

# THE PROTECTION PROJECT

## JOURNAL OF HUMAN RIGHTS AND CIVIL SOCIETY



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### ARTICLES:

The Slave and the Porn Star: Sexual Trafficking and Pornography  
*Robert W. Peters, Laura J. Lederer, and Shane Kelly*

Human Trafficking and Natural Disasters: A Vulnerability Approach  
*Suzie Rivera-Pacheco*

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### SHORT ESSAYS:

Researching the Nature and Extent of Human Trafficking for Sexual Exploitation in Ireland  
*Eilís Ward and Gillian Wylie*

“Let Me Through! I’m an Academic!” Fighting Trafficking from the Campus and Beyond  
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Assessing the Effects on Students’ Awareness and Actions Produced by the Course “Human Trafficking and Contemporary Slavery”  
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Studying Human Trafficking for Forced Labor: The Polish Experience  
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### INTERVIEW:

Committee on the Elimination of Discrimination against Women  
*July 20, 2012*

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*Laura J. Lederer*

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## Welcome to the Journal

Welcome to the fifth edition of *The Protection Project Journal of Human Rights and Civil Society* (PROTECTION PROJECT J. HUM. RTS & CIV. SOC'Y). Volume five focuses on various aspects of combating human trafficking and raising awareness about this grave violation of human rights.

In this issue, Robert W. Peters, Laura J. Lederer, and Shane Kelly explore the link between pornography and trafficking for the purpose of sexual exploitation. Suzie Rivera-Pacheco discusses the vulnerability of women and children to human trafficking in situations of natural disasters and their rights to protection and assistance.

The journal contains several short essays that were presented at the regional conference titled "Incorporating Human Trafficking in Academic Institutions: The European Experience," which was organized by The Protection Project in cooperation with the University of Amsterdam and was held on November 25–26, 2011, in Amsterdam, The Netherlands. Moreover, you will find an interview with the members of the UN Committee on the Elimination of Discrimination against Women on the occasion of the event "Reporting on the Status of Trafficking in Women in accordance with Article 6 CEDAW: Guidelines on the Interpretation of the Text of Article 6 of the Convention," which The Protection Project held at the UN Headquarters in New York on July 20, 2012. The journal also features an annotated bibliography on the demand side of human trafficking.

We always encourage individual members of civil society and especially NGOs to engage with the journal as we develop an agenda that both informs and enhances the activities of such groups. Ultimately, The Protection Project intends for the journal to be a pioneer in uniting human rights academia and other elements of civil society engaged in the protection of human rights. The Protection Project envisages the journal as offering a forum for this combined voice and as servicing governmental and international organization officials in turn by informing them



about issues of human rights that display themselves initially at the level of civil society fieldwork.

We hope you find this journal informative, and we encourage you—through interaction with us—to make it your own.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohamed Mattar', with a horizontal line above the first few letters.

Mohamed Mattar  
Executive Director  
The Protection Project

# The Slave and the Porn Star: Sexual Trafficking and Pornography

*Robert W. Peters, Laura J. Lederer, and Shane Kelly\**

In the past decade, there has been an explosion of interest in human trafficking. Eliminating human trafficking has become a foreign and domestic policy goal for many countries, including the United States. Following the passage of the Trafficking Victims Protection Act of 2000 and the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, also in 2000, focus on the issue developed further. Human trafficking is now the topic of numerous articles, conferences, and studies, with many different aspects of trafficking being investigated. However, one aspect of human trafficking gets little attention—namely, the connection between pornography<sup>1</sup> and trafficking (particularly sex trafficking).

This article argues that there are a number of links between pornography and sex trafficking and that curbing pornography can reduce sex trafficking. The first two sections describe the links between pornography and sex trafficking. The third section makes the case that legislators and prosecutors should give greater consideration to the relationship between pornography and sex trafficking as they determine budgetary and law enforcement priorities and as they make recommendations for how to address this link at the federal level.

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\* Robert Peters is General Counsel and President Emeritus of Morality in Media. Laura J. Lederer is a former Senior Advisor on Human Trafficking at the U.S. Department of State and is an Adjunct Professor at Georgetown University Law School. Shane Kelly is a recent graduate of Georgetown University Law School and an Associate at Wiley Rein LLP.

1 The *Attorney General's Commission on Pornography: Final Report* defined "pornography" as material that is "predominantly sexually explicit and intended primarily for the purpose of sexual arousal"; see U.S. Department of Justice, *Attorney General's Commission on Pornography: Final Report* (Washington, DC: U.S. Department of Justice, 1986), 227–28. In *Miller v. California*, 413 U.S. 15, 20, n.2 (1973), the Supreme Court noted that "pornography" means "'1: a description of prostitutes or prostitution; 2: a depiction ... of licentiousness or lewdness: a portrayal of erotic behavior designed to cause sexual excitement.' *Webster's Third New International Dictionary* [Unabridged 1969]." Most of the discussion in this article will surround hardcore pornography, but the relevance of pornography to human trafficking is not confined to hardcore materials. The scope of this article will also be confined primarily to pornography and human trafficking involving adults.

## Trafficking for the Purpose of Producing Pornography

In 2000, the U.S. Congress enacted the Trafficking Victims Protection Act (TVPA) “to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims.”<sup>2</sup> The TVPA creates a framework to comprehensively address the problem of human trafficking through a threefold approach of prevention, prosecution, and protection. The TVPA does not provide a definition of trafficking in persons as such. Rather, it defines two types of what it calls “severe forms of trafficking in persons.”<sup>3</sup>

The first severe form of trafficking in persons is “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.”<sup>4</sup> In turn, sex trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.”<sup>5</sup> A commercial sex act is “any sex act on account of which anything of value is given to or received by any person.”<sup>6</sup> Thus, a streamlined definition of the first severe form of human trafficking is the recruitment, harboring, transportation, provision, or obtaining of a person by force, fraud, or coercion for the purpose of a sex act on account of which anything of value is given to or received by any person.<sup>7</sup> The other type of severe trafficking involves trafficking for the purpose of labor, defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”<sup>8</sup> A person who engages in either of the two severe forms of trafficking in persons, which are described generally as sex trafficking and labor trafficking, may face severe criminal penalties.<sup>9</sup>

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2 Trafficking Victims Protection Act (TVPA) of 2000, Pub. L. No. 106-386, § 102(a), 114 Stat. 1464.

3 TVPA § 103(8).

4 TVPA § 103(8)(A).

5 TVPA § 103(9).

6 TVPA § 103(3).

7 The language in TVPA § 103(8)(A) regarding victims under 18 years old has been omitted from this definition. Sex trafficking of adults for prostitution is a very significant portion of all human trafficking in the United States. According to the U.S. Department of Justice’s Bureau of Justice Statistics, 44 percent of human-trafficking allegations investigated between January 2008 and June 2010 “involved allegations of adult prostitution.” See Chandra R. Thomas, “Justice Department Report Sheds Light on Human Trafficking Stats,” *Juvenile Justice Information Exchange*, May 1, 2011, <http://jjiie.org/justice-department-report-sheds-lights-on-human-trafficking-stats/14355>.

8 TVPA § 103(8)(B).

9 18 U.S.C. §§ 1589–1591. A number of other criminal statutes may be relevant in any given case, but these sections form the heart of the definition of trafficking that was created with the enactment of the TVPA in 2000.

It is easy to see how participation in the production of pornography could satisfy the definition of either sex trafficking or labor trafficking.<sup>10</sup> If a trafficking victim is forced to engage in a sex act that is filmed or photographed for sale as pornography, then the production of pornography itself becomes a severe form of trafficking in persons that is subject to criminal liability.<sup>11</sup> The production of pornography could also involve labor trafficking in one of two ways. First, a trafficking victim could be coerced into aiding in the technical side of production, rather than the performance side.<sup>12</sup> Second, participation as a nude model for soft-core pornography that does not involve a proscribed sex act could be a form of labor trafficking.

Thus, thought alone indicates that there is more than one way for the production of pornography to involve trafficking in persons, and production of pornography that involves trafficking in persons is not purely theoretical. For example, in 1999, an American living in Cambodia, where he maintained a pornographic website, decided to incorporate into the site what he labeled a “Rape Camp” featuring “Asian sex slaves” used for “bondage, discipline, and humiliation.”<sup>13</sup> Women on the website were “blindfolded, gagged, and/or bound with ropes while being used in sex acts,” and viewers were encouraged to “humiliate these Asian sex slaves to your hearts [sic] content.”<sup>14</sup> Expanded service featured live interactive bondage sex shows from Cambodia with pay-per-view access in which customers could relay requests for torture that would be fulfilled within seconds. The website also “promoted prostitution tourism to men visiting Cambodia.”<sup>15</sup>

The Cambodian Minister of Women’s Affairs called for the American “to be charged with violating a Cambodian law prohibiting sexual exploitation and trafficking of women.”<sup>16</sup> He was arrested but “escaped prosecution through assistance from the U.S. embassy.”<sup>17</sup> If this incident had occurred more recently, the perpetrator might have also been subject to criminal prosecution in the United States. As of 2008, the criminal provisions of the TVPA, including criminal liability for severe forms of trafficking in persons, apply extraterritorially.<sup>18</sup>

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10 This article does not treat sex trafficking as defined in TVPA § 103(8)(A) as a form of labor trafficking that involves sex work. See Jennifer Chacón, “Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking,” *Fordham Law Review* 74: 2977–3040, which discusses sex trafficking as merely another form of labor migration and criticizes the TVPA for not using this framework. Depending on circumstances, however, participation in nude modeling can be a form of labor trafficking as defined in TVPA § 103(8)(B).

11 The other elements of a charge of sex trafficking under 18 U.S.C. § 1591 must also be met.

12 See the discussion of *United States v. Marcus*, *supra* at 8–9, in which a woman was coerced into being a webmaster for a hardcore pornographic website.

13 See, for example, Donna M. Hughes, “‘Welcome to the Rape Camp’: Sexual Exploitation and the Internet in Cambodia,” *Journal of Sexual Aggression* 6, nos. 1–2 (2000): 29–51.

14 *Ibid.*

15 *Ibid.*

16 *Ibid.*

17 *Ibid.*

18 See TVPA § 223 (2008).

The production of this type of pornography is not an isolated phenomenon,<sup>19</sup> and similar businesses operate in the United States. After joining the Federal Bureau of Investigation (FBI) in 1975, Special Agent Roger T. Young (now retired) worked on obscenity, child pornography, and prostitution cases for more than 23 years. Now serving as a consultant to both law enforcement agencies and nonprofit organizations, he recounted the following case:<sup>20</sup>

“While working as consultant and private investigator, I learned of a massive operation in the United States that involves Asian-appearing women who engage in sex acts for live streaming from a website over the Internet. Customers all over the world pay with a credit card to watch the sex acts in actual time. They can also communicate with and tell the participants what sex acts they want them to do. This operation also involves Asian-appearing females working as prostitutes in apartments in the United States. I am not sure if the women are transported here from ... Asia—but they speak the language of the customers—or [whether] businessmen ... fly into the United States for sex with them.”

It will often be difficult to determine conclusively whether businesses like those described by Special Agent Young do, in fact, involve trafficking in persons, but as journalist and author Victor Malarek warned in his book *The Johns: Sex for Sale and the Men Who Buy It*,<sup>21</sup>

“[P]orn addicts may want to sit in the director’s chair themselves, but most will never have the opportunity.... What’s their solution? Webcams. A new breed of johns—cyberjohns ... seeking out websites that let them create XXX from afar. They sit alone ... and order up a woman.... They order the woman to perform sex acts, in real time.... [A]s for the women in front of the cameras ..., [m]any are from impoverished regions of the world.... So what is this phenomenon? ... Without a doubt, it is an extension of prostitution. These men are paying to use women for their own sexual pleasure and perversion. The women may or may not be willing participants, but the preponderance of Eastern European and Asian women—typical targets of traffickers—should set off alarms.”

19 See, for example, “Philippines Jails Two Swedes for Life Over Cybersex,” *Agence France Presse*, May 11, 2011, which states, “Two Swedish men were jailed for life in the Philippines for human trafficking after they were found running a cybersex den in which nude women performed for Internet clients, authorities said.... The women were given ... (\$350) a month to act at the bidding of online clients who paid by credit card. ‘Once the client has paid for a private show, anything goes,’ said [the clerk of the court, Nelison] Salcedo, adding the women used sex toys. Cybersex dens have become a growing problem in the impoverished Philippines.”

20 Mr. Young recounted this case to Robert Peters in 2011. Mr. Young can be reached at his mailing address, 3983 S. McCarran Blvd., #252, Reno, NV 89502.

21 Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (New York: Arcade, 2009), 202–4.

