

Introduction and History of Human Trafficking and Modern Day Slavery

Chapter Objectives

1. Readers will recognize and label definitions of trafficking.
2. Readers will be able to identify, describe, and classify different types of trafficking.
3. Readers will demonstrate understanding of the scope and prevalence of trafficking domestically and globally.
4. Readers will develop conceptual approaches to human trafficking.

I am only 19 years old, a sophomore in college. I've barely been in love, much less understand the negotiations of sexual politics, and had yet to learn that one had nothing to do with the other. Sexual assault is an urban bogey man, told to me by parents who do not want me to drink too much at some fraternity house and end up a statistic. Women who sold their bodies were encapsulated into stories a la Pretty Women, where "hookers" with a heart of gold could find billionaires and be saved. In other words, I knew nothing about nothing.

I went to my first international women's conference on a lark. I saw a poster on a bulletin board that it was being held in Santa Barbara, California and went on a road trip with a group of friends. That was when I met Carmen who shared her experience of being sexually exploited. As a half African American and Filipina "Amerasian" street child born in Olongapo, Philippines (home of the former U.S. Subic Bay Military Base), she was ridiculed for her darkness and lack of father. Everyone called

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her mother a prostitute and it was not long before she was brought into a club and forced to dance and eventually perform sexual acts. Her mother had died a year earlier of what looked like AIDS, but what the hospital said was nothing more than acute pneumonia. Carmen was only 14. When she turned 17, a man from Australia began to write her letters through an ad that her pimp placed on a website. Eventually, this man said he loved her and paid a fee to the pimp and bar owner to release her as his fiancé. Carmen became one of thousands of "mail order brides," who would leave the Philippines. She said to us, "I left with so much hope that my life was going to be better." It wasn't. Carmen moved to the Australian outback, where she was alone and isolated with only her husband to support her. At first, he was kind, but he started to control all her actions and then started to beat her. Three years later, at the age of 20, she ran away by hiding in a supply van that went to the city. Once there, she slept on the street until she found a couple traveling to the United States who were looking for a nanny. She agreed to work for them and they liked her because she spoke English. Carmen said, "I remember getting on the plane and thinking, now my life will get better." It didn't. Once they arrived in the United States, her new "employers" took away her passport and locked her in their condo where she was forced to work 20 hour days and be at their beck and call. She slept on the floor of a small room and escaped only when one of her traffickers forgot to lock the door one day. By this time, she was 22 years old. She was alone on the streets of Los Angeles and looked for help. She found a women's shelter but they could not help her because they didn't understand what happened to her and moreover, didn't seem to believe or understand her story. Again, she lived on the street until she found an organization that provided transitional housing who agreed to let her stay the night. After hearing her story, they began to help her get her life back together. Carmen ended her talk, "I still have hope. My life got better."

Carmen was 22—only a few years older than me, but we were a universe apart. Her story was compelling, but it wasn't the only story I heard during that conference. It was 1995—a week before the historic Fourth World Conference on Women that would be held in Beijing. The word "trafficking" was used, but not widely. It was still a human rights phenomenon that feminists and other activists were trying to interject into the mainstream. I would understand that later, when I became part of the "movement." But, at this moment, there was only the words of women who shared experiences I never imagined existed and the blossoming of the idea that I could do something to help create change. To this day, more than twenty years later, I still like to think of that something as "Carmen's hope."

—Annalisa Enrile

Beaten, bound, and broken. These are the images of trafficking that dominate the media and in the public imagination. Equally prevalent is the idea of a shadowy underworld where clandestine deals are made selling human beings, usually children and

women. Of course, some of these images are hyperboles and stereotypes, but they are rooted in truth. Trafficking *is* criminal, illegal activity, occurring under the radar. Yet, it is also true that trafficking not only happens out in the open but within established institutions. For example, in the United States, Child Welfare agencies are challenged with traffickers and procurers purposefully entering foster homes, camps, and group homes to recruit girls into Commercially Sexual Exploited Children (CSEC) situations (Fong & Cardoso, 2010). In the Philippines, labor migration has long been an official policy of the government, encouraging women's migrant labor in exchange for the high remittances that are keeping the country's GDP afloat. Philippine government officials often turn a blind eye to the vulnerabilities of labor trafficking and modern day slavery that many women find themselves in. Even in areas where there is legalization of prostitution, it is often a front for the exploitation of other classes and populations of women who are being trafficked literally behind storefronts, as evidenced in Amsterdam and Belgium. It is not surprising then, that one of the most globally complicated issues is trafficking and modern day slavery. Thousands of nonprofit organizations, nongovernmental spaces, and mixed enterprises have risen to the challenge in the efforts of prevention, education, and clinical interventions to address and end trafficking. The movement against trafficking and modern day slavery has reached a crescendo, building on a groundswell of support. However, this has been a painstaking, community mobilizing process. To understand both the issue and the fight against it, one must examine and understand the trajectory of building these pathways to freedom.

There has never been a lull in the commodification of women (and children) in the flesh trade for either sex or labor. In the last twenty-five years, we have seen a greater demand for modern day slavery. The push of globalization and the drive for cheaper labor and super-profits have made it so that businesses believe that they have almost no options but to exploit slave or slavelike conditions in parts (or whole) of their supply chain if they want to generate a profit. Further, globalization, which moves goods and peoples in newer and more frequent migration patterns, reveals some aspects of how trafficking is actually expanding instead of retracting. This is despite the amount of education, awareness, and prevention work that is being done (Jani & Anstadt, 2013).

HISTORY OF SLAVERY

Slavery, as we know from our history lessons, is a legacy in colonialism and imperialism, serving as the fuel to agricultural industries up until the end of the 19th century. Freeing slaves took political acts by government (first in Europe and then in the Americas), but these acts had to be followed up by social, economic, and psychological supports. In many cases, this did not happen and slavelike conditions and mentalities persisted (Craig, 2013). In fact, more than 200,000 adult slaves remained in former French colonies in Africa's Sahel until the 1960's (*The Economist*, October 30, 2016). The repercussions of slavery are apparent when one looks at the uneven economic and social development of nations that were suppliers of slave labor, which informed the construction of notions of the world as *first* and *third*; *north* and *south*; and *developed* and *undeveloped*. A better

way to understand the true status of countries are categories of *rich* and *poor* (countries that are generally defined as having poverty levels of 50% or more). Slavery, in all its forms has consistently existed in modern societies long after the 19th century. In fact, we are living in a time when there are more slaves than any other point in history (Skinner, 2008).

