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes-USA (ECPAT-USA) and the International Organization for Adolescents (IOFA) with support from the US Department of Health and Human Services, Office of Refugee Resettlement,



and the Administration for Children and Families, the CRT project is the first effort of its kind in New York City.

The CRT project was launched in October 2002 in order to provide the New York City community with the knowledge, skills and tools to effectively combat human trafficking through collaborative working relationships. This goal was reached through a series of coordinated activities.

In addition to developing an innovative community outreach model for combating human trafficking and providing training to community based organizations and criminal justice agents, the CRT project, through its CRT Working Group, has developed the first set of guidelines in New York City created to assist community based organizations and criminal justice agents to collaboratively address the problem of human trafficking. The New York City Community Response to Trafficking Project has been recognized by New York City Mayor Michael R. Bloomberg for its exemplary commitment to the welfare of trafficking victims and for its efforts to bring awareness to this important issue.<sup>7</sup>

## In Conclusion

Each country, region, and community may develop different responses to human trafficking. Responses are shaped by the types of trafficking in an area, the types of trafficking which are identified, the resources available, and the knowledge and capacity people have to address this complex and dangerous issue. Not all anti-trafficking initiatives are exemplary, yet all contribute to increasing safety for vulnerable people and to the observance of fundamental human rights. By assessing resources and identifying potential for collaboration, people in villages, towns, cities, and governments can work together to make their home, their community, and their country a better and safer place to live for every person.

### **DISCUSSION QUESTIONS**

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1. What are elements of positive, constructive coordination?
2. What are barriers to coordination in many countries and cultures?
3. How does coordination of various anti-trafficking actors enhance the overall response to trafficking, and the experience of victims once identified?
4. What is the importance of community based responses and community groups to anti-trafficking work?
5. Using news reports, build a case study illustrating how a community or community partnership has identified and assisted a victim or group of victims of human trafficking.
6. Why is partnership important to any level of anti-trafficking in persons work?
7. Describe some of the benefits of coordination in carrying out anti-trafficking work.
8. You are hired to lead an anti-trafficking initiative in a re-developing country. What are your first steps and from whom do you seek input?

## Notes

1. Carol Smolenski of ECPAT (End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes) on CNN, May 26, 2011.
2. From [www.humantrafficking.org/content/about\\_us](http://www.humantrafficking.org/content/about_us).
3. Thanks to Ana Revenco of La Strada Moldova for the elephant and mouse metaphor.
4. An example collection of culturally appropriate services and resources in a community:  
[www.wcsap.org/Advocacy/PDF/Refugee%2520and%2520Immigrant%2520](http://www.wcsap.org/Advocacy/PDF/Refugee%2520and%2520Immigrant%2520)
5. Website no longer active; information is from [www.humantrafficking.org/organizations/383](http://www.humantrafficking.org/organizations/383).
6. From [www.luc.edu/chrc/Carol\\_Smolenski\\_.shtml](http://www.luc.edu/chrc/Carol_Smolenski_.shtml).
7. From [www.humantrafficking.org/organizations/383](http://www.humantrafficking.org/organizations/383).

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