In other cases, trafficking in persons clearly has been involved. For example, on December 7, 2011, a federal jury in Miami convicted two defendants, Lavont Flanders Jr. and Emerson Callum, on charges of sex trafficking. A press release issued by the U.S. Attorney's Office for the Southern District of Florida described that case as follows:<sup>22</sup>

“The charges spanned from 2006 through July of 2011. During that time, the defendants had perpetrated a cruel fraud to lure aspiring models to South Florida by promising them an opportunity to audition for modeling roles that, it would later turn out, never existed. Once the victims arrived in Miami, Flanders would instruct them to perform an audition for a purported alcoholic beverage commercial. During this purported audition, the victims were asked to promote and drink different brands of alcohol, while Flanders filmed. Unbeknownst to the victims, the alcoholic beverages Flanders provided them were laced with benzodiazepines, a common date rape drug. Once the drugs had taken effect, Flanders would drive the victims to Callum, who had sex with the victims while Flanders filmed. The defendants then edited, produced, and sold the footage of the sex acts over the Internet and to pornography stores and businesses all across the country.”

According to *United States v. Marcus*,<sup>23</sup> the defendant, Marcus, engaged in a consensual sexual relationship involving bondage, dominance–discipline, submission–sadism, and masochism (BDSM) with a woman, Jodi. She acted as Marcus's “slave” and was subject to various physical and sexual punishments. Jodi lived in an apartment with other women who also acted as Marcus's slaves, and, at Marcus's direction, she maintained a membership BDSM website called “Subspace” that chronicled their exploits. When Jodi refused to recruit her younger sister as a slave, Marcus inflicted severe physical punishment on her. She testified that she cried throughout the incident and that the relationship was not consensual after that time. Marcus then directed Jodi to move to New York and required her to create and maintain a new commercial BDSM website called “Slavespace.” Jodi worked on the site approximately eight to nine hours per day, updating site content, including diary entries and photographs, and clicking on banner advertisements to increase revenue. Marcus received all revenues from the website.<sup>24</sup>

Jodi said she did not want to continue working on the website, but was afraid of the consequences if she refused.<sup>25</sup> Marcus sexually punished Jodi when he decided her work on the website was inadequate, and these punishments were

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22 U.S. Department of Justice, “Two Men Sentenced to Multiple Life Sentences for Enticing Women to South Florida to Engage in Commercial Sex Acts and Distributing Date Rape Pills,” press release, February 17, 2012, <http://www.justice.gov/usao/fls/PressReleases/120217-03.html>.

23 628 F.3d 36 (2nd Cir. 2010).

24 *Ibid.*, 39.

25 *Ibid.*

documented and published on the website. Some punishments were quite severe. On one occasion, Marcus tied Jodi up, forced her onto a table, and then put a safety pin through her labia, while she screamed and cried. Marcus posted photographs from this incident on the Slavespace website and directed Jodi to write a diary entry about it for the website. When Jodi told Marcus she could not continue in this arrangement, he threatened to send pictures of Jodi to her family and the media. On the basis of these and similar occurrences, a jury found Marcus guilty of both sex trafficking and labor trafficking.<sup>26</sup>

In *United States v. Bagley et al.*,<sup>27</sup> a case that is currently pending, the alleged victim was a young woman with a troubled childhood who suffered from mental deficiencies.<sup>28</sup> She is referred to as “FV” in the indictment. The primary defendants, a husband and wife, took FV into their home when she was 16 years old, after she ran away from a foster home. The defendants allegedly began to sexually abuse and physically harm FV and forced her to dance at local strip clubs. They allegedly forced the victim to act as their property, and “Edward Bagley allegedly beat, whipped, flogged, suffocated, choked, electrocuted, caned, skewered, drowned, mutilated, hung and caged FV to coerce her to become a sex slave.”<sup>29</sup> The defendants forced FV to sign a slave contract that she believed bound her to act as their slave, and they had her tattooed with a barcode and the Chinese character for “slave.”<sup>30</sup>

Multiple other defendants communicated with Bagley regarding his activities and allegedly participated in some of his videos and photo shoots.<sup>31</sup> At one point, FV even “appeared on the cover of the July 2007 issue of *Taboo*, a publication owned by Hustler Magazine Group, and was the subject of a story and multipage photo spread inside.”<sup>32</sup> Federal investigators became aware of these activities after “Bagley allegedly suffocated and electrocuted FV during a torture session to a state of cardiac arrest.... FV, who was 23 years old at that time, received emergency medical treatment and was hospitalized.”<sup>33</sup> Four defendants are being prosecuted

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26 Ibid., 40.

27 The superseding indictment, dated March 30, 2011, is available at [http://www.justice.gov/usao/mow/news2011/bagley\\_indictment2.pdf](http://www.justice.gov/usao/mow/news2011/bagley_indictment2.pdf).

28 U.S. Attorney’s Office for the Western District of Missouri, “Victim Tortured as Slave, Forced into Sex Trafficking and Forced Labor,” press release, March 30, 2011, <http://www.justice.gov/usao/mow/news2011/bagley.ind2.html>.

29 Ibid.

30 Ibid.

31 Ibid. See also the co-defendant’s Plea Agreement, dated January 5, 2012, which is available at [http://www.justice.gov/usao/mow/news2012/stokes\\_plea.pdf](http://www.justice.gov/usao/mow/news2012/stokes_plea.pdf).

32 Bill Draper, “Questions about Accuser Surround Sex Slave Case,” MSNBC, October 23, 2010, [http://www.msnbc.msn.com/id/39810877/ns/us\\_news-crime\\_and\\_courts/t/questions-about-accuser-surround-sex-slave-case/#.TIWhsqjCvwM](http://www.msnbc.msn.com/id/39810877/ns/us_news-crime_and_courts/t/questions-about-accuser-surround-sex-slave-case/#.TIWhsqjCvwM).

33 U.S. Attorney’s Office for the Western District of Missouri, “Woman Tortured as Slave, Victim of Trafficking and Forced Labor,” press release, September 9, 2010, <http://www.justice.gov/usao/mow/news2010/bagley.ind.htm>.

for these actions under the forced labor and sex trafficking provisions of the TVPA, along with other serious crimes, in connection with these events.

Another case, even more disturbing, has reportedly occurred elsewhere. In the Netherlands, a court found four people guilty of kidnapping asylum seekers and forcing them to take part in pornography. Three victims from North Africa were kidnapped by a small criminal gang and held in a shed, where they were forced to have sex with men and animals on tape. Luckily, one of the victims escaped and was able to alert police. The prosecutor claimed at trial that the three women would have been disfigured and murdered for a snuff film had they not escaped. The girlfriends of the primary defendants were also jailed for their involvement.<sup>34</sup> This situation bears the classic marks of sex trafficking: an organized crime group kidnapped women from a vulnerable population, in this case immigrants from another country, and forced them to participate in sexual behavior. However, in this case, the goal was not the servicing of clients directly; it was the production of pornography.<sup>35</sup>

Less extreme forms of coercion involving the production of pornography may occur with greater regularity. Often, women involved in the production of so-called mainstream hardcore pornography are pressured by their agents, directors, and fellow performers to engage in sexual activity that they do not want to participate in, such as anal sex.<sup>36</sup> This pressure can cross into sexual assault,<sup>37</sup> but in some circumstances it can also be a form of human trafficking.<sup>38</sup>

Thus, while trafficking for the purpose of the production of pornography is not a widely known or recognized form of trafficking, incidents of coerced participation in pornography are far from trivial. Forced participation as a performer can constitute sex trafficking, and participation in the logistical side may be a form of labor trafficking.

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34 “Men Sentenced for Rape and Animal Porn Horror, *Expatica News*, January 27, 2005 [http://www.expatica.com/be/news/local\\_news/men-sentenced-for-rape-and-animal-porn-horror-16282.html#](http://www.expatica.com/be/news/local_news/men-sentenced-for-rape-and-animal-porn-horror-16282.html#).

35 For an example of trafficking for the purpose of producing child pornography, see Amy Bennett Williams, “Immokalee Man Said to Enslave Girl, 15,” *News-Press* (Ft. Myers, FL), March 4, 2010. According to the article, “[t]he girl’s nightmare began ... in Guatemala.... [T]hey returned to Florida and [the defendant] took her to a house ... where there were five other girls from Mexico and Guatemala between the ages of about 13 and 17.... The house was equipped as a makeshift pornography studio. The girl was photographed naked and videotaped having sex with [the defendant] and other men. When she protested, she was hit with a belt or slapped in the face, the report says ... [the defendant] shuttled her between [houses]...., where she was filmed and forced to speak scripted lines.”

36 Gail Dines, *Pornland: How Porn Has Hijacked our Sexuality* (Boston: Beacon, 2010), 70–73.

37 *Ibid.*

38 Donna M. Hughes, “Sex Trafficking of Women for the Production of Pornography,” *Citizens Against Trafficking*, July 1, 2010, <http://www.citizensaginsttrafficking.org>. Hughes writes, “Women used in the production of commercial pornography in the U.S. are often subjected to violence and coercion during filming. Often they protest and try to stop the filming or back out before filming begins. Their protests are ignored, or they are pressured by their agent or the director to continue. Their experiences of coercion or trickery often meet the criteria for sex trafficking.”



## Pornography: Fueling the Demand for Women Trafficked into Prostitution

Media news reports and commentary on sex trafficking typically include accounts or visual images of young women or girls forced to sexually service johns in a sordid environment, regardless of whether it is a seedy brothel or hotel room or a dangerous street corner or truck stop. It is these accounts and images that understandably provoke widespread public sympathy. Typically, however, the reports and discussions do not include an inquiry into what is fueling the demand for prostitution and, thus, for women trafficked into prostitution (sex trafficking).<sup>39</sup>

Once this inquiry is undertaken, the multifaceted relationship between pornography, prostitution, and sex trafficking becomes clear. It has been said that prostitution and pornography are “symbiotically related” to sex trafficking and that the latter “would not exist without the former.”<sup>40</sup> It has also been said that pornography is “advertising for prostitution,”<sup>41</sup> that pornography “normalize[s] prostitution and commercial sexual exploitation,”<sup>42</sup> that “pornography is prostitution for mass consumption,”<sup>43</sup> and that many men “want to enact the fantasies, the transgressions and ultimately the degradation and violence of pornography with live women” and believe “the place to do this is in prostitution.”<sup>44</sup> It has been noted that “pimps and traffickers use pornography to initiate their ... victims into their new life of sexual slavery” so that they “get hardened to accept the inevitable and learn what is expected of them.”<sup>45</sup>

A growing body of evidence supports the preceding assertions. New research provides evidence that johns show pornography to prostituted women to illustrate

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- 39 “Prostitution” is generally defined as “the act or practice of engaging in sexual activity for money or its equivalent.” See *Black’s Law Dictionary* (Eagan, MN: West, 2006), 576. This general definition could encompass sex trafficking, but for the purposes of this article, the term “prostitution” is used to denote sex in exchange for money in which a woman is not participating as a result of “force,” “fraud,” or “coercion” as the latter terms are used in TVPA (2000). But see Catharine A. MacKinnon, “Pornography as Trafficking,” *Michigan Journal of International Law* 26, no. 4 (2005): 993–1012.
- 40 Ellyn Arevalo and Mark Regnerus, “Commercialized Sex and Human Bondage,” Witherspoon Institute, Princeton, NJ, February 11, 2011, <http://www.thepublicdiscourse.com>.
- 41 Melissa Farley, *Prostitution and Trafficking in Nevada: Making the Connections* (San Francisco: Prostitution Research & Education, 2007), 153.
- 42 Laura Lederer, “Four Links between Sex Trafficking and Illegal Pornography,” presentation at a Capitol Hill briefing on pornography harms, Washington, DC, June 15, 2010, [http://www.youtube.com/watch?v=jSRxpVDNpGI&list=PLD61810A3993D3E50&index=4&feature=plpp\\_video](http://www.youtube.com/watch?v=jSRxpVDNpGI&list=PLD61810A3993D3E50&index=4&feature=plpp_video).
- 43 CitizenLink, “Pornography Is Prostitution for Mass Consumption,” transcript of an interview with Lisa Thompson, Colorado Springs, June 14, 2010, <http://www.citizenlink.com/2010/06/14/pornography-is-prostitution-for-mass-consumption/>.
- 44 Janice Raymond, “Public Hearing on ‘The Impact of the Sex Industry in the EU,’ Committee on Women’s Rights and Equal Opportunities Public Hearing at the European Parliament, January 2004” (Coalition Against Trafficking in Women, New York), [http://action.web.ca/home/catw/readingroom.shtml?sh\\_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA\\_EX\\_Session=469ce2d01985bff20826196368afea18](http://action.web.ca/home/catw/readingroom.shtml?sh_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA_EX_Session=469ce2d01985bff20826196368afea18).
- 45 Janice Shaw Crouse, “Pornography and Sex Trafficking,” statement at the National Press Club, Washington, DC, May 19, 2008, <http://www.cwfa.org/content.asp?id=15208>.