Two disciplinary lenses best equipped to discuss the timeline of slavery are that of history and anthropology. The historical lens provides a perspective that includes the political economy of context. Anthropologists account for almost 10% of all slavery studies. In a review of studies, very little of the content covered slavery in the New World. Similarly, ancient slavery was treated as a consequence of necessity, of social and human development. At most, it was examined as a by-product of spoils of war. It is not until the phenomenon of *chattel slavery* that anthropologists begin to analyze the institution as its own whole system of economy.

It is impossible to dispute the fact that slavery has been existence from some of our earliest records of humanity. In c1720 BC, the Code of Hammurabi is the first to document the law as it pertains to slavery and around that same time, there are biblical accounts. In 700 BC, there is evidence of the African slave trade that operated internally within the Sahara Desert and required places that served as “trading posts,” which are the first signs of the selling of humans we have historically (History World, n.d.). In 416 BC, slavery is prominent in the wars between the Greeks and the Turks. Slavery becomes a feature of societal hierarchies throughout the ancient world. Egyptian and Roman armies and governments make slavery not only a spoil of warfare but a key component in development of their empires.

In 1446, “new world” chattel slavery as we know it begins with Portugal claiming ownership of Guinea, which will become the center of the African slave trade. The key features of “chattel slavery” is the coercion into slavery, often in the form of kidnapping. Slaves are usually transported and kept through a series of violent beatings and threats to their loved ones. Chattel slavery is complete ownership of a slave so that they are thought of and treated as property that is owned in perpetuity. This includes any offspring so that their children are born enslaved and may also be sold. In 1793, the Fugitive Slave Laws passed in the United States allowed slave owners to go after runaway slaves who had escaped to the North. The Underground Railroad begins with a group of abolitionists in the Northern States who transport, hide, and shuttle slaves into freedom.

The world begins to move toward antislavery legislation in the mid-1800’s. In 1850, Brazil, who at the time was the second largest importer of African slaves, bans the slave trade. In the United States, it will take a Civil War and fifteen more years to pass the 13th Amendment to the U.S. Constitution in 1865 that will outlaw any “involuntary servitude.” Ten years later, in 1875, Portugal made slavery illegal. However, it was not until 1981 that the last of chattel slavery in the world was obliterated from the West African nation of Mauritania, where there was anywhere from 350,000 to 680,000 slaves (Sutter, 2012). Although chattel slavery ended, it did not mean that slavery in the world was eliminated. Instead, it took on a different form now referred to as “modern day

slavery.” The defining feature of modern day slavery is the move from a master-slave relationship (i.e., legal ownership) to one where illegal control and forced labor are enforced. In some ways, this is a slight nuance, or even semantics, but in the world of trafficking it is a distinction that poses questions of human rights, legality, labor laws, immigration/migration, and political economy (Manzo, 2005). For anti-trafficking practitioners, it is maddening splitting of hairs because whether slavery takes an old or modern form, it continues to rely on a system of exploitation, violence, and loss of free will (Bales, 1999).

According to Bales (2007), there was resurgence of slavery from 1945 onward because of an increase in the world’s population, massive economic changes that widened the gap between the rich and the poor, and this was accompanied by police and military corruption. The poorest places were the ones with the highest incidences of slavery. This grew into post-World War II tensions and conflict. After the tumult of the 1970’s, particularly in Vietnam and other parts in Southeast Asia, military and political conflict occurred within the backdrop of the rest and recreation industry. The fall of the Soviet Union in 1991, also set off a wave of Mail Order Brides from former Soviet block countries especially the Ukraine, Russia, Belarus, and Moldova (Jackson, 2007). This moved the center of the sex trafficking trade from Asia to Europe, especially from the Ukraine, the second largest country in Europe (Hughes, 2000). Marriage agencies were created but a major way that recruitment occurred was actually through other women who were trafficked and victimized. Although technically not included of the official definition of “trafficking,” the vulnerability to abuse that (mostly) women find themselves in as a mail order bride intersects with more traditional notions of sex trafficking. This, coupled with the prostitution of hundreds of thousands of women from the former Soviet Union, including Russia, to over 50 countries in the world, became known as the “Natasha” trade (Vandenberg, 1997).

The 1990’s were rife with international trade agreements that were, for the most part, favorable only for already rich countries such as NAFTA and APEC. These agreements were based on deregulation and liberalization of industry, which turned already poor or poorer countries into slavery zones or countries where a large portion of its labor force is involved in slave like labor. Labor trafficking and modern day slavery compose the largest portion of trafficking, though it is eclipsed by sex trafficking. The International Labor Organization finds a parallel between where the largest number of forced laborers are found and the degree of development (paralleled by these economic agreements). For instance, the Asia-Pacific region accounts for the largest numbers (56 % of the global totals), followed by Africa (18 %), and Latin America (9 %) (ILO, 2014). Men and boys compose a larger number of those who are labor trafficked, particularly in the industries of agriculture, fishing, construction, and mining. Domestic workers were separated from these overall numbers because they represent a distinct proportion to those of forced labor and second, because a profit estimate could not be generated due to the totally informal nature of this sector (ILO, 2013). From these historical events and phases, growing vulnerabilities to what is considered the current state of trafficking, the foundation of exploitation, commodification, and resistance are found (see Figure 1.1)

Figure 1.1 Human Trafficking Data, 2012

WHAT IS HUMAN TRAFFICKING?

The terms "human trafficking" and "trafficking in persons" describe the acts associated with recruiting, harboring, transporting, providing, or obtaining a person for the purposes of forced labor or prostitution. This brutal crime can take many nuanced forms, but the common thread among them is a person, or group of people, being held against their will and forced to either work or perform sex acts for the benefit of their captor and often with little or no benefit of any kind to themselves.

It is important to differentiate between human trafficking

and the act of migrant smuggling. There are four key differences. First, smuggling always involves consent, while trafficking does not. Second, smuggling ends with the migrants' arrival at their destination, while trafficking involves the ongoing exploitation of the victim. Third, smuggling is always transnational, whereas trafficking does not have to involve transporting the victim. Finally, income from smuggling is derived from the transportation or facilitation of an illegal border crossing, while income from trafficking is derived from continued exploitation of the victim.

