HUMAN TRAFFICKING

INTERDISCIPLINARY PERSPECTIVES

MARY C. BURKE

ROUTLEDGE

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).

Criminology and Justice Studies Series

Edited by **Chester Britt**, *Northeastern University*, and
Shaun L. Gabbidon, *Penn State Harrisburg*

Criminology and Justice Studies offers works that make both intellectual and stylistic innovations in the study of crime and criminal justice. The goal of the series is to publish works that model the best scholarship and thinking in the criminology and criminal justice field today, but in a style that connects that scholarship to a wider audience including advanced undergraduates, graduate students, and the general public. The works in this series help fill the gap between academic monographs and encyclopedic textbooks by making innovative scholarship accessible to a large audience without the superficiality of many texts.

Books in the Series

Published:

Biosocial Criminology: New Directions in Theory and Research edited by Anthony Walsh and Kevin M. Beaver

Community Policing in America by Jeremy M. Wilson

Criminal Justice Theory: Explaining the Nature and Behavior of Criminal Justice edited by David E. Duffee and Edward R. Maguire

Lifers: Seeking Redemption in Prison by John Irwin

Race, Law and American Society: 1607 to Present by Gloria J. Browne-Marshall

Today's White Collar Crime by Hank J. Brightman

White Collar Crime: Opportunity Perspectives by Michael Benson and Sally Simpson

The New Criminal Justice: American Communities and the Changing World of Crime Control by John Klofas, Natalie Hipple, and Edmund McGarrell

The Policing of Terrorism: Organizational and Global Perspectives by Mathieu Deflem

Criminological Perspectives in Race and Crime, 2/e by Shaun Gabbidon

Corrections by Jeanne Stinchcomb

Community Policing by Michael Palmiotto

A Theory of African American Offending by James Unnever and Shaun Gabbidon

When Crime Appears: The Role of Emergence by Jean McGloin, Christopher Sullivan, and Leslie Kennedy

Voices from Criminal Justice edited by Heith Copes and Mark Pogrebin

Crime and the Life Course, 2/e by Michael Benson

Human Trafficking: Interdisciplinary Perspectives edited by Mary C. Burke

Forthcoming:

Criminal Justice Research by Brian Withrow

This page intentionally left blank

Human Trafficking

Interdisciplinary Perspectives

Edited by
Mary C. Burke

Routledge
Taylor & Francis Group
NEW YORK AND LONDON

First published 2013
by Routledge
711 Third Avenue, New York, NY 10017

Simultaneously published in the UK
by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

Routledge is an imprint of the Taylor & Francis Group, an informa business

Library of Congress Cataloging in Publication Data
Human trafficking: interdisciplinary perspectives/edited by
Mary C. Burke.
p. cm.—(Criminology and justice studies series)
Includes bibliographical references and index.
1. Human trafficking. I. Burke, Mary C. (Mary Cecilia)
HQ281.H877 2013
306.3′62—dc23 2012031005

ISBN: 978-0-415-89224-7 (hbk)
ISBN: 978-0-415-89225-4 (pbk)
ISBN: 978-0-203-06803-3 (ebk)

Typeset in Adobe Caslon, Trade Gothic and Copperplate Gothic
by Florence Production Ltd, Stoodleigh, Devon, UK

Brief Contents

This page intentionally left blank

Detailed Contents

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

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.

This chapter utilizes theory and research from sociology to better understand the complex ways that political, economic, and other socio-cultural factors interact within and across country borders to cause human

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.

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

---

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.

SECTION III
THE ANTISLAVERY MOVEMENT 183

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.

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.

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.

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.

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.

This page intentionally left blank

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 anti-trafficking 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@taylorand francis.com.

Acknowledgments

I have learned through this project that it takes a community of dedicated individuals to publish a book. I would like to take this opportunity to thank those most involved in this project. First, to the chapter authors whose thoughtful contributions comprise the text. Thank you for your dedication to this social problem and for sharing your expertise through your writing. I also want to thank the reviewers of an earlier draft of the book, Anna Besch at Immaculata University, Sylvia Maier at New York University, Kari Winters at SUNY Buffalo, Mills Kelly at George Mason University, Mohamed Mattar at Johns Hopkins University, Candace Hansford at Campbellsville University, Annalee Lepp at University of Victoria (BC), Annegret Staiger at Clarkson University, and Elizabeth Talbot at University of South Dakota; your insights and feedback without a doubt strengthened the final product. With regard to the publishing team at Routledge/Taylor & Francis, I could not have asked for a more helpful and encouraging group. While there are too many behind the scenes at Routledge to mention, I do want to note Stephen Rutter, Joseph Parry, Leah Babb-Rosenfield, and Margaret Moore; I sincerely appreciate your expert assistance. And to my colleague Jack Howells, the Project Manager for this text at Florence Production, I am grateful for your patience and dedication as we worked through the final stages of production. I am deeply

grateful to my parents, Mary and Jack Burke, whose sense of fairness and justice fostered my deep commitment to pursue a more equitable world. I want to thank my brother John Burke for his unwavering love and belief in me. Finally, I want to thank Phoebe Manchester for her editorial contributions and patient support throughout much of this project.

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

This page intentionally left blank

1

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.

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.[1] 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).[2] 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

	Human Trafficking	Migrant Smuggling
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 sexual exploitation and/or forced labor	Illegal border crossing

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;
- depravation 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."[3] 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."[4] 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 form 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 decuations. 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.

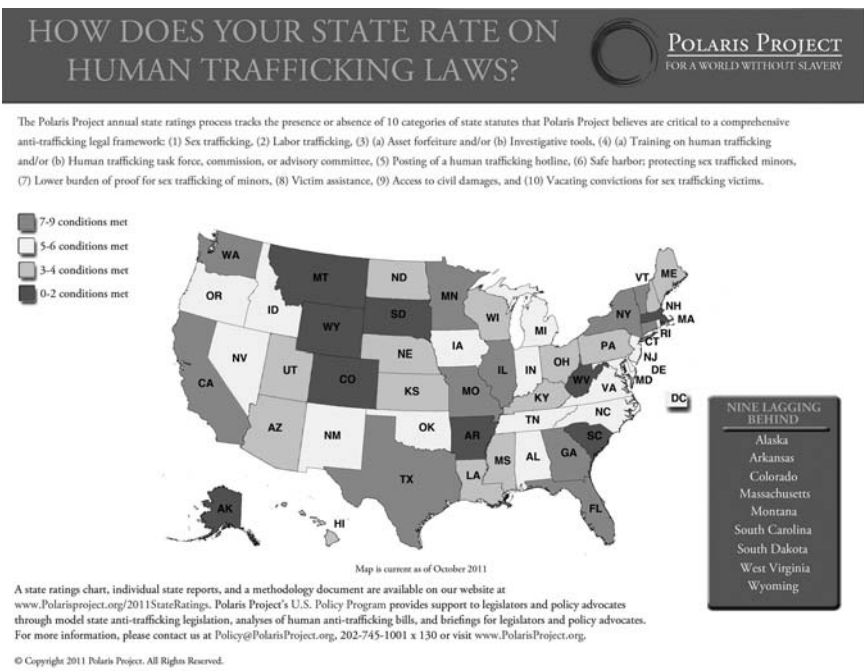

FIGURE 1.2 Polaris Project Sample State Ratings Chart