the sexual activity they want to participate in or observe.<sup>46</sup> Other research demonstrates that pimps and traffickers use pornography to instruct and desensitize their victims.<sup>47</sup> The frequency of pornography use has also been found to correlate with frequency of purchasing sex.<sup>48</sup>

Mental health professionals have also observed a connection between pornography and prostitution. In her testimony before the U.S. Senate in 2004,<sup>49</sup> Dr. Mary Anne Layden stated,

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- 46 Melissa Farley, "Renting an Organ for Ten Minutes: What Tricks Tell Us about Prostitution, Pornography, and Trafficking," in *Pornography: Driving the Demand in International Sex Trafficking*, ed. David E. Guinn and Julie DiCaro, (Bloomington, IN: Xlibris, 2007), 145. Farley writes, "Interviews with 854 women in prostitution in 9 countries ... made it clear that pornography is integral to prostitution... [A]lmost half (49 percent) told us that pornography was made of them while they were in prostitution. Forty-seven percent ... were upset by tricks' attempts to make them do what the tricks had previously seen in pornography." See also Melissa Farley and Vanessa Kelly, "Prostitution: A Critical Review of the Medical and Social Sciences Literature," *Women and Criminal Justice*, 11, no. 4 (2000): 29–64. According to Farley and Kelly, "Customers show women pornography to illustrate what they want... 32 percent of 130 people in one study had been upset by an attempt to coerce them into performing what customers had seen in pornography." Evelina Globbe, Mary Harrigan, and Jayme Ryan, *A Facilitator's Guide to Prostitution: A Matter of Violence against Women* (Minneapolis, MN: WHISPER, 1990), <http://www.prostitutionresearch.com/factsheet.html>. Globbe, Harrigan, and Ryan note that "80% of prostitution survivors at the WHISPER Oral History Project reported that their customers showed them pornography to illustrate the kinds of sexual activities in which they wanted to engage."
- 47 Poppy Project, "When Women are Trafficked: Quantifying the Gendered Experience of Trafficking in the UK," Eaves, London, April 2004, <http://lastradainternational.org/?main=documentation&document=2136>. The document states, "Although asking questions about pornography has not ever been part of our key working procedures, nine women have incidentally disclosed unwanted exposure to pornography as part of the trafficking process (35%). Of these nine women, two were shown pornography to 'groom' them into prostitution." See also, Evelina Globbe, Mary Harrigan, and Jayme Ryan, *A Facilitator's Guide to Prostitution: A Matter of Violence against Women* (Minneapolis, MN: WHISPER, 1990), <http://www.prostitutionresearch.com/factsheet.html>. According to Globbe, Harrigan, and Ryan, 30 percent of the female prostitution survivors at the WHISPER Oral History Project "reported that their pimps regularly exposed them to pornography in order to indoctrinate them into an acceptance of the practices depicted." As the following articles show, pornography is also used by pimps to instruct children who are trafficked into prostitution: Associated Press, "Police Investigating Sex Trafficking in Wichita," *Kansas City Star*, May 24, 2009; Jason Tomassini, "Hotels Target of Police Sting," *Gaithersburg Gazette*, December 24, 2008, [http://www.gazette.net/stories/12242008/montnew114835\\_32483.shtml](http://www.gazette.net/stories/12242008/montnew114835_32483.shtml).
- 48 See Melissa Farley, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, and Michele Decker "Comparing Sex Buyers with Men Who Don't Buy Sex"), paper presented at Psychologists for Social Responsibility Annual Meeting, July 15, 2011, 30–31, <http://www.prostitutionresearch.com>. The authors state, "Sex buyers significantly more often imitated sex acts they had seen in pornography... [S]ex buyers looked at a greater range of genres of pornography than non sex buyers... Sex buyers more often masturbated to pornography than those who did not buy sex." See also Jan Macleod, Melissa Farley, Lynn Anderson, and Jacqueline M. Golding, "Challenging Men's Demand for Prostitution in Scotland," Women's Support Project, Glasgow, Scotland, April 2008, 16, <http://www.rapecrisisScotland.org.uk>. According to these researchers, "We compared men who were high frequency users of prostitutes (once a month or more) to those who were low frequency users (once or twice, ever) with respect to their use of print, video, and Internet pornography. Those who were the most frequent users of pornography were also the most frequent users of women in prostitution." Martin Monto and Nick McRee, "A Comparison of the Male Customers of Female Street Prostitutes with National Samples of Men," *International Journal of Offender Therapy and Comparative Criminology* 49, no. 5 (2005): 505–29. Monto and McRee write, "Repeat users reported greater participation in all aspects of the sex industry than did noncustomers. They were much more likely to report having purchased sexually explicit magazines or videos.")
- 49 **Committee on Commerce, Science, and Transportation, Subcommittee on Science and Space, U.S. Senate, hearing on "The Brain Science behind Pornography Addiction," November 18, 2004.**

“Pornography, by its very nature, is an equal opportunity toxin.... The damage is both in the area of beliefs and behaviors. The belief damage may include Pornography Distortion [and] Permission-Giving Beliefs.... The behavioral damage includes ... illegal behaviors.... Pornography Distortion is a set of beliefs based in pornographic imagery, sent to the viewer while they are aroused and reinforced by the orgasm. An example of Pornography Distortion would include beliefs such as ‘Sex is not about intimacy, procreation, or marriage. Sex is about predatory self-gratification....’ Permission-Giving Beliefs are a set of beliefs that imply that my behavior is normal, acceptable, common and/or that my behavior doesn’t hurt anyone .... Examples would include ‘All men go to prostitutes,’ .... Those who use pornography have also been shown to be more likely to engage in illegal behavior as well. Research indicates, and my clinical experience supports, that those who use pornography are more likely to go to prostitutes.”

In his monograph, *Pornography’s Effects on Adults and Children*,<sup>50</sup> Dr. Victor B. Cline, a clinical psychologist who treated many individuals with pornography addictions, writes,

“The first change that happened was an addiction-effect. The porn-consumers got hooked. Once involved in pornographic materials, they kept coming back for more and still more.... The second phase was an escalation-effect. With the passage of time, the addicted person required rougher, more explicit, more deviant, and “kinky” kinds of sexual material to get their “highs” and “sexual turn-ons.” It was reminiscent of individuals afflicted with drug addictions.... The third phase was desensitization. Material ... which was originally perceived as shocking, taboo-breaking, illegal, repulsive, or immoral, in time came to be seen as acceptable and commonplace.... The fourth phase was an increasing tendency to act out sexually the behaviors viewed in the pornography, including ... frequenting massage parlors.”

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50 Victor B. Cline, *Pornography’s Effects on Adults and Children* (New York: Morality in Media, 2001), <http://www.scribd.com/bluptr/d/20282510-Dr-Victor-Cline-Pornography-s-Effects-on-Adults-and-Children>.

In his book *Don't Call It Love*,<sup>51</sup> Dr. Patrick J. Carnes, a nationally known expert on sexual addiction and addiction therapy, writes,

“A classic trait of addiction is that the addict will require more and more of the substance or activity in order to maintain the same level of emotional relief.... The experience of Steve illustrates this classic pattern: “When I left home and went into the Navy, what was a normal pattern of masturbation with soft-core pornography became escalated into a pattern of sex shops and bookstores where I could see hardcore pornography. I began to also use prostitutes....” Steve ... hoped marriage would be a solution to his problem. Within months, however, it became worse in terms of both pornography and prostitution.”

Others have also reported that men who view pornography frequent prostitutes. In his book, *Johns: Sex for Sale and the Men Who Buy It*, journalist Victor Malarek writes,<sup>52</sup>

“Volumes have been written for and against pornography. This is a book about johns. So what’s the connection?... Porn is often what turns the men on, revs up their sex drive, and sends them out into the night.... The Internet is rife with postings by johns admitting to their addiction to or love for porn.... For Bull Rider, “porn and mongering go together like peas and carrots. Many times ... I start out watching porn, next thing I know I am in my car looking for the real thing.” A john called The Man says he only watches porn when he’s planning a paid encounter. “I watch the positions, find a girl who looks like one of the performers, and make porn the buildup

51 Patrick J. Carnes, *Don't Call It Love: Recovery from Sexual Addiction* (New York: Bantam Books, 1992), 23–24. See also, Hillary S. Meeks, “Local Therapists Say Sexual Addiction Isn’t Just Limited to Celebrities,” *Visalia Times-Delta*, May 10, 2010, who reports, ““But the thing about addiction is if it goes untreated it becomes more intense and more frequent,” [Michael H.] Shaffer [a marriage and family therapist and licensed clinical social worker] said. ‘Even the content of the material might become more intense—what worked for me last week doesn’t work for me this week,’ he said.... That’s when people start getting into trouble, because as their need to get a fix escalates, they start making poor choices. These include ... obtaining sex illegally ....” See also John W. Kennedy, “Help for the Sexually Desperate,” *Christianity Today*, March 2008, <http://www.christianitytoday.com/ct/2008/march/18.28.html>. Kennedy writes, “Viewing pornography is nearly always accompanied by masturbation.... Some men never move past this stage.... Others progress rapidly to increasingly exotic, perverse, and even illegal sexual behavior.... “A major factor in progression is what a guy fantasizes about during sexual release,” [Doug] Weiss [executive director of Heart to Heart Counseling Center in Colorado Springs] says. “If a guy masturbates to something it would take a prostitute to do, he’s more likely to find one.”

52 Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (New York: Arcade, 2009), 193–96. See also Finlo Rohrer, “The Men Who Sleep with Prostitutes,” *BBC News Magazine*, February 22, 2008, [http://news.bbc.co.uk/2/hi/uk\\_news/magazine/7257623.stm](http://news.bbc.co.uk/2/hi/uk_news/magazine/7257623.stm). Rohrer states, “One man that had used prostitutes ... said, ‘I’ve been leading up to it; using pornography and looking at various websites. Rather than being a fantasy it was someone you could have sex with.’” See also Tyra M. Vaughn, “House Raided, 5 Arrested in Prostitution Case,” *Daily Press*, November 26, 2008, who reports, “James City police and other law officers raided a home ... making several arrests in connection with a prostitution ring .... Spearman [a spokesman for James City Police Dept.] said. He said they also observed pornography videos being played in a waiting area.”

to the planned party.” ... [T]he johns’ interest isn’t lost on those hoping to sell services. Ads placed by “call girls” on Craigslist now tempt prospective johns with promises of the “PSE”—porn star experience. The message is clear: if prostitution is the main act, porn is the dress rehearsal.<sup>53</sup>

In their study of 103 men in London, who describe their use of trafficked and non-trafficked women in prostitution and their awareness of coercion and violence, Melissa Farley, Julie Bindel, and Jacqueline M. Golding report,<sup>54</sup>

“One man explained the impact of pornography on his sexual behavior, generally, “The more I’ve watched pornography, the more specific my wants have become. Watching pornography has also shaped my sexual desires. I watch pornography and I discover, ‘hey, that really turns me on’ and I want to recreate what I’ve seen in porn.””

In her article, “Pornography as Trafficking,” Catherine MacKinnon writes,<sup>55</sup>

“[Pornography] stimulates the viewer to act out on other live women and girls and boys the specific acts that are sexualized and consumed in the pornography. Social science evidence, converging with testimonial evidence

53 Many porn stars engage in prostitution as a side enterprise. See, for example, the editorial by Mark Kernes, “Pros and Cons,” *Adult Video News*, August 1999. Kernes writes, “Dennis [Hoff] owns brothels in ... Nevada.... Dennis has long been interested in increasing his business, and he figured that networking with other areas of adult entertainment would be the way to do it.... Then along came Sunset Thomas. Sunset is a ... veteran of about 150 XXX titles.... Sunset spent a couple of weeks at Hoff’s Moonlite Bunny Ranch, sexually satisfying pretty much anyone willing to pay the ... freight. To guarantee a fruitful stay, she and Hoff took out an ad in [*Adult Video News*] to let all her fans know where she was going to be and what she was going to be doing. It’s the Porn-Star-As-Prostitute, Take Two. And while it may be too early to say that the ‘floodgates’ have opened, Hoff’s July ad included such familiar past and present porn names, as [names omitted here].... Not all, of course, appeared there that month.... So why do it? Numerous explanations come to mind.... And then there is the philosophical answer. Prostitution is, in a sense, the ultimate sexual liberation.... There’s nothing to say porn performers can’t also be prostitutes.” See also Joanna Molloy, “Pay to Play Is Just One More Amenity at Posh Hotels,” *New York Daily News*, October 29, 2010. Molloy writes, “Charlie Sheen’s sexcapade with a naked porn star in The Plaza hotel shone a light on the naughty hookups that go on.... Most paid sex dates don’t just happen.... They are arranged by escort services with fancy names and websites.... ‘Regular girls go for \$500 an hour,’ said the former madam [Heidi Fleiss]. ‘We booked porn stars for \$2,000 to \$3,500 an hour.’ A rep from ... the top agency representing porn actresses says most ‘high-priced escorts are usually also porn stars, models, or actresses working UTR—under the radar.... They can pull in ... from \$5,000 to \$15,000 a day’”). See also Tom Zambito, “2 Plead Guilty in 13m Prostitution Ring,” *New York Daily News*, January 7, 2006. According to Zambito, “A man and his girlfriend pleaded guilty to raking in \$13.5 million ... from a prostitution ring that promised porn stars as escorts, Manhattan federal prosecutors said yesterday.... Federal prosecutors say that from 2000 to 2004, the operation advertised New York Elites and Exotica 2000 as escort services on the Internet. ‘In reality, however, the service offered ... was simply sex in exchange for money,’ said Manhattan U.S. Attorney Michael Garcia. The ring’s Web site touted popular adult film stars as escorts for \$500 to \$1,500 an hour.”