The Act

Recruitment
Transport
Transfer
Harboring
Receipts of persons



The Means

Threat/use of force	Abuse of power
Coercion	Giving payments
Abduction	Giving benefits
Fraud	Deception



The Purpose

Prostitution of others	Removal of organs
Sexual exploitation	Slavery
Forced labor	Other exploitation

The three primary elements of human trafficking, the act of trafficking, the means of trafficking, and the purpose of trafficking, are listed in this chart.



The Numbers

800K

The number of people trafficked across international borders every year is approximately 800,000.

2.5M

It is estimated that the number of total human trafficking victims in the world is 2.5 million at any given time.

\$32B

The global human trafficking industry generates \$32 billion a year in profits.

76%

In 2009, 76 percent of all global human trafficking victims were female.

Trafficking Across the Globe

According to the United Nations 2012 Global Report on Trafficking in Persons, exploitation may take many forms. For the UN report, 81 countries reported information about the forms of exploitation for a total of 34,800 victims detected between 2007 and 2010 in those countries. The data show that in Europe, Central Asia, and the

Americas, more than half of all human trafficking cases involved sex trafficking. And while sex trafficking crimes make up a smaller percentage of cases of human trafficking in Africa, the Middle East, Asia, and the South Pacific, they still make up a significant portion of the total cases of human trafficking in those regions.

Sexual exploitation
 Forced labor
 Organ removal & other forms

EUROPE & CENTRAL ASIA



AMERICAS



SOUTH ASIA, EAST ASIA, & PACIFIC



AFRICA & THE MIDDLE EAST



Sex Trafficking ?

According to the United States State Department, when an adult or child is coerced, forced, or deceived into prostitution — or kept in prostitution through one of these means after initially consenting — that person is a victim of sex trafficking. Under these circumstances, the perpetrators involved in recruiting, harboring, transporting, providing, or obtaining a person for that purpose are responsible for trafficking crimes. The State Department says sex trafficking also may occur within debt bondage, as women and girls are forced to continue in prostitution through the use of unlawful “debt” purportedly incurred through their transportation, recruitment, or even their crude “sale” — which exploiters insist they must pay off before they can be free.

79% Of all of the types of exploitation, sex trafficking is identified 79 percent of the time, making it the most commonly identified form.

1M Approximately one million children are exploited by the global sex trafficking industry each year.

12-14 The average age of entry into sex trafficking in the United States, Canada and Mexico.

Source: Based on information from United Nations 2012 Global Report on Trafficking in Persons and found on <http://graysonmendenhall.com/>. Reprinted with permission from Grayson Mendenhall and Kristi Walker.

DEFINING TRAFFICKING

One hundred sixteen countries signed the United Nations Convention against Transnational Organized Crime in Palermo, Italy in 2000. Since then, the protocol has been ratified several times. The Protocol has been referred to since then as the “Palermo Protocol” and focuses on the three P’s: Prevention, Prosecution, and Protection. The United Nations, through the Palermo Protocol, developed a widely accepted definition of trafficking as: Trafficking in persons’ shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by threat or use of force, by abduction, fraud, deception [inducement], coercion or the abuse of power, or by 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 [irrespective of the consent of the person]; exploitation shall include, at a minimum, [the exploitation of prostitution or other forms of sexual exploitation], forced labour or services, slavery or practices similar to slavery [or servitude] (United Nations Office on Drugs and Crime [UNOC], 2014). The protocol pronounced the legal terminology that would allow for the prosecution of traffickers. In its 2000 iteration, the protocol emphasized differences between “exploitation of prostitution” and “prostitution” (referring to “voluntary” prostitution or “sex work”). This allowed many countries to sign the protocol even if prostitution was legalized either partially or completely. However, what this also did was create two perspectives: either an accused oriented/law and order perspective or a victim oriented one. In the United States, all 50 states have defined trafficking as a crime, but this still does not ensure complete understanding of the issue or a uniform way to address it. If we are going to tackle this issue in a dynamic and multidisciplinary way we must expand those perspectives and definitions. The Palermo Protocol will be discussed in more depth in Chapter 9.

The term “Modern Day Slavery” is a broad term used to encapsulate human trafficking but also to establish the difference between historical aspects of slavery and current trends. It is a term that is meant to invoke comparisons to chattel slavery, which was prevalent in the 18th and 19th centuries. Remember, this form of slavery is where one person owns another as property they have purchased. The definition of modern day slavery has been expanded to include debt bondage, indentured servitude, and other forms of control. “Modern Day Slavery” began to be used because the term “Human Trafficking” assumes that transport must take place across borders. In truth, the phenomenon can and does occur in victim’s own neighborhoods.

There are many facets to defining slavery based on the “type” of slavery and trafficking and individual experiences as well as a number of typologies to consider. These typologies are based on movement (domestic versus international), type of labor (sex versus nonsexual), age (minor versus adult), and consent versus coercion (Nawyn & Birdal, 2014). “Free the Slaves,” a nonprofit advocacy, antiabolitionist organization that was founded in 2000 and believes in a community based strategies, identifies distinct occurrences of slavery (“Free the Slaves,” n.d.). These are as follows:

- Contract slavery: workers who are deceived into slavery through false employment contracts. The contracts serve as lures because of the promise of genuine employment. For instance, in Saudi Arabia and Qatar, many construction projects lure migrant workers with the promise of lucrative contracts. When they arrive at

the site, their passports are taken and in some cases, they are physically restrained until their work on the project is completed. During this time, they are compensated little, if at all, and often, their families and lives are threatened if they attempt to run.

- Debt bondage: This type of slavery is based on both high usury loans where an individual accepts from moneylender and the borrower is then indebted due to the high interest rates until they are forced to “work off” the loan. The debt continues to grow, despite the work as more and more items may be added to the principle, which in turn raises the already outrageous interest. In both sex and labor slavery, this type of debt bondage is prevalent. Acute examples of this type of debt bondage is exemplified in almost all countries where domestic workers are located. They are usually hired through an employment agency, which starts with exorbitant fees they are expected to pay, and which only increases with the addition of other “debts.”
- Forced or servile marriage: where a girl or woman has been forced into marriage against her will. This is a form of “selling” a woman or girl, usually to pay for family debts or to restore the girl’s honor (even if there is sexual assault involved). In China, there are a number of stories of women and girls who are kidnapped and then forced into marriages, particularly in the provinces (country sides or rural areas), where life is difficult and there are very few women to wed.
- Domestic servitude: where household workers (such as maids) are not permitted to leave their employers’ residence and typically receive little/no pay and are vulnerable to any number of abuses including rape. In Hong Kong, there is a “live in” rule for domestic workers. Domestic workers who are found “living out” of their employers’ homes can be arrested and deported.
- Sex trafficking: prostitution or commercial sex acts engaged in as a result of force, fraud, threat, or coercion. “Consent” is not relevant if threat or force, whether physical or psychological. Child sex trafficking can never be considered consensual.
- Child soldiers: children who are forced to become soldiers and engage in combat and/or forced use into armed forces. For example, in the conflicts occurring in the Democratic Republic of the Congo, tens of thousands of children have been either forced or illegally recruited into military forces.
- Organ trafficking: the illegal sale or procurement of organs for transplant. This is particularly rampant in the sale of kidneys, followed by livers. According the United Nations, the trafficking of organs and the trafficking of persons for organ removal are two different crimes. The latter is generally straight forward and covered in the protocols against trafficking. However, there has yet to be an agreed on definition for the trafficking of organs. This could be due to the ambiguous nature of what countries define as “consent.” A vast majority of those who are trafficked are males. This phenomenon began as “transplant tourism” with those who could afford it travelling to areas where donor rules had been relaxed. Soon, however, it turned into a clandestine trafficking trade that flourishes far and wide from India, South Africa, and Kosovo (UNODC, 2015.).

- Cyber trafficking: refers to the use of the Internet and cyberspaces for the recruitment of victims, advertisement and engagement of victim services, and attracting clients. To date, there is no legal definition that exists. Only a 2001 Council of Europe Convention on Cybercrime (CETS No 185) made reference to cyber trafficking in terms of child pornography (Sykiotou, 2013).

Depending on the country of focus, there are nuances to each of these definitions that may only be relevant for that country, further adding to the variance in defining trafficking and modern day slavery. These nuances may be due to legal definitions of trafficking, cultural considerations, political contexts, economic factors, and more.

Since this book provides a global scope, international definitions are most useful and will take precedence over regional. Keeping this in mind, this book will utilize the definitions provided by the United Nations (UN), as they have been the most widely adopted internationally. Any other definitions will be clarified when necessary if they differ from the United Nations. Further, it should be clear that this definition is a strict definition trafficking and cuts through many of the discussions and debates around typology and taxonomy, but that we are in no way trying to simplify what is complicated. For example, the lack of an agreed on definition is a tremendous problem because it causes fluctuation in numbers (of incidence and scope) and makes identification fluid and difficult. The UN definition, taken strictly, is a necessary stance we take to uphold a more universal interpretation of what we should consider trafficking: any exploitation and commodification in the trade of human beings.

The largest definitional categories used to define and describe trafficking and modern day slavery is the deceptively dichotomous use of the terms “sex trafficking” and “labor trafficking.” On the surface, it might seem that these are two different categories, but there are many fine lines that make it difficult to discern between the two. For example, women who are trafficked for domestic services are vulnerable to rape and other types of sexual assault, which could be construed as sex trafficking. In fact, though sex trafficking actually constitutes a smaller percentage of those that are trafficked, there is much more attention paid to it. There are various reasons for this, including the outrage that the public feels when they hear about instances of sex trafficking, especially as it relates to children. Further, reasons such as the fact that many nations do not acknowledge forced labor as human trafficking are also why sex trafficking may be more prominent in the literature and social consciousness (Hepburn & Simon, 2013). This is also reflected in the policies and sentencing between the different forms of trafficking (we will talk more about this in Section 3 of the text).

SEX TRAFFICKING

Sex trafficking has its own distinct characteristics. As we have mentioned, it is the smaller of the two areas of trafficking, but the one that people most readily identify because of the way it has been handled by the media, governments, and the public in general. It is an area of trafficking that is not only dominated by women and children but is almost always perpetrated by men (Pearce, Hynes, & Bovarnick, 2009). This is the case even when it seems

as if women are procurers, traffickers, or pimps. Often, these women are working on the behalf of a “bigger boss”—usually a man. It is impossible and would be wrong to minimize or even equalize the victimization of women and girls over that of men and boys. However, it is important to note that boys and men are also victims of sex trafficking, especially in international settings or instances of what is referred to as “survivor sex” that many runaway and homeless youth are forced to engage in. Although it is a rare statistic, one study found that 90% of children who were sexually exploited were boys (Todres, 1999). Sex trafficking of boys also feeds into the high demand for child pornography, which is related to trafficking, with almost half the exploited being boys (UNICEF, 2001). LGBT persons are also vulnerable to sex trafficking. Particularly notorious are the “ladyboys” of Thailand, Burma, and Cambodia, but there are also documented cases from of LGBT victims trafficked from the Caribbean and Latin America into Western Europe and African victims trafficked in the Arab Gulf States. In the United States, homeless LGBT youth are much more likely to be vulnerable to trafficking than are heterosexual homeless minors (Martinez & Kelle, 2013).

The full extent of sexual exploitation and slavery is unknown, though often the United States will cite an estimate of 800,000 persons a year trafficked across borders (UNICEF, 2005). The numbers may be somewhat unclear because some countries vary in their definitions of sex trafficking, often not including prostitution or other aspects such as mail order brides, surrogacy, and “legal” prostitution. Sex slaves are usually found in red light districts, usually in some type of brothel or in clubs. However, they are also found in more private settings such as homes, apartments, and hotels. With the emergence of cybersex trafficking, there are any number of areas where sex trafficking may be occurring. Most slaves are never allowed to leave or are forced to live together. Brothels can house anywhere from a handful to hundreds of sex slaves, often in deplorable conditions whether in rich or poor countries.