54 Melissa Farley, Julie Bindel, and Jacqueline M. Golding, “Men Who Buy Sex: Who They Buy and What They Know” (London: Eaves, 2009) 22, <http://sex-addiction.co.uk/2012/02/research-article-men-who-buy-sex-who-they-buy-and-what-they-know/>.

55 Catharine A. MacKinnon, “Pornography as Trafficking,” *Michigan Journal of International Law* 26, no. 4 (2005): 999–1000.

of real people, has long shown the latter. As observed by T. S. in the hearings on the anti-pornography civil rights ordinance that Andrea Dworkin and I organized for the Minneapolis City Council at its request, “Men witness the abuse of women in pornography constantly, and if they can’t engage in that behavior with their wives, girlfriends, or children, they force a whore to do it.” On the basis of the experiences of a group of women survivors of prostitution and pornography, she told how . . . men would bring photographs of women in pornography being abused, say, in effect, “I want you to do this,” and demand that the acts being inflicted on the women in the materials be specifically duplicated.”

Researchers also have found evidence that viewing pornography contributes to violence directed toward prostituted women. A study regarding the sexual abuse of prostituted women discovered that

“Out of . . . 193 cases of rape, 24% mentioned allusions to pornographic material on the part of the rapist. This is even more significant when it is understood that these comments were made by respondents without any solicitation or reference to the issue of pornography by the Interviewer. The comments followed the same pattern: the assailant referred to pornographic materials he had seen or read and then insisted that the victims not only enjoyed rape but also extreme violence.<sup>56</sup>”

A study by FBI researchers of 36 serial killers “revealed that 29 were attracted to pornography and incorporated it into their sexual activity, which included serial rape-murder.”<sup>57</sup> Anecdotal evidence reinforces these FBI findings. A retired lieutenant commander of the Bronx homicide squad in the New York Police Department summarized one case this way:

“This case involved a serial killer who was killing prostitutes.... The significance of fantasy in this case was graphically revealed when . . . detectives went to the killer’s home and retrieved a number of items, which included a pornographic videotape.... This videotape contained a number of scenes that were similar to what the offender was doing to his victims. The breast assault and paddling activities appeared to be based upon this sadomasochistic videotape, which seemingly fueled his increasingly sadistic activities.<sup>58</sup>”

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56 Mimi H. Silbert and Ayala M. Pines, “Pornography and Sexual Abuse of Women,” *Sex Roles* 10, nos. 11–12 (1984): 857–68.

57 Victor B. Cline, *Pornography’s Effects on Adults and Children* (New York: Morality in Media, 2001), <http://www.scribd.com/bluptr/d/20282510-Dr-Victor-Cline-Pornography-s-Effects-on-Adults-and-Children>.

58 Vernon J. Geberth, *Sex-Related Homicide and Death Investigation* (Boca Raton, FL: CRC Press, 2010), 70–71. See also Sarah White, “Prostitute Tells of Surviving ‘Crossbow Cannibal,’” *BBC News*, December 21, 2010. According to White, “It was then that he started to show her even more violent internet pornography.”

In an article, “Life on the Street: New Wave of Prostitution with More Violence Is Overwhelming Los Angeles Authorities,” Miles Corwin reports,<sup>59</sup>

“In a small banquet room ... about 30 madams and call girls gathered to discuss a significant change in their business.... [A] North Hollywood madam told the women that a number of customers had asked her to procure 12- or 13-year-old girls. And more customers, she said, were beating, torturing, and even killing out-call prostitutes.... This new wave of prostitution is overwhelming Los Angeles law enforcement agencies, officials say.... An increasing number of customers are requesting violent or kinky sexual services and seeking younger girls, prostitutes and call girls say.... The sexual revolution has contributed to the change prostitutes have seen, said Dr. Michael Grinberg, a psychiatrist, sex therapist and chairman for the Society for the Scientific Study of Sex.... There are several possible reasons for the change, Grinberg said. Our society is more violent now than in the past. Pornography is more graphic and readily available and some of the behavior displayed “can become incorporated in one’s sexual fantasies.”

### Implications for Governmental Policy

As can be seen in the first two sections, pornography, prostitution, and sex trafficking are not unrelated phenomena. Women are trafficked into the production of hardcore pornography, and hardcore pornography in particular may trigger and exacerbate sexual desires and pathologies that motivate men to seek out the services of prostituted women. This stimulation, in turn, contributes to the demand for women trafficked into prostitution. As Victor Malarek put it, “Pornography fuels prostitution, and prostitution fuels the sex trade.”<sup>60</sup>

But how, if at all, should the first two sections change our approach to combating human trafficking? Viewed from one perspective, more research into the relationship between addiction to pornography and “acting out” pornography-fueled sexual fantasies with prostituted women should not be needed. A substantial body of evidence already shows that many men act out with prostituted women. This evidence comes from (a) social science research, (b) professionals who treat individuals with sexual addictions, (c) professionals who work with prostituted women, (d) law enforcement personnel who investigate sexual crimes against prostituted women, and (e) johns and prostituted women themselves.

However, just as tobacco companies once denied any relationship between smoking and cancer, so pornography defenders deny any relationship between

59 Miles Corwin, “Life on the Street: New Wave of Prostitution with More Violence Is Overwhelming Los Angeles Authorities,” *Los Angeles Times*, December 8, 1985.

60 Joe Matyas, “Prostitution, Porn Linked to Human Trafficking,” *London Free Press* (Ontario), May 20, 2009.

viewing, consumption of, or addiction to pornography and harm of any kind. More research would therefore be beneficial, not to convince the naysayers, but to inform and motivate public officials and everyday citizens who would take action if they better understood the seriousness and interrelatedness of the hardcore pornography, prostitution, and sex-trafficking problems.

Conducting research should be easier today than it was in decades past because more effort is being expended to help prostituted women, instead of sending them to jail, and because more effort is being expended to arrest johns and send many of them to “john schools.” Both changes should make it easier to get information. As the book *The Johns: Sex for Sale and the Men Who Buy It*<sup>61</sup> indicates, there is also a wealth of information about johns on the Internet.

We add here that defenders of pornography have often argued that pornography provides individuals prone to sexual violence or other aberrant sexual behavior with an outlet for their sexual desires. In other words, they argue that it has a cathartic effect on individuals who would otherwise engage in sexual misconduct of one kind or another.<sup>62</sup> If this rationale were true, one would expect men who are regular consumers of pornography to be the least likely to frequent prostitutes. Research done to date indicates that the opposite is true, but more research, especially with statistically greater sample sizes, is important.<sup>63</sup>

Research could also be done to determine whether the effects of pornography addiction on marriage are contributing to the demand for prostituted women. Addiction to pornography is affecting marriage in a number of ways,<sup>64</sup> including delaying and preventing marriages,<sup>65</sup> decreasing marital intimacy and sexual satisfaction,<sup>66</sup> and contributing to divorce.<sup>67</sup> To the extent that addiction to pornography makes it more difficult for men to have a satisfying and lifelong

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61 Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (New York: Arcade, 2009), 193–207.

62 See, for example, Steve Chapman, “Does Pornography Cause Sexual Violence?” *Washington Examiner*, January 2, 2011, <http://washingtonexaminer.com/steve-chapman-does-pornography-cause-sexual-violence/article/38726>. See also Manudeep Singh Bhuller, Tarjei Havnes, Edwin Leuven, and Magne Mogstad, “Broadband Internet: An Information Superhighway to Sex Crime?” CESifo Working Paper 3871, CESifo, Munich, July 8, 2011.

63 *Supra*, note 48.

64 For general information, see Pamela Paul, *Pornification: How Pornography Is Damaging Our Lives, Our Relationships, and Our Families* (New York: Henry Holt, 2005).

65 See, for example, Naomi Wolf, “The Porn Myth: In the End, Porn Doesn’t Whet Men’s Appetites—It Turns Them Off the Real Thing,” *New York Magazine*, October 20, 2003.

66 See, for example, Jill C. Manning, “Pornography’s Impact on Marriage and the Family,” testimony before the U.S. Senate Subcommittee on the Constitution, Civil Rights, and Property Rights, Committee on Judiciary, Washington, DC, November 9, 2005, <http://www.heritage.org/research/family/tst111405a.cfm>.

67 See, for example, Kevin B. Skinner, “Is Porn Really Destroying 500,000 Marriages Annually?,” *Psychology Today*, December 12, 2011, <http://www.psychologytoday.com/blog/inside-porn-addiction/201112/is-porn-really-destroying-500000-marriages-annually>.



sexual relationship with one person, men who are addicted to pornography could be more likely to frequent women trafficked into prostitution.

Research could also be done to determine whether men who view, consume, or become addicted to particular types of hardcore pornography are more likely to pay for sex with trafficked women either because the type of prostitute they seek to gratify their pornography-fueled sexual desires is more likely to have been trafficked or because these men seek out trafficked women knowing that they can do whatever they want with or to these women.

For example, men can choose pornography—regardless of whether it is through magazines, videos, or websites—on the basis of the race, nationality, or ethnicity of women depicted in it. When some men develop an interest in a type of pornography featuring a particular race, nationality, or ethnicity, they may act out their fantasy by finding that type of prostitute. In particular, this behavior could be problematic if the desired type of woman is among those immigrant populations at high risk for trafficking,<sup>68</sup> and even more problematic when Asian themes in pornography are added to the mix, because they emphasize a kind of subservience that trafficked women may more easily portray. In all likelihood, some traffickers are also using various promotional techniques to help create demand for women of a certain race, nationality, or ethnic origin because such women are more easily trafficked.

There may also be a relationship between consumption of or addiction to hardcore pornography that depicts the domination and abuse of women<sup>69</sup> and paying

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68 Janice Raymond, “Public Hearing on ‘The Impact of the Sex Industry in the EU,’ Committee on Women’s Rights and Equal Opportunities Public Hearing at the European Parliament, January 2004” (Coalition Against Trafficking in Women, New York), [http://action.web.ca/home/catw/readingroom.shtml?sh\\_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA\\_EX\\_Session=469ce2d01985bff20826196368afea18](http://action.web.ca/home/catw/readingroom.shtml?sh_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA_EX_Session=469ce2d01985bff20826196368afea18). According to Raymond, “[M]en buying women in prostitution don’t just want the local women—they want exotic women from other countries who, according to their racial preferences, may be stereotyped as more pliable, more willing or more sexy. An estimated 500,000 women and children, mainly from Eastern Europe, Africa, South America, and Southeast Asia are trafficked to E.U. countries for sexual exploitation every year.” See also, Lisa L. Thompson, “Understanding Sex Trafficking,” Convergence Summit, April 2011, <http://www.convergencesummit.net/ppt/Convergence-Thompson.pdf>. Thompson notes, “A high prevalence of foreign born women in a country’s sex industry is highly indicative of ... sex trafficking.”

69 For general information, see “Grooming for Gonzo: Becoming a Man in a Porn Culture,” in Gail Dines, *Pornland: How Porn Has Hijacked Our Sexuality*, (Boston: Beacon Press, 2010), 63–78.

to have sex with women trafficked into prostitution.<sup>70</sup> Themes of domination and abuse could create or exacerbate the demand for women to act as sexual slaves who “enjoy” (submit to) physical and verbal abuse. It would be logical for sex traffickers to provide women for this purpose. As a consequence, slave images in pornography could increase the demand for actual sexual slaves.