Understanding Sex Work

One of the most controversial discussions is the debate within sex trafficking over the question of prostitution. This is prevalent in the much of the sex trafficking literature, which is riddled with discussion over the difference between “forced prostitution” and “sex workers” as well as the overarching question as to whether or not prostitution is a choice and matter of women’s agency (Bishop, Morgan, & Erickson, 2013). Some researchers and practitioners believe that if the persons themselves do not classify their experiences as being “victims,” then they should not be considered “trafficked” (Bishop, Morgan, & Erickson, 2013). The assertion of “sex work” as empowered behavior or at the very least, chosen, is cited as the reason for legalizing prostitution, thereby, somehow being able to alleviate the differences between “sex worker” and “trafficked victim.” To understand this debate better, one has to understand the differences in terminology, the legality and policy discussions regarding prostitution, and the ideologies surrounding the various perspectives.

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Terminology

There are several terms that are used in this debate, especially what to words and terminology are preferable and/or should be used. Here is a nonexhaustive list of the main terminology used (Panchal, 2013):

- **Prostituted Women:** referring to women who are coerced into sex work
- **Sex Worker:** income generating activity seen as a form of employment; negotiation and performance of sexual services for remuneration; meant to be nonjudgmental; a move away from the term "prostitute"
- **Prostitute:** generally a derogatory term meant to refer to women who sell sexual services but also used to describe promiscuous women.
- **Commercially Sexually Exploited:** trafficked victims who have been forced and coerced
- **Commercially Sexually Exploited Survivor:** trafficked victim who is rescued and reintegrated from their experiences

It is very difficult to get around the differences and the assumptions present in the terminology because by selecting to use one term over another, one declares also their political or ideological position(s). For instance, one can easily be lured into a morality debate based on what terminology they select, even if that was not their intention. Equally dangerous is the fact that people feel they can use the terms interchangeably, not aware that there may be repercussions, or at the very least assumptions made on all sides. For instance, if one is working with a client, it is important to let that client define their identity, regardless of your own personal belief system.

Legality

Internationally, the laws around prostitution generally fall into one of three areas: criminalization, legalization, or decriminalization.

- **Criminalization:** makes prostitution illegal. Everyone involved in prostitution are penalized. The idea is that if you criminalized, you would reduce or eliminate prostitution. This is mainly supported by moral, conservative, and religious groups as well as some feminist groups. Countries that have done this are: most states in the United States, England, Canada, and Sweden. In the case of Sweden, they have only criminalized the buyers.
- **Legalization:** legalizes prostitution under specified conditions, which include registration, licensing, and mandatory health checks. The countries that have legalized prostitution include the Netherlands, Germany, Iceland, Austria, Turkey, and many Australian states.

- *Decriminalization*: Decriminalization has no legal binding conditions against prostitution, meaning there is an absence of anything that criminalizes prostitution. The regulation of prostitution then becomes subsumed under other laws or policies. It is a way of avoiding the discussion—making prostitution neither a crime nor eligible to be legal. The only examples of decriminalization are New South Wales (an Australian state) and New Zealand.

Regardless on one's stance in this debate, there have been no studies that demonstrate legalization makes prostitution better (safer, less exploitative) for those involved or that it lowers the incidences of illegal trafficking. Rather, studies have revealed that in areas where legalization has occurred, the situation has actually gotten worse (Mishra, 2013).

Ideologies

Ideology, or theoretical perspective, guides the actions of different feminist groups. Thus, depending on their ideologies hold various opinions about what is best out of these options. For instance, Radical Feminists believe in sexual liberation and so they believe in either legalization or decriminalization (Patkar, 2013). Materialist feminists believe that any objectification, commodification, and commercialization of women's bodies introduced or existing in the market is equal to sexual slavery (Kotiswaran, 2011).

Currently there are a number of issues that are layered on this debate. For instance, there are the conceptual and ideological notions of work; sociological definitions of work as a space of self-actualization; economic aspects of work as a site for wage, production, and profit; structuralist interpretations that there every society has roles to fill, which take the form of jobs, whether formal or informal. This is but a quick span of the value that individuals and society in general may attribute to work. The dictionary defines work as being "activity in which one exerts strength or faculties to do or perform something: *a.* sustained physical or mental effort to overcome obstacles and achieve an objective or result. *b.* the labor, task, or duty that is one's accustomed means of livelihood. *c.* a specific task, duty, function or assignment often being a part or phase of some larger activity." (Merriam-Webster, n.d.). Comparatively, while "sex worker" may speak to aspects of work such as ability to negotiate or operate through choices, it does not address deeper structural and sociological issues related to work such as mastery, self-esteem, or level of stigma (Overs, 2009). Finally, while it is true that many girls and women claim that they "choose" to engage in what they term as "work," it is also acknowledged that there are different degrees of coercion, abuse, and violence in all parts of the process (i.e., all women in this "system" are violated and sexually exploited in what is an inherently unsafe and dangerous environment) (Panchal, 2013). For instance, in Thailand, prostitution has become a type of cottage industry because of the amount of profits that pimps and traffickers make off women's bodies. However, it has also thrived because women do not see any other ways to make the same kind of money (Brown, 2000). The problem is that if a person is being coerced or exploited,

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they are very likely also being threatened into these “admissions of choice.” Equally problematic is the shallow treatment that some of this literature gives the topic, not allowing for deeper reasoning and explanations that cause the masking or defensive posturing of the victims who may not be able to admit their experiences.

One can understand the complexity of this debate just by looking at how pervasive prostitution and “pimp culture” has been inculcated into society. For instance, the past few years have seen an emergence in the popular lexicon of “pimp culture,” which essentially has elevated and misappropriated the prostitution and commodification of women into situations that are depicted as glamorous or even powerful. In fact, this type of pimp culture has added to the increase in sexual assaults and domestic/dating violence. At the very least it has created an environment of hypersexuality that begins at a young age. For example, television commentators used terms such as “prosti-tot” and “pimp-fant” to describe girls’ fashions, indicating this is the new, “hip” way to dress children (Oppliger, 2008). Melissa Farley (2003) writes, “Prostitution today is a toxic cultural product, which is to say that all women are socialized to objectify themselves to be desirable, to act like prostitutes, to act out the sexuality of prostitution.” The contradictions that exist in these dynamics of this supposed sexual “power” are glaring. For instance, many women are in situations involving pornography and prostitution may define their experience as being in control or actively making a living, but they are also women who have documented pasts of severe sexual trauma and abuse. Other aspects associated with the notion of “work” such as self-esteem, confidence, self-actualization, and self-efficacy are absent from these women’s narratives. These examples indicate that sex is indeed a commercial act where it is exchanged for money or other things (Levy, 2005). Even more of a detriment, it has normalized for young women, that the commercialization of sex, assault, and female subjugation are signs of status—or worse genuine affection.