Similarly, there may be a relationship between viewing (being addicted to) hardcore pornography that depicts rape or torture and either (a) paying to watch (via a webcam) a woman being raped or tortured by her traffickers<sup>71</sup> or (b) paying to rape or sexually torture a woman trafficked into prostitution.<sup>72</sup> Furthermore, because there is a tendency for viewers to become desensitized<sup>73</sup> to whatever they view, some may seek even more graphic or abusive materials to create the same level of sexual stimulation. To create this more realistic or sadistic sexual violence, some producers could use trafficked women. It would be a mistake, however, to target *only* the most extreme forms of hardcore pornography under the assumption that this content is far more likely to generate demand for women trafficked into prostitution. Any type of pornography that contributes to (helps fuel) the demand for a particular type of prostitute is likely over time to attract the attention of traffickers, who can provide that type of prostitute.<sup>74</sup>

Thankfully, concerted government and private action against the proliferation of hardcore pornography on the Internet and elsewhere need not await the

70 Compare with Peter Landesman, “The Girls Next Door,” *New York Times Magazine*, January 25, 2004. Landesman writes, “Immigration and Customs Enforcement agents at the Cyber Crimes Center in Fairfax, Va., are finding that when it comes to sex, what was once considered abnormal is now the norm. They are tracking a clear spike in the demand for harder-core pornography on the Internet. ‘We’ve become desensitized by the soft stuff; now we need a harder and harder hit,’ says I.C.E. Special Agent Perry Woo. Cyber networks ... —through which you can download and trade images and videos—have become the Mexican border of virtual sexual exploitation. I had heard of one Web site that supposedly offered sex slaves for purchase to individuals. The I.C.E. agents hadn’t heard of it. Special Agent Don Daufenbach ... brought it up on a screen. A hush came over the room as the agents leaned forward, clearly disturbed. ‘That sure looks like the real thing,’ Daufenbach said. There were streams of Web pages of thumbnail images of young women of every ethnicity in obvious distress, bound, gagged, contorted. The agents in the room pointed out probable injuries from torture. Cyber auctions for some of the women were in progress.... ‘With new Internet technology,’ Woo said, ‘pornography is becoming more pervasive.’”

71 See, for example, Donna M. Hughes, “‘Welcome to the Rape Camp’: Sexual Exploitation and the Internet in Cambodia,” *Journal of Sexual Aggression* 6, nos. 1–2 (2000): 29–51.

72 *Supra*, note 27. According to the superseding indictment, “Defendants [names omitted here] communicated with Defendant [E. B.] ... regarding [E. B.’s] use of [the victim] and the sexual acts he could have her perform for them as his slave.... Defendants [names omitted] provided Defendant [E. B.] with ... things of value including ... sadomasochism videos.... Defendant [E. B.] accepted the benefits and things of value and coerced [the victim] to engage in sexual acts and torture sessions with Defendants [names omitted].”

73 Victor B. Cline, *Pornography’s Effects on Adults and Children* (New York: Morality in Media, 2001), <http://www.scribd.com/bluptr/d/20282510-Dr-Victor-Cline-Pornography-s-Effects-on-Adults-and-Children>. Cline writes, “The second phase was an escalation-effect. With the passage of time, the addicted person required rougher, more explicit, more deviant, and ‘kinky’ kinds of sexual material to get their ‘highs’ and ‘sexual turn-ons.’”

74 See, for example, Arda Bilgen, “Trafficking of Women in the Balkans: A Modern-Day Slavery,” *European Strategist*, March 12, 2025. Bilgen notes, “[T]he tendency of Turkish men to prefer blonde prostitutes led to increasing prostitution by blonde women from Central and Eastern European countries.”

accumulation of additional research data and other evidence of the nexus between this material and prostitution and sex trafficking.<sup>75</sup> Federal obscenity laws already exist, and they can and should be vigorously enforced against the proliferation of hardcore “adult” pornography.<sup>76</sup>

Such a long-overdue initiative against the proliferation of hardcore pornography could begin by targeting both the producers and distributors of adult pornography that possibly depicts performers who were trafficked into the production in cases where it would be difficult or nearly impossible to prove trafficking in court. Although in *United States v. Marcus* a jury convicted the defendant on trafficking charges but acquitted him on an obscenity count, there are a number of possible explanations for the acquittal,<sup>77</sup> including a compromise verdict. That acquittal does not prevent a federal jury, even in New York City, from convicting on obscenity charges in a future case.<sup>78</sup>

This initiative against hardcore pornography could also begin by targeting both the producers and distributors of particular types of adult pornography that may be more likely to fuel demand for women trafficked into prostitution. However, to the extent that viewing any type of hardcore pornography creates a demand for more of that type of material or for prostitutes with whom johns can act out what they have viewed in it, there is a risk that women will be trafficked into prostitution to meet the demand. A john does not have to be addicted to hardcore pornography that depicts domination and abuse, rape and torture, or other extreme sexual conduct to pay to have sex with a woman who was trafficked into prostitution.

Therefore, when it comes to enforcement of federal<sup>79</sup> and state<sup>80</sup> obscenity laws, federal and state prosecutors and law enforcement agencies should vigorously enforce these laws not just against distributors of extreme forms of hardcore pornography but also against distributors of all hardcore pornography. The U.S.

75 Compare with *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 60 (1973), where the Supreme Court rejected the argument that enforcement of state obscenity laws is “impermissible” in the absence of “scientific data which conclusively demonstrate[s] that exposure to obscene material adversely affects men and women or their society” [italics added].

76 The U.S. Supreme Court has held that obscenity laws can be constitutionally enforced against “hard-core” pornography. *Miller v. California*, 413 U.S. 15, 27–29 (1973).

77 Perhaps one lesson that can be learned from the *Marcus* case is that in what is essentially a human trafficking case, a prosecutor should think twice before tacking on an obscenity charge unless he or she is prepared to prosecute that charge vigorously.

78 Los Angeles is also considered to be a very “politically liberal” city, but in April 2012, a federal district court jury in that city convicted a commercial producer of extreme pornography on obscenity charges. See Victoria Kim and Aida Ahmad, “Maker of Fetish Films convicted,” *Los Angeles Times*, April 28, 2012.

79 Federal obscenity laws (18 U.S.C. 1460–1469) prohibit distribution of obscene matter (e.g., videos, DVDs, and magazines) in interstate or foreign commerce, and §§ 1462 and 1465 specifically apply to use of an “interactive computer service.”

80 More than 40 states have statewide obscenity laws. Copies of these laws are published at <http://www.moralityinmedia.org>.

Supreme Court has repeatedly held that obscene material is unprotected by the First Amendment.<sup>81</sup> More recently, constitutional challenges to the application of obscenity laws to the Internet have also been rejected by the federal courts.<sup>82</sup>

Unfortunately, the U.S. Department of Justice (which includes the FBI and the 93 U.S. attorneys) has been unwilling to devote sufficient investigative and prosecutorial resources to the task of combating the proliferation of hardcore adult pornography. Since 1987, the primary responsibility for enforcing federal obscenity laws should have fallen on the shoulders of the department's Child Exploitation and Obscenity Section (CEOS). During the administrations of Presidents Ronald Reagan and George H. W. Bush, CEOS did aggressively and successfully prosecute many commercial distributors of hardcore adult pornography.<sup>83</sup> During the Clinton administration, however, the resources of CEOS became focused almost entirely on child pornography, and that narrow focus continues to this day. The Department of Justice fails to understand that there is evidence that the proliferation of "adult pornography" is contributing to sexual exploitation of children and to the increase of child pornography.<sup>84</sup>

The administration of George W. Bush decided to increase enforcement of federal obscenity laws by creating the Obscenity Prosecution Task Force in 2005<sup>85</sup> and did successfully prosecute a few commercial obscenity purveyors—but only those purveyors of the most extreme genres of pornography. Thus, the effect on sexual trafficking was minimal.

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81 See, for example, *Miller v. California*, 413 U.S. 15, 24 (1973), where the court also defined "obscene material" (shorthand definition) as "works which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, do not have serious literary, artistic, political, or scientific value."

82 See for example, *United States v. Little*, 2010 U.S. App. LEXIS 2320 (11th Cir. 2010); *United States v. Kilbride*, 584 F.3d 1240 (9th Cir. 2009); *United States v. Extreme Associates*, 431 F.3d 150 (3rd Cir. 2005), *cert. den.*, 547 U.S. 1143 (2006).

83 See Patrick A. Trueman's statement in *Hearing on Obscenity Prosecution and the Constitution, Before the U.S. Senate Committee on Judiciary Subcommittee on Constitution, Civil Rights, and Property Rights*, March 16, 2005, <http://www.gpo.gov/fdsys/pkg/CHRG-109shrg44825/html/CHRG-109shrg44825.htm>. In addition, the authors obtained a summary of activity statement from the Child Exploitation and Obscenity Division in the Justice Department, which referred to more than 170 child pornography cases, 125 obscenity cases, and 50 mail-order obscenity cases.

84 See Robert Peters, "How Adult Pornography Contributes to the Sexual Exploitation of Children," *Morality in Media*, New York, 2009, <http://www.pornharms.com/press/wp-content/uploads/2011/12/HOW-ADULT-PORNOGRAPHY-HARMS-CHILDREN-RP-article-with-appendices.pdf>. See also Patrick A. Trueman, "End Child Pornography: Enforce Adult Pornography Laws," Witherspoon Institute, Princeton, NJ, September 1, 2011, <http://www.thepublicdiscourse.com/2011/09/3767>.

85 U.S. Department of Justice, "Obscenity Prosecution Task Force Established to Investigate, Prosecute Purveyors of Obscene Materials," press release, U.S. Department of Justice, May 5, 2005, [http://www.justice.gov/opa/pr/2005/May/05\\_crm\\_242.htm](http://www.justice.gov/opa/pr/2005/May/05_crm_242.htm).

Despite major efforts to get the Department of Justice to enforce federal obscenity laws,<sup>86</sup> the Obama administration chose to disband the Obscenity Prosecution Task Force, and since the 2008 presidential elections, there have been no new obscenity indictments targeting commercial distributors of hardcore adult pornography.<sup>87</sup> This failure has been criticized by a diverse number of political actors, including 41 U.S. senators who sent a letter to Attorney General Eric Holder on April 4, 2011, to “urge the Department of Justice [to] vigorously enforce federal obscenity laws against major commercial distributors of hardcore adult pornography.” The Senators said, “We know more than ever how illegal adult obscenity contributes to . . . sex trafficking. This material harms individuals, families, and communities, and the problems are only getting worse.”<sup>88</sup>

Furthermore, as the Supreme Court has recognized, “there are legitimate state interests at stake in stemming the tide of commercialized obscenity.”<sup>89</sup> Among those concerns is the link between pornography and human trafficking. The urgent need to stop sex trafficking requires that we use every available weapon at our disposal, including the enforcement of federal and state obscenity laws.

In addition to enforcing obscenity laws, the U.S. government could take a number of other steps to counter the effect of pornography on human trafficking.

One option is for the U.S. government to place advertisements in industry trade publications to promulgate warnings about trafficking to performers. Performers who are being trafficked could then become aware of assistance such as the U.S. trafficking hotline. The federal government already pays for advertisements creating awareness of the dangers of trafficking to vulnerable populations, and it would make sense to distribute similar advertisements in the pornography industry. This effort would allow trafficking victims to receive help and, potentially, to aid in prosecution of their traffickers.

Policy makers could also encourage pornography trade organizations to create greater awareness of the potential for people to be trafficked in the pornography industry. Although those organizations have functioned primarily as a source of opposition to government regulation of pornography, they may be open to partnering with the government to create awareness and to combat trafficking within the industry.

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86 See, for example, Lisa Folch, “Pressure is Mounting To Enforce ‘Obscenity Laws,’” *Examiner*, February 15, 2011, <http://www.examiner.com>. See also Alliance Defense Fund, “ADF, Pro-Family Advocates Request Meeting with New U.S. Attorney General over Pornography,” Alliance Defense Fund, Scottsdale, AZ, July 17, 2009, <http://www.adfmedia.org>.

87 To its credit, the U.S. Department of Justice recently won an obscenity case against a small commercial producer of extreme hardcore pornography, but this case was initiated by the Bush administration. See Victoria Kim and Aida Ahmad, “Maker of Fetish Films convicted,” *Los Angeles Times*, April 28, 2012.

88 The letter is available at [http://www.politico.com/static/PPM153\\_obsc.html](http://www.politico.com/static/PPM153_obsc.html).

89 *Paris Adult Theatre I v. Slaton*, 413 U.S. 49, 57 (1973).

Additionally, as seen from the information discussed earlier, pornography can be a key stepping stone for those who are developing a sexual addiction. After becoming acclimated to pornography, addicts may move on to prostitution where women may be victims of trafficking. Greater education regarding this behavior spiral could help both addicts and others to recognize the potential dangers of their behavior in its early stages and to seek help. Such an education campaign could come in a number of forms. It could be incorporated into the curriculum of “John’s schools,” put into public service announcements, or even encapsulated in a warning label. Perhaps one day a pornographic movie will be covered in a warning—just like a pack of cigarettes—that cautions about the risk of sex addiction that leads to exploitation of real people.

Law enforcement could also enlist consumers to seek out cases where women are being trafficked into pornography. One of the most exceptional facts regarding the cases referred to earlier is that the criminal acts were recorded and distributed to the public. A record of a horrific crime was distributed openly, and yet it did not come to the attention of law enforcement quickly. Media campaigns to inform consumers about pornography could tell people to watch out for material that they believe involves genuine coercion and could make detecting sex trafficking easier. The U.S. government created the “if you see something, say something” campaign in connection with possible terrorist threats; a similar campaign with regard to pornography involving trafficked women could similarly extend the reach of law enforcement’s knowledge. Greater knowledge about incidents of trafficking would greatly enhance the ability of the U.S. government to enforce the Trafficking Victims Protection Act.

## **Conclusion**

Human trafficking is universally recognized as an abhorrent practice that cannot be tolerated in the modern world. However, it is not a simple problem, and it is connected to countless other social phenomena, including pornography. As has been shown in this article, trafficking victims may be forced to produce pornography for commercial sale, and the consumption of pornography contributes to the sex trade. With this knowledge in hand, policy makers should act now to remove pornography’s contribution to trafficking. Only by fighting human trafficking on all fronts can this scourge be eliminated.



# Human Trafficking and Natural Disasters: A Vulnerability Approach

*Suzie Rivera-Pacheco\**

Slavery has not been abolished. In fact, trafficking in people<sup>1</sup> is a serious threat to human rights and security, and every day more people around the world are being subjected to this version of enslavement. People are being used as commodities. Although human trafficking affects populations from many different sectors of society, women and children are the most vulnerable to trafficking.

Women and children's vulnerability to trafficking increases in the aftermath of a natural disaster, in part because there is often a breakdown of law, order, and social networks. Preventive actions and responsive measures to protect the potential victims have to be developed and implemented. Given that women and children are more prone to trafficking threats, this article argues that an "approach to vulnerability" should be adopted in the development, implementation, and assessment of all the policies and programs aimed at preventing and ameliorating the consequences of natural disasters. This article also assesses how the development of such an approach can be hindered by international policies that reflect a determination not to extend what is known as "the responsibility-to-protect principle" to include situations after natural disasters.

In this article, the term "approach to vulnerability" means the approach that recognizes women and children as the most vulnerable to being trafficked in the

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1 In this article, the terms "trafficking in persons," "trafficking in people," and "human trafficking" are used interchangeably. The Trafficking Victims Protection Act (TVPA) defines severe forms of trafficking in persons 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" and (b) "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery." 22 U.S.C. § 7102 (2010). The European Council Directive of April 5, 2011 on Preventing and Combating Trafficking in Human Beings and Protecting Its Victims defines trafficking in person as the "recruitment, transportation, transfer, harbouring, or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." See Council Directive 2011/36, art. 2 (1), 2011 O.J. (L101) 1, 6.



aftermath of a natural disaster. The approach stands for developing and adopting plans, strategies, legislation, and any other means necessary to procure and enhance the physical and psychological protection of women and children following a natural disaster. The proposed approach calls for integrating women and children as key players while developing initiatives to cope with the threats caused by natural disasters. It promotes a reassessment of domestic and international policies so that preventing potential victims from being trafficked in the aftermath of a natural disaster is set as a priority.

The article sets forth a brief introduction about the meaning and scope of human trafficking and discusses the conditions and factors that make women and children predominantly vulnerable. To exemplify the damaging impact that natural disasters have on populations that are vulnerable to human trafficking, the article discusses examples of human rights violations and data gathered after the 2004 Indian Ocean tsunami,<sup>2</sup> the 2010 earthquake in Haiti,<sup>3</sup> and Hurricane Katrina.<sup>4</sup> Particular emphasis is given to how natural disasters affect women and children and thereby make them more likely to be victimized by human traffickers.

The article also analyzes the gaps in international law, the exclusion of the responsibility-to-protect principle,<sup>5</sup> and the unclear scope of human security so as to help to determine (a) their effects on protecting women and children after a natural disaster and (b) the challenges that they represent to the approach to vulnerability. It should be noted that although this analysis concentrates on the

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- 2 See generally "Asia Battles Earthquake Aftermath," *BBC News*, December 27, 2004, <http://news.bbc.co.uk/2/hi/asia-pacific/4126971.stm>; "The Deadliest Tsunami in History?" *National Geographic News*, January 7, 2005, [http://news.nationalgeographic.com/news/2004/12/1227\\_041226\\_tsunami.html](http://news.nationalgeographic.com/news/2004/12/1227_041226_tsunami.html); "Most Tsunami Dead Female—Oxfam," *BBC News*, March 26, 2005, [http://news.bbc.co.uk/2/hi/south\\_asia/4383573.stm](http://news.bbc.co.uk/2/hi/south_asia/4383573.stm).
  - 3 See generally, Brinda Adhikar and Ned Potter, "Haiti Earthquake Damage: Death Toll Rises, Relief Mobilized," *ABC World News*, January 13, 2010, <http://abcnews.go.com/WN/HaitiEarthquake/haiti-earthquake-death-toll-rises-disaster-relief-coming/story?id=9550614#.T55DIO2i6Gk>; Deborah Sontag, "In Haiti, the Displaced Are Left Clinging to the Edge," *New York Times*, July 10, 2010, [http://www.nytimes.com/2010/07/11/world/americas/11haiti.html?\\_r=1&ref=haiti](http://www.nytimes.com/2010/07/11/world/americas/11haiti.html?_r=1&ref=haiti); Rose Arce and Soledad O'Brien, "Most Have Homes, but Some Haitian Orphans Still in Shelters," *CNN*, January 12, 2011, <http://www.cnn.com/2011/US/01/11/haiti.us.orphans/index.html>.
  - 4 See generally Joseph B. Treaster and Kate Zernike, "Hurricane Katrina Slams into Gulf Coast: Dozens Are Dead," *New York Times*, August 30, 2005, [http://www.nytimes.com/2005/08/30/national/30storm.html?\\_r=1&ref=hurricanekatrina](http://www.nytimes.com/2005/08/30/national/30storm.html?_r=1&ref=hurricanekatrina); "Relief Workers Confront 'Urban Warfare,'" *CNN*, September 1, 2005, [http://articles.cnn.com/2005-09-01/weather/katrina.impact\\_1\\_relief-efforts-urban-warfare-evacuation?\\_s=PM:WEATHER](http://articles.cnn.com/2005-09-01/weather/katrina.impact_1_relief-efforts-urban-warfare-evacuation?_s=PM:WEATHER); Monica Hernández, "La. Legislature to Address Rise of Human Trafficking in Metro Area," *wvlv.com*, April 27, 2011, <http://www.wvlv.com/news/Legislature-to-tackle-human-trafficking-bill-120830019.html>.
  - 5 The responsibility-to-protect principle stipulates that (a) the state carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity, and ethnic cleansing; (b) the international community has a responsibility to assist states in fulfilling this responsibility; and (c) the international community should use appropriate diplomatic, humanitarian, and other peaceful means to protect populations from these crimes. If a state fails to protect its populations or is, in fact, the perpetrator of crimes, the international community must be prepared to take stronger measures, including the collective use of force through the United Nations Security Council. For more information, see the website of the International Coalition for the Responsibility to Protect, at <http://www.responsibilitytoprotect.org/>.

vulnerability of women and children in a natural disaster's aftermath, they are not the only sector of the population that might suffer the lamentable results of nature's wrath. Finally, the article addresses best practices for preventing and combating human trafficking in natural disaster situations in an attempt to contribute to the efforts and initiatives to protect vulnerable populations.

## A Brief Look into the World of Human Trafficking

### *Conceptualization*

Human trafficking<sup>6</sup> is known to be modern slavery.<sup>7</sup> The 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children,<sup>8</sup> defines trafficking in people as “the recruitment, transportation, transfer, harboring, or receipt of persons,” by threat, force, or other forms of coercion, “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.”<sup>9</sup> The protocol refers to abuse of vulnerability as a means of coercion,<sup>10</sup> and this reference to abuse of a position of vulnerability is “understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to

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6 Human trafficking is different from human smuggling. Typically, human smuggling is done with the consent of the smuggled, and the relationship between the transporter and the smuggled ends once the target destination is reached. See T. K. Logan, Robert Walker, and Gretchen Hunt, “Understanding Human Trafficking in the United States,” in *Companion Reader on Violence against Women*, ed. Claire M. Renzetti, Jeffrey L. Edelson, and Raquel Kennedy Bergen, 151, 152–53 (Thousand Oaks, CA: Sage). The line between these two concepts is thin, but tracing it is important to successfully tackle the particular threats they create to society.

7 For a discussion on human trafficking as a form of slavery, see generally, Susan W. Tiefenbrun, “Copyright Infringement, Sex Trafficking, and Defamation in the Fictional Life of a Geisha,” *Michigan Journal of Gender and Law* 10 (2004): 327, 365. Tiefenbrun writes, “Domestic laws in the United States, in other countries, as well as international laws, define sex trafficking as a form of slavery.” See also Susan W. Tiefenbrun, “Sex Slavery in the United States and the Law Enacted to Stop It Here and Abroad,” *William and Mary Journal of Women and the Law* 11 (2005): 317, in which Tiefenbrun argues that sex trafficking is a modern form of slavery that violates diverse fundamental human rights such as the right to liberty and security. See also Valerie Oosterveld, “Sexual Slavery and the International Criminal Court: Advancing International Law,” *Michigan Journal of International Law* 25 (2004): 605, in which Oosterveld discusses the inclusion of a reference to trafficking in the elements for sexual slavery as a crime under the Rome Statute.

8 The 2000 protocol entered into force in December 25, 2003, and has been signed by 117 member states and ratified by 106. For the status of the protocol, see the website of the United Nations Treaty Collection at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en).

9 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, art. 3(a), *opened for signature* Nov. 15, 2000, 2237 U.N.T.S. 343 (entered into force Dec. 25, 2003).

10 *Ibid.*

the abuse involved.”<sup>11</sup> The major forms of trafficking in persons are forced labor, sex trafficking, bonded labor, debt bondage among migrant laborers, involuntary domestic servitude, forced child labor, the recruitment of child soldiers, and child sex trafficking.<sup>12</sup>

### *A Profitable Organized Crime*

Not being subject to human trafficking is a human right. The Universal Declaration of Human Rights explicitly establishes that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”<sup>13</sup> Nonetheless, today the number of slaves in the world is millions more than that in the 17th century during the time of anti-slavery campaigning.<sup>14</sup> Trafficking in persons is connected to organized crime<sup>15</sup> and has become a highly profitable business. It is the third most lucrative illicit activity after drug smuggling and

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- 11 See para. 63 of Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, “Interpretative Notes for the Official Records (Travaux Préparatoires) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto,” UN Doc. A/55/383/Add.1, United Nations, New York, November 3, 2000. Council Directive 2011/36, art. 2 (2), defines vulnerability as “a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.”
- 12 U.S. Department of State, *Trafficking in Persons Report 2011* (Washington, DC: U.S. Government Printing Office, 2011), 7–9. However, there are other forms of trafficking that are underreported, such as forced marriage, organ removal, and exploitation of children in begging. See United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons* (New York: United Nations, February 1999), 6.
- 13 Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), (Dec. 10, 1948), art. 4. See also International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No. 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, which at article 8 states, “No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.” See also Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, which at article 6 specifies that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” See also Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3, which at article 35 states that “States Parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.” See also Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO No. 182), June 17, 1999, 2133 U.N.T.S. 161. According to article 3(a) of that convention, the term “worst forms of child labor” includes “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.”
- 14 Jytte Nhanenge, *Ecofeminism: Towards Integrating the Concerns of Women, Poor People, and Nature into Development* (Lanham, MD: University Press of America, 2011), 58.
- 15 Article 2(a) of the United Nations Convention against Transnational Organized Crime defines an “organized criminal group” as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes . . . in order to obtain, directly or indirectly, financial or other material benefit. See U.N. Convention against Transnational Organized Crime, *opened for signature* November 15, 2000, 2225 U.N.T.S. 275, (entered into force September 29, 2003). For a description of organized crime, see, for example, Jennifer M. Smith, “An International Hit Job: Prosecuting Organized Crime Acts as Crimes against Humanity,” *Georgetown Law Journal* 97 (2009): 1111, 1115.

arms trafficking.<sup>16</sup> Its global annual profits have been estimated at \$31.6 billion.<sup>17</sup> Corruption among state officials, police officers, and immigration staff members has facilitated the proliferation of this criminal industry.<sup>18</sup>

According to the United Nations (UN), around 2.5 million people are subject to forced labor, including sexual exploitation, at any given time, as a result of human trafficking. Children count for 1.2 million of the annual trafficked victims. About 161 countries are affected by human trafficking, as the source, transit, or destination country. An estimated 43 percent of human-trafficking victims are forced into commercial sexual exploitation, and 98 percent of those 43 percent are women and girls. Moreover, 32 percent of human-trafficking victims are used for forced economic exploitation, and that 56 percent of those 32 percent are women and girls.<sup>19</sup> Although human trafficking is a very lucrative business, most of the time women and children are not compensated. Often their only sort of payment is to receive food, avoid beatings, and stay alive.<sup>20</sup> It is a common practice for traffickers to “compensate” their victims with drugs, and once the victims have been forced into prostitution, they need the drugs to numb themselves to endure the commercial sex they are being forced to engage in.<sup>21</sup> One of the reasons that this business is profitable is that the human body can be sold repeatedly.<sup>22</sup>

### ***Recruitment***

Trafficking victims are recruited in different ways,<sup>23</sup> but the recruitment is easier in economic crises, conflicts, and natural disasters, where there is a ready

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16 Nhanenge, 60, *supra* note 14.