To further complicate matters, the debate has been exacerbated by the agenda of the far right and the religious community who built arguments against sex trafficking that are based on moral indictments of those involved. In 2003, U.S. President, George W. Bush stated that the sex trafficking was a “special evil,” and created an immediacy tantamount to moral crusades that was effective in bringing the public attention to this important issue, but that also created a framework where the discussion of sex slavery began and ended in circumstances of prostitution. This impacted a number of things, but most notable was that other aspects of sex trafficking were eclipsed and as an excuse to police women’s sexuality in the guise of abolishing prostitution.

Palermo Protocol

However, if one were to strictly adhere to the definition provided by the Palermo Protocol, this divide and debate would be rendered redundant and in some cases (except for the aspect of agency), would cease to matter. According to the Palermo Protocol, *all* sexual exploitation, *irrespective* of the consent

of the person, and including prostitution and other forms of sexual exploitation shall be considered trafficking. Strictly speaking then, the debate around “choice” or “coercion” should not exist, because all sexual exploitation is and should be considered a form of trafficking. In other words, in an attempt to understand trafficking definitions, lexical shifts cannot gloss over or ignore concrete circumstances of exploitation even when agents themselves may describe situations of perceived control as empowered. As we have witnessed, regardless of what semantics you wrap around these power differentials, slavery is still slavery.

LABOR TRAFFICKING

Labor trafficking includes forms of indentured servitude, contract slavery, and domestic servitude. There is more of a gender equity seen in those who are trafficked for labor (56% women and girls; 44% men and boys) (Hepburn & Simon, 2013). As noted, it is within labor trafficking, which may be harder to discern than sex trafficking, that almost half of victim composition is men and boys. These numbers are extremely sensitive to industry specific details. For instance, if you are talking about domestic helpers, usually maids, most who are trafficked or enslaved are women and girls. This is contrasted to the agricultural industry, where men and boys compose the labor force. For example, in the United States, which has the greatest demand for farm labor globally, 79–90% of the work force is composed of men (Carroll, Samardick, Bernard, Gabbard, & Hernandez, 2002).

While labor trafficking can happen in virtually any industry, it is most prolific in agriculture, fisheries/fishing, construction, factory work, and domestic service. Other than coercion, most labor trafficking occurs through the lure of false economic opportunities such as jobs abroad, followed with huge fees charged for recruitment, visas, housing, travel, and other needs. These “fees” accrue so that someone can never truly get out of debt. In many cases, some trafficking situations do not even bother with debt bondage and instead will literally enslave their workers. In these cases, documents and papers are taken away and slaves are isolated or locked away. For example, in Brazil, traffickers hire their own armed guards to make sure slaves are put into isolated locations where they cannot possibly get access to help (Hepburn & Simon, 2013).

CONCEPTUAL APPROACHES TO HUMAN TRAFFICKING

Lee (2011) proposes that the definition of Human Trafficking and Modern Day Slavery should be determined by the type of theoretical approach or lens that one utilizes in their “approach” to the topic. Depending on your profession or your perspective, one approach may be more dominant or fitting. Similarly, because of this, the growing multidisciplinary

lens used to understand trafficking and modern day slavery, approaches may also be combined and used. This might mean that different interventions as well as how trafficked persons are treated will be developed according to the specific conceptual frameworks one ascribes to. She hypothesizes there are six main areas or approaches that are most salient in the discussion thus far:

1. Modern Form of Slavery. Perhaps one of the most-oft references to trafficking is that it is a modern form of slavery. “Old” forms of slavery (kidnapping, auction blocks, chattel slaves, etc.) have given rise to a more modern practice. Modern day slavery is not about legal ownership (as it was with older forms of slavery) but is part of an illicit, unregulated economic world (Bales, 1999). This conceptual approach relies on the framework of absolute control, economic exploitation, and violence (Bales, 2000).
2. Exemplar of Globalization of Crime. Although there are discussions of the impact of globalization on economics and how this has contributed to trafficking, this conceptual approach takes a different perspective. This approach asserts that the conditions created by globalization has resulted new contexts for crimes to occur (Findlay, 2008). This approach also proposes that because globalization created larger rifts between rich and poor, with more and more cuts to the basic social welfare programs, large portions of the population realize that unless they are willing to engage in illegal actions, they will never be able to attain their goals or gain the lifestyle they want (Passas, 2000). Another aspect this approach states is globalizations’ use of technology and connectedness has worked in the favor of organized, global crime syndicates and gangs, who have followed the same patterns and opportunities of migration flow and flow of money and goods (Shelley, Picarelli, & Corpora, 2003).
3. Problem of Transnational Organized Crime. Unlike the previous conceptual approach, this one proposes that trafficking occurs through transnational organized criminal groups that are sophisticated and complex enough to shift from economic pursuits previously engaged in (for instance, the drug trade) into something more profitable and sustainable (human trafficking). This occurs, according to this approach, even without the direct impact/effects of globalization’s economic policies. This approach naturally leads to the resolution of trafficking from a law enforcement perspective, which would include counter trafficking interventions but also possibly, a stricter implementation of protocols used by law enforcement to address/deal with the issue.
4. Synonymous with Prostitution. The most common approach is to consider that prostitution and trafficking are often discussed as if they were one and the same. Based on the experiences and propaganda of the “White Slave Trade” and the xenophobia of the 19th century, which was built on the idea that foreigners would kidnap and force women into prostitution (Enloe, 2000). This conceptual approach

highlights an area where the most heated debates have occurred, usually based on moral codes and ideological lines (Outshoorn, 2012). Debates that have split sex trafficking have been based around notions of “sex workers” versus “sex slaves” as well as “voluntary” prostitution versus “forced” trafficking, raising the issue of women’s agency. What this has meant is that this approach has dominated the discussion of sexual exploitation, even though prostitution is only a small portion of it.

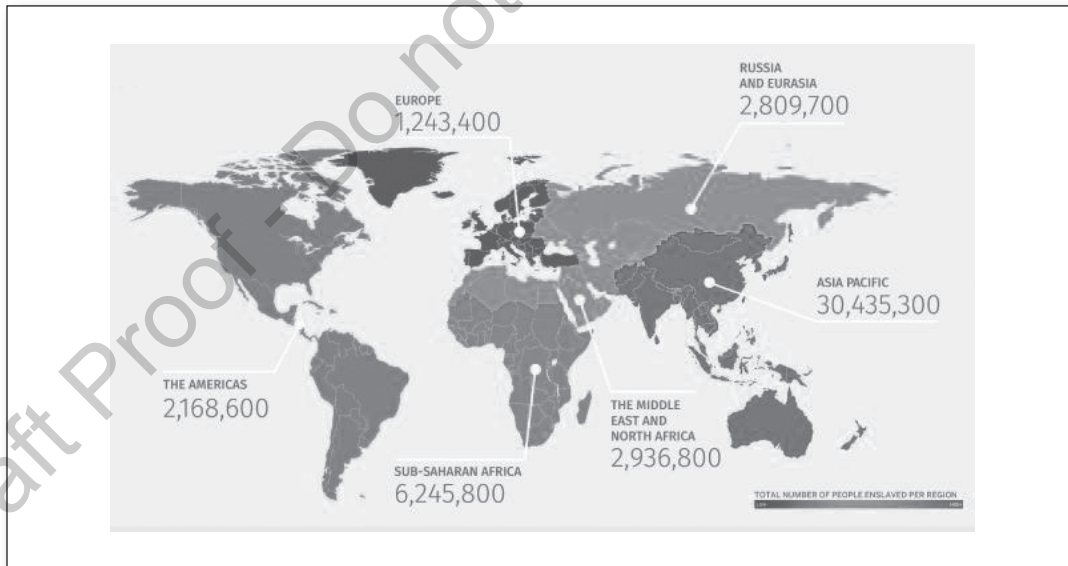
5. **Migration Problem.** Simply stated, this approach assumes that trafficking is only a subset of illegal migration. Thus, the approach examines breaches and gaps in immigration and migration policies and interventions such as border controls, interception, document verification repatriation agreements, migrant detention, and other exclusionary methods (Grewcock, 2007). On the other hand, this approach has been instrumental in the perspective that examines the conditions that cause transnational migration to begin with. This perspective also assumes that trafficking is the consequence of restrictive migration policies that make it difficult to have a trajectory of either asylum or immigration displaced persons (Lee, 2011).
6. **Human Rights.** The final conceptual framework relies on the definitions of several UN Protocols beginning with the UN Declaration of Human Rights in 1948, which clearly state the right to be free from slavery (Assembly, 1948). Subsequent conventions such as the UN Convention on the Elimination of All Forms of Discrimination against Women (UNEGEEW, 1979), the UN Convention on the Rights of the Child (1989), and the International Covenant on Civil and Political Rights (1966). The Office of the UN High Commissioner for Refugees (UNHCR) can also provide support and protection of those trafficked if their own countries are unable to do this. The human rights approach reframes the discussion of trafficking from more than just moral and economic perspectives to the belief that all people have intrinsic liberties. These rights include the right to safe passage and opportunities for migration. Intervention wise, this conceptual approach has relied on practices of empowerment, righting social wrongs, and mobilization of populations to fight against trafficking. While this conceptual approach contains the most global, grassroots’ response, that has been very little in practice that reflect true empowerment (Munro, 2008).

These conceptual approaches have been included as they exemplify the most comprehensive break down of varied and sometimes competing theoretical understandings of the nature, causes, and interventions toward trafficking. We have included them here to make sure that the intersectional and multilayered nature of how trafficking is understood and discussed in the literature is well represented. For the purposes of the book, we will be focusing on Concepts 1 (Modern Day Slavery), 2 (Globalization), 4 (Migration), and 6 (Human Rights). These main concepts have been selected as they fit closely to the book’s theoretical premises.

SCOPE OF THE ISSUE

The U.S. State Department estimates anywhere from 4 to 27 million people are trafficked and/or existing in modern day slavery around the world. The International Labor Organization (ILO) estimates this number to be at 21 million—3 out of every 1000 people in the world. As of 2016, the Global Slavery Index estimated that there were 45.8 million people in the world that were enslaved or trafficked (ILO, n.d.). The Asia-Pacific region has the largest numbers of trafficked persons at around 12 million, or 56% of the total, followed by Africa at 3.7 million (18%) and Latin America at 1.8 million victims (9%) (ILO, n.d.). There are an estimated 900,000 persons who are trafficked across borders annually. Over one million children are in the global sex trade. 80% of transnational victims are women and girls. Over 150 countries (identified as either sending or receiving, or both) have been identified as being affected by trafficking. The extreme variance in the numbers speaks to the nature of this issue, mainly, the difficulties with victim identification. U.S. Ambassador-at-Large to Monitor and Combat Trafficking, Luis deBaca (Schott & Weiss, 2016) stated, “We are only seeing a mere fraction of those who are exploited in modern slavery.” The need to address this growing epidemic has led to the need to understand the global scope as well as to exchange information and learn from the actions of countries around the world where trafficking is most concentrated. However, the taxonomy of how

Figure 1.2 Global Slavery Index, 2016



Source: The Walk Free Foundation.

trafficking and modern day slavery are understood is extremely important in uncovering the variety of the estimates or in some cases even “guesstimates” of the true number of those exploited (Amahazion, 2015). Therefore, how trafficking and modern day slavery is defined (and how these definitions are interpreted) will directly impact the scope of the issue and indirectly, the scale of possible interventions.