17 United Nations Global Initiative to Fight Human Trafficking, “Human Trafficking: The Facts,” United Nations, New York, [http://www.unglobalcompact.org/docs/issues\\_doc/labour/Forced\\_labour/HUMAN\\_TRAFFICKING\\_-\\_THE\\_FACTS\\_-\\_final.pdf](http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf).

18 Nhanenge, 60, *supra* note 14. See generally, United Nations Convention against Corruption, Oct. 31, 2003, 2349 U.N.T.S. 41.

19 United Nations Global Initiative to Fight Human Trafficking, *supra* note 17.

20 Laura J. Lederer, “Sold for Sex: The Link between Street Gangs and Trafficking in Persons,” *The Protection Project Journal of Human Rights and Civil Society* 4 (Fall 2011): 1. One of the issues addressed by the article is how street gangs are trafficking and abusing women and girls. This practice is a very profitable business for the traffickers but not for the victims.

21 *Ibid.*, 6.

22 *Ibid.*, 9.

23 Some methods of recruitment are mail-order brides, jobs ads, or offers of good jobs. After the person accepts the offer, he or she is submitted to forced labor, sexual exploitation, or both. Sometimes international women are drawn into prostitution after they arrived in the United States in conjunction with knowing U.S. military men. Women are also often recruited in nightclubs, where pimps befriend women to create an emotional dependence and then convince them to earn money for the pimps in prostitution. Pimps use women’s drug and alcohol dependencies as tools to manipulate and maintain control over them. See Janice G. Raymond and Donna M. Hughes, *Sex Trafficking of Women in the United States* (New York: Coalition against Trafficking in Women, 2001), 51–3. Another method of recruiting women and young girls for trafficking is through romancing. The trafficker recruits “a new girl by giving her expensive gifts, taking her on dates, and taking her to gang-hosted parties where drugs and alcohol are plentiful. Later, the boy who recruited her can use her feelings of indebtedness to manipulate her into coerced commercial sex acts. According to one expert, gang members use their knowledge of a girl’s insecurities to make her feel vulnerable, allowing one gang member to manipulate her more easily by showing her affection.” See Lederer, 6, *supra* note 20.

supply of potential victims because of the crisis at hand.<sup>24</sup> If efficient strategies are to be implemented to protect people and address demand in the aftermath of a natural disaster, researchers must identify the vulnerable sector of the population, understand what makes them vulnerable in the first place, and determine how natural disasters exacerbate this vulnerability.

## Vulnerability

### *Contributing Factors*

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, establishes that the factors that make persons vulnerable to trafficking are poverty, underdevelopment of the area's infrastructure, and lack of equal opportunity, with women and children being the most affected by these factors.<sup>25</sup> The alleviation of these factors is part of the prevention component in combating human trafficking.<sup>26</sup> Socioeconomic factors determine the capacity to cope with natural hazards and, in many cases, that capacity varies considerably among communities.<sup>27</sup> People living in poverty tend to be clustered in specific places. Hence, biophysical and poverty maps should be combined to identify where the people who are most at risk from environmental stresses are located.<sup>28</sup> This mapping would enable governmental authorities and other interested sectors to implement a preventive plan before the natural disaster occurs to protect the vulnerable population from human trafficking and other subsequent threats.

Sometimes a government's laws increase vulnerability among women. For example, in Indonesia and India, women do not have a right to own land, and property is registered as the women's husbands or fathers because the women are not recognized as heads of the household.<sup>29</sup> According to the Asia Pacific Forum on Women, Law, and Development (APWLD), "This policy denies access to public services to many young women who lost their fathers or married women who lost

24 Louise Shelley, *Human Trafficking: A Global Perspective* (Cambridge, U.K.: Cambridge University Press, 2010), 94.

25 Protocol to Prevent, Suppress, and Punish Trafficking, *supra* note 9, art. 9(4). It is worth mentioning that the protocol has 20 articles, of which article 5 is about criminalization; articles 6, 7, and 8 address protection; and article 9 deals with prevention.

26 Mohamed Y. Mattar, "Incorporating the Five Basic Elements of a Model Antitrafficking in Persons Legislation in Domestic Laws: From the United Nations Protocol to the European Convention," *Tulsa Journal of Comparative and International Law* 14 (2006): 357, 403. The "Five Ps" model comprises prevention, protection, provision, protection, and participation. *Ibid.*, 360.

27 Marcel T. J. Kok, Vishal Narain, Steven Wonink, and Jill Jäger, "Human Vulnerability to Environmental Change: An Approach for UNEP's Global Environment Outlook," in *Measuring Vulnerability to Natural Hazards: Towards Disaster Resilient Societies*, ed. Jörn Birkmann, 128–48 (Tokyo: United Nations University Press, 2006).

28 *Ibid.*

29 Madhavi Malalgoda Ariyabandu, "Sex, Gender, and Gender Relations in Disasters," in *Women, Gender, and Disaster: Global Issues and Initiatives*, ed. Elaine Enarson and P. G. Dhar Chakrabarti, 5–17 (New Delhi: Sage, 2009).

their husbands.”<sup>30</sup> In 7 out of 141 economies studied by the World Bank, married women do not have the same property rights as do married men.<sup>31</sup> Such laws make it harder for women and their children to resettle and to have a more secure place to live, because they hinder women’s ability to access, manage, and control property. Traffickers take advantage of these inequalities.<sup>32</sup>

When governments deal with natural disasters with gender insensitivity,<sup>33</sup> women cannot get direct access to relief and recovery and are barred from participation and contribution in issues that directly affect them,<sup>34</sup> such as access to information, medical care, and physical security. Governments or stakeholders that subscribe to paternalistic land rights aggravate women’s social and economic status, reinforce relationships of subordination, and bypass the opportunity of social change offered by the recovery process.<sup>35</sup>

### *Natural Disasters and Vulnerability*

The condition of extreme vulnerability in humans can arise from living under severe economic deprivation and from being a victim of a natural catastrophe.<sup>36</sup> Natural disasters create displacement, and displacement causes vulnerability to cultural alienation, human rights abuses, and lowering of living standards.<sup>37</sup> As some researchers point out, “Extreme phenomena only become disasters if people

30 APWLD, “Why Are Women More Vulnerable during Disasters? Violations of Women’s Human Rights in the Tsunami Aftermath,” APWLD, Chiangmai, Thailand, 2005, 8.

31 World Bank, *Women, Business, and the Law: Removing Barriers to Economic Inclusion* (Washington, DC: World Bank, 2011), 19. In the 141 economies covered by the World Bank, unmarried women have the same rights over movable or immovable property as men have, but this parity does not apply for married women versus married men. Ibid., 13. By counting the legal differentiations that apply to married and unmarried women, such as being able to get a job, sign a contract, register a business, open a bank account, own property, work at night or in all industries, and retire at the same age as men, one can detect a crude measure of gender legal differentiation.

32 The profile of the trafficker includes family members, organized crime and trafficking rings, businesses, pimps and brothel owners, fraudulent international marriage brokers, employment agencies, militia, teachers, religious instructors, and the diplomatic community. See The Protection Project, *The Protection Project Review of the Trafficking in Persons Report* (Washington, DC: Johns Hopkins University, July 2011), 37.

33 Gender insensitivity is characterized by failing to take gender into account as a social important variable. It is a failure to recognize that people’s experiences vary depending on their gender. See Margrit Eichler, *Nonsexist Research Methods: A Practical Guide* (New York: Routledge, 1987), 6. Gender insensitivity has also been defined “as comments or actions that intentionally or unintentionally devalue the individual because of her or his sex.” See Charlotte D. Jacobs, Merlynn R. Bergen, and David Korn, “Impact of a Program to Diminish Gender Insensitivity and Sexual Harassment at a Medical School,” *Academic Medicine* 75, no. 5 (May 2000): 464.

34 Malalgora Ariyabandu, 15, *supra* note 29.

35 Ibid.

36 Czeslaw Mesjasz, “Economic Vulnerability and Economic Security,” in *Coping with Global Environmental Change, Disasters, and Security: Threats, Challenges, Vulnerabilities, and Risks*, ed. Hans Günter, Úrsula Oswald Spring, Czeslaw Mesjasz, and John Grin, 124, 139 (Berlin: Springer, 2011).

37 Nanda Kishor, “Politics of Displacement and Vulnerability,” in *Coping with Global Environmental Change, Disasters, and Security: Threats, Challenges, Vulnerabilities, and Risks*, ed. Hans Günter, Úrsula Oswald Spring, Czeslaw Mesjasz, and John Grin, 626, 633 (Berlin: Springer, 2011).

are affected.”<sup>38</sup> Understanding and acknowledging vulnerability is the first step to sustainable and effective policies for its reduction.<sup>39</sup> Therefore, when coping with natural disasters and human trafficking, one’s approach should be centered around the potential victim instead of the victim,<sup>40</sup> because the primary aim should be prevention before reaction. Such an approach does not make the plan to assist victims of human trafficking less important or mean that the assisting plan should be discarded. It only means a priority switch from reducing demand to preventing demand.

### *Women’s Vulnerability*

Although the international community has made progress in emergency actions—which includes increased response speed, targeted interventions, and fostering of social awareness—it frequently neglects women’s particular needs and sometimes contributes to diminishing women’s social status.<sup>41</sup> There is a pattern of gender differentiation between men and women at all levels of the disaster process, including but not limited to exposure to risk, risk perception, preparedness, response, reconstruction, and physical and psychological impact.<sup>42</sup> Awareness of these differentiations can lead emergency stakeholders to improve the efficiency of the intervention and the capacity of the community to rebuild itself.<sup>43</sup> Women’s physical and psychological safety is threatened in cases of lawlessness, and they may become victims of all sort of violence, including assault, rape, and unwanted pregnancy.<sup>44</sup> In the aftermath of a natural disaster, women frequently lack access to contraception, and “disaster relief efforts often fail to include attention to

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38 Katharina Marre and Fabrice Renaud, “Differentials in Impacts and Recovery in the Aftermath of the 2004 Indian Ocean Tsunami: Local Examples at Different Scales in Sri Lanka,” in *Coping with Global Environmental Change, Disasters and Security: Threats, Challenges, Vulnerabilities and Risks*, ed. Hans Günter, Ursula Oswald Spring, Czeslaw Mesjasz, and John Grin, 1129 (Berlin: Springer, 2011).

39 Ibid.

40 The potential victim is a “ person who is part of a risk group and is vulnerable to becoming a victim of trafficking. Preventive measures must be taken so that the potential victim does not become a real victim.” Mohamed Mattar, *Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective* (Washington, DC: The Protection Project, 2006), 16. A victim, however, is “a person who has ‘suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of his/her fundamental rights, through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.’” Ibid., citing art. B(18) of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

41 Judy El Bushra, “Social Differentiation between Men and Women in Humanitarian Interventions,” in *Responding to Emergencies and Fostering Development: The Dilemmas of Humanitarian Aid*, ed. Claire Pirotte, Bernard Husson, and François Grunewald, 97 (London: Zed Books, 1999).

42 Economic and Social Commission for Asia and the Pacific (ESCAP), *Women and Natural Disasters: A Regional Analysis on Asia and the Pacific* (Bangkok: ESCAP, 2010), 8.

43 El Bushra, *supra* note 41.

44 Ibid., 98.

specifically female health needs.”<sup>45</sup> Pregnant women lack obstetrical care and are prone to miscarry or deliver under extremely unsanitary conditions. Hence, in the aftermath of a natural disaster, it is imperative to secure women’s physical, psychological, and sexual health, as well as protect women from violence aimed directly at them.

Women are also more vulnerable because of social norms and role behavior. They are often deprived of literacy and higher education.<sup>46</sup> Women frequently lack resources and do not have possessions of their own such as land and houses.<sup>47</sup> Consequently, to accomplish a successful intervention that is beneficial to the community in the long term, governments and stakeholders should include women in the preparation, implementation, and follow-up of emergency plans.<sup>48</sup> Additionally, to protect women and their children, the interventions should be timely.<sup>49</sup> One should not forget that by protecting women, children are being protected as well, because women carry the social responsibility of raising and looking out for their children.<sup>50</sup> Moreover, “[w]hen food is not delivered directly to women and when they are excluded from camp management and the design of relief and reintegration plans,” their vulnerability to sexual exploitation and other abuses increases considerably,<sup>51</sup> in their desperate attempt to survive and to provide for their children.

### ***Children’s Vulnerability***

In addition to gender, another factor of vulnerability is age.<sup>52</sup> As will be explained in further detail, natural disasters such as the Indian Ocean tsunami, the

45 Lin Chew and Kavita N. Ramdas, “Caught in the Storm: The Impact of Natural Disaster on Women” Global Fund for Women, San Francisco, December 2005, 2. A study conducted by civil organizations in the aftermath of Haiti’s earthquake revealed that many victims did not receive medical care after being assaulted because of lack of information, inability to pay for transportation to reach assistance, and fear of stigmatization. Institute for Justice and Democracy in Haiti, MADRE, and International Women’s Human Rights, “Our Bodies Are Still Trembling: Haitian Women’s Fight against Rape,” Boston, Institute for Justice and Democracy in Haiti, July 2010, 12–13.

46 ESCAP, “Women and Natural Disasters,” 9, *supra* note 42.

47 El Bushra, 98, *supra* note 41.

48 Chew and Ramdas, *supra* note 45.

49 El Bushra, 100–1, *supra* note 41.

50 “Women take on the role as care givers for the family and are responsible for looking after the domestic property.” See ESCAP, “Women and Natural Disasters,” 9, *supra* note 42. This role may decrease their chances for survival. For instance, in the Indian Ocean tsunami, “many women died because they stayed behind to look for their children and other relatives.” See Oxfam International, “The Tsunami’s Impact on Women” (Oxfam Briefing Note, Oxfam International, Boston, March 2005), 2.

51 Office of the High Commissioner of Human Rights (OHCHR), “Protection of Internally Displaced Persons in Situations of Natural Disasters: A Working Visit to Asia by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin,” OHCHR, Geneva, February 27–March 5, 2005, 18.

52 The *Federal Sentencing Guidelines Manual* stipulates that a vulnerable victim is a person “who is unusually vulnerable due to age, physical or mental condition, or who is otherwise particularly susceptible to the criminal conduct.” U.S. Sentencing Commission, *Federal Sentencing Guidelines Manual* (Washington, DC: U.S. Sentencing Commission, November 1, 2011), § 3A1.1, commentary 2.



Haitian earthquake, and Hurricane Katrina reaffirmed that age and gender are very influential in determining the vulnerability of the population at risk.<sup>53</sup> Children's vulnerability is also significant. Children may be recruited as child soldiers to replace members of fighting forces who perished or were injured as a result of the natural disaster. In addition, lack of access to education exacerbates children's vulnerability to being trafficked.<sup>54</sup>

According to Noeleen Heyzer, executive secretary of the UN Economic and Social Commission for Asia and the Pacific (ESCAP), around 66 million children are affected by disasters every year, and their vulnerability is expected to increase.<sup>55</sup> In the Children's Charter for Disaster Risk Reduction, children identified as a priority their own protection during and after a disaster to avoid threats such as child labor and trafficking.<sup>56</sup> Thus, children are aware that they are in danger in the aftermath of a natural disaster. Their fear should not be ignored, and their needs should not be neglected.

Yet the vulnerability of children presents the special circumstance that sometimes because of their age or lack of education, they are unaware that they are being abused.<sup>57</sup> Children who are sexually naïve are more prone to victimization and readily fall into the offender's trap of secrecy. Hence, children need to be educated about how to deal with everyday challenges; how to identify and respond to potentially dangerous situations; how to identify, prevent, and stop sexual abuse; and how to seek help.<sup>58</sup> Educating children is an essential part of the approach to vulnerability to assist them in dealing with the consequences of a natural disaster and its aftermath.<sup>59</sup> One researcher stated that "[c]hildren need to be instructed about adults who can be part of their safety network,"<sup>60</sup> particularly when they become more vulnerable as a result of social instabilities caused by natural disasters. It is also important to acknowledge that children are not a homogeneous group. Older children may have different needs, expectations, and vulnerabilities than do younger children. Girls and boys can be similarly differentiated.<sup>61</sup>

53 Marre and Renaud, 1134, *supra* note 38.

54 OHCHR, "Protection of Internally Displaced Persons," 19, *supra* note 51.

55 "As Disasters Increase, Risk Reduction Should Be a Concern for All," *UN News Centre*, October 13, 2011, <http://www.un.org/apps/news/story.asp?NewsID=40031>.

56 See Children in a Changing Climate, "Children's Charter: An Action Plan for Disaster Risk Reduction for Children by Children," Children in a Changing Climate, London, 2011, [http://www.childreninachangingclimate.org/database/CCC/Publications/children\\_charter.pdf](http://www.childreninachangingclimate.org/database/CCC/Publications/children_charter.pdf).

57 Jenny Pearce, "Children's Participation in Policy and Practice to Prevent Child Sexual Abuse: Developing Empowering Interventions," in *Protecting Children from Sexual Violence: A Comprehensive Approach*, 75 (Brussels: Council of Europe, 2010).

58 Gorana Hitrec, "Teaching Children to Protect Themselves from Sexual Abuse," in *Protecting Children from Sexual Violence: A Comprehensive Approach*, 165, 167 (Brussels: Council of Europe, 2010).

59 When developing an approach to vulnerability and strategies on prevention and reaction, researchers must do a real assessment of vulnerability that identifies why some children are potential victims of trafficking and others are not.

60 Hitrec, 73, *supra* note 58.

61 Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge, U.K.: Cambridge University Press, 2010), 427.

Natural disasters intensify conditions of vulnerability.<sup>62</sup> The Indian Ocean tsunami, the Haitian earthquake, and Hurricane Katrina proved the detrimental impact that natural disasters can have on the vulnerable population's security and well-being. These disasters occurred in three vastly different parts of the world and among different populations, yet each of these natural disasters increased the supply of people for human trafficking.

## Natural Disasters' Aftermath Entails Violence and Trafficking

### *Defining Natural Disasters*

If an approach to vulnerability that will counter trafficking in persons in the wake of natural disasters is to be developed and adopted, the definition and extent of what constitutes a natural disaster must be clear. A starting point is to define "natural disaster" as "a serious event that causes an ecological break-down in the relationship between humans and their environment on a scale that requires extraordinary efforts to allow the community to cope, and often requires outside help or international aid."<sup>63</sup> This definition makes sense because natural disasters have major global effects and they have increased in frequency, severity, and intensity.<sup>64</sup> Factors such as poor planning, population growth, urbanization, and environmental degradation enable disaster<sup>65</sup> and create conditions ripe for human trafficking.

### *Natural Disasters as Social Phenomena*

Most concerning is the fact that natural disasters are inextricably linked to poverty. Poverty and exclusion increase the vulnerability that helps natural hazards to become disasters.<sup>66</sup> As mentioned by one researcher, "Deepening

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62 Around 75 percent of the world's population lived in areas affected by natural disasters between 1980 and 2000. Billions of people in more than 100 countries are periodically exposed to at least one natural disaster, and because of the hazards created by acts of nature, more than 184 deaths per day are recorded in different parts of the world. See Dabiru Sridhar Patnaik, "Towards an International Legal Framework for the Protection of Individuals in the Event of Disasters: An Initial Inquiry," in *International Law and Humanitarian Assistance: A Crosscut through Legal Issues Pertaining to Humanitarianism*, ed. Hans-Joachim Heintze and Andrej Zwitter, 129 (New York: Springer, 2011).

63 Paul B. Spiegel, "Differences in World Responses to Natural Disasters and Complex Emergencies," *Journal of the American Medical Association* 293, no. 15. (2005): 1915–18.

64 United Nations Inter-Agency Task Force on Disaster Risk Reduction, *Framework for Action for the Implementation of the International Strategy for Disaster Reduction (ISDR)* (New York: United Nations, June 2010), 3.

65 International Institute for Sustainable Development, "Summary of the World Conference on Disaster Reduction: 18-22 January 2005," *Earth Negotiations Bulletin* 26, no. 9 (January 2005): 1.

66 Alena Herklotz, "The International Disaster Risk Reduction Regime: Escaping the Cycle of Poverty and Tragedy," in *The Role of the Environment in Poverty Alleviation*, ed. Paolo Galizzi, 145, 147 (Fordham University Press, 2008).

poverty, inequality of opportunity, and the denial of access to rights and resources have produced a growing number of disadvantage people, especially women and children, whose vulnerability can be exploited by human traffickers.<sup>767</sup>

A conservative estimate of the number of persons displaced in 2008 by sudden-onset natural disasters is 36 million<sup>68</sup> and rises to 42 million in 2010.<sup>69</sup> Even though natural disasters are not human-made events, they are inherently social processes that affect people differently according to gender, ethnicity, age, economic status, and disability.<sup>70</sup> As one researcher observes, “In emergency situations, what tends to happen is that the pre-existing inequalities and discriminations are mirrored and magnified by the effect of the disaster, unless countermeasures are put in place.”<sup>71</sup> In 2011, UN Secretary General Ban Ki-moon asserted that “vulnerability to catastrophes is growing faster than the world’s capacity to strengthen resilience, as evidenced by the devastation wrought by the recent series of floods, earthquakes, tsunamis, and droughts.”<sup>72</sup>

In many instances after a natural disaster, citizens become displaced when they lose their homes, jobs, and places in the community. Their lives change drastically because of disorienting, constant, and involuntary changes. Displaced people have their autonomy deeply reduced, and the consequences of missing the opportunity for education can be permanent.<sup>73</sup> Exposure to violence and disaster makes displaced victims of natural disasters experience post-traumatic stress disorder, psychosomatic illness, anxiety, and depression,<sup>74</sup> partly because being poor makes people particularly vulnerable to depression.<sup>75</sup>

67 Jyotsna Chatterji, “Trafficking of Women and Children,” in *Development, Social Justice, and Civil Society: An Introduction to the Political Economy of NGOs*, ed. Thomas J. Ward, 47 (St. Paul, MN: Paragon House, 2005).

68 United Nations Office for the Coordination of Humanitarian Affairs and Internal Displacement Monitoring Centre, “Monitoring Disaster Displacement in the Context of Climate Change: Findings of a Study by the United Nations Office for the Coordination of Humanitarian Affairs and the Internal Displacement Monitoring Centre,” United Nations Office for the Coordination of Humanitarian Affairs, Geneva, September 2009, 8.

69 The Internal Displacement Monitoring Centre lists displacement caused natural hazard-induced disasters, June 2011, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/15D7ACEC7ED1836EC12578A7002B9B8A/\\$file/IDMC\\_natural-disasters\\_2009-2010.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/15D7ACEC7ED1836EC12578A7002B9B8A/$file/IDMC_natural-disasters_2009-2010.pdf).

70 Sarah Fisher, “Violence against Women and Natural Disasters: Findings from Post-Tsunami Sri Lanka,” in *Companion Reader on Violence against Women*, ed. Claire M. Renzetti, Jeffrey L. Edelson, and Raquel Kennedy Bergen, 135, 137 (Thousand Oaks, CA: Sage).

71 Stephanie Delaney, *Protecting Children from Sexual Exploitation and Sexual Violence in Disaster and Emergency Situations*, (Bangkok: ECPAT International, 2006), 1, 15.

72 “As Disasters Increase,” *supra* note 55.

73 Michele R. Pistone and John J. Hoeffner, “Unsettling Developments: Terrorism and the New Case for Enhancing Protection and Humanitarian Assistance for Refugees and Internally Displaced Persons, Including Victims of Natural Disasters,” *Columbia Human Rights Law Review* 42 (2011): 613, 625.

74 Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons* (Inter-Agency Standing Committee, 2007), 149.

75 Pistone and Hoeffner