TIP (TRAFFICKING IN PERSONS) REPORT

The U.S. State Department began to generate the Trafficking in Persons (TIP) report, which monitors efforts to combat modern day slavery in 2000 (Gozdziak & Collett, 2005). The TIP Report details (1) Country level efforts in the area of the three P’s (prevention, prosecution, and protection); (2) Categorization of countries as origin, transit, or destination (or a combination thereof); and (3) Tier rankings of countries (Horning, Thomas, Henninger, & Marcus., 2014). While this report has become a type of “gold standard” for measuring efforts against trafficking, it is important to note that it is composed of government self-reports and information that is sent to a centralized e-mail (providing means for nongovernmental organizations, institutions, and individuals to share their input). U.S. Embassies were also utilized to collect information. This information is gathered and used to organize countries into one of three tiers (Tier 1 is the highest ranking, tier 3 the lowest). Placement on the tiers is dependent of government efforts with the rationale that governments bear the primary responsibility for responding to trafficking. The need to address this growing epidemic has led to the need to understand the global scope as well as to exchange information and learn from the actions of countries around the world where trafficking is most concentrated. Because of the transnational nature of trafficking, prevention and intervention practices must also be created with an internationalist perspective. As of October 1, 2013, countries that are given the “Tier 3” label countries will be subject to a number of sanctions, including withholding of U.S. government nonhumanitarian, nontrade related foreign assistance. The report is composed annually with the hope that countries will improve and build on their efforts to combat trafficking (Wylar, 2010).

There are number of controversies around the TIP report because the evaluation of countries is facilitated exclusively by the U.S. government. Further, the TIP report is dependent on self-disclosed actions and numbers from the reporting bodies. This creates a system of estimating that is somewhat based on guesses (Amahazion, 2015). While this might be true—countries taking a guess at their numbers—the result is extremely real. Nations who do not demonstrate that they are improving on their response to trafficking can be economically and/or politically sanctioned by the United States (TIP Report 2015). There is a lack of specificity between each tier (Horning et. al., 2014). This has led to criticisms of favoritism and bias in support of certain countries because of reasons other than their efforts around trafficking (Gallagher, 2001). It remains unclear exactly how data is compiled for the report, especially how tier markers are assessed (Gallagher, 2011; Woodtich, 2011; Woodtich et. al., 2009). Some critics have stated that the report is not culturally sensitive, resulting in an inability to understand interventions that may not fit into U.S. paradigms of intervention but may be effective in country contexts (Sharma, 2003). For

instance, the United States has been accused of the TIP report rankings being “ideologically and politically motivated” (Kempadoo, 2004).

For Tier 3 countries, the United States can also oppose support from the international financial institutions (Department of State, 2013). According to the TIP report, countries in Southeast Asia range from Tier 2, 2WL (watch list), to 3 because of the prevalence of trafficking in those countries and the noncompliance of their governments to eliminate trafficking. Some critics believe that the reason has less to do with noncompliance to eliminate trafficking and more about noncompliance to agree to other political agendas of the United States. Regardless of these issues, the TIP report is the most utilized mechanism for obtaining country by country data. It is widely referenced and used to further intervention and policy.

ALTERNATIVES TO THE TIP REPORT

Although the TIP Report is the most often used report because of the sheer breadth of it, this does not mean that there are no other alternatives. Before the TIP Report, the nonprofit and nongovernmental (NGO) world was already providing anecdotal and qualitative data on trafficking and modern day slavery. These were not the terms they used per se but they were definitely building the case for what would constitute this phenomenon. As the issue persisted, data collected from these organizations also became more sophisticated. The data from this NGO and non-profit perspective are still garnered from a number of areas including communities that the organizations work with, services that are provided, and estimates based on campaigns and awareness raising drives that continue to be the backbone of anti-trafficking and abolitionist efforts. Further, this sector has been able to identify situations that are not recognized by governments. For instance, in some countries, the definition of trafficking is so strict and hinges on prosecution, that there are scores of victims who are not counted and whose numbers are not reflected in the TIP Report. Because of this, in some ways, critics of the TIP Report believe these alternative methods are more true to what is actually happening in countries. This is especially true in countries that also may have high incidences of corruption and/or may have vested interest in gaining the favor of the United States. For instance, whereas it was recognized that the Indian government's efforts to fight trafficking could be classified as uneven at best, Indian NGO's are known internationally to lead in their anti-trafficking activities (UNODC, 2009).

CALL TO ACTION: A MULTITUDE OF LENSES

We are used to hearing about trafficking from politicians, law enforcement, and nonprofit or nongovernmental organizations. It is not surprising to hear feminist groups and other grassroots organizations lay out their viewpoint. And of course, there are people like us—professionals, scientists, and academics who are attempting to make sense of what is happening at the micro-mezzo-macro levels and within the areas of clinical intervention, policy implementation, and ongoing advocacy. While there are efforts to bring all our ideas together, for the most part we have existed in a silo during one part of our journey or another. This

may be one reason that our impact has not moved us very far toward a pathway to freedom. But this can change. True collaboration, examining the issue from different perspectives, and supported rather than reinvented efforts will set the course we need to be on.

The statistics speak for themselves: millions of trafficking victims that form the basis for billions of dollars in profit. And yet, as many victims that we are able to actually count, there are more that we never know about or who remain invisible. However, these numbers do not mean anything until you begin to meet and hear the stories of those who have survived trafficking and modern day slavery. Therefore, in each chapter, you will “meet” some of the remarkable men, women, children, and organizations that were interviewed to provide you/us with a unique standpoints life, experience, and inspiration for this book.

DISCUSSION QUESTIONS

1. What is the unique or specialized perspective your helping profession defines and approaches human trafficking and modern day slavery? Which conceptual approach is the closest to this perspective?
2. What are three events or policies that impact trafficking and modern day slavery in your country or a country of your interest?
3. Select a country of interest (or use the country you reside in) and look up its most current TIP Report submission or section in the TIP Report. What are the notable points? What might be missing or underreported based on what you know about that country’s relationship to the United States?
4. Many researchers, policy makers, and activists have said that the disagreement around trafficking taxonomy makes it difficult to arrive at genuine points of unity for a basis of working together. Identify at least three areas where taxonomies have been difficult to define.
5. Given the controversies around the TIP Report, what are some viable alternatives and why?

CHALLENGE

Log onto the Podcast: Ending Human Trafficking from Vanguard University’s Global Center for Women and Justice. Click onto the first podcast: “What is Human Trafficking” and check out at least one other program. If you could design your own episode for this podcast, what would it include? Would you have special guests or an organization you highlight? What is the power of podcasting? Once you have an idea of what you would do, carry out your plan. Record a podcast and share it with your networks, or with existing podcasts. Get the word out about trafficking using this type of social media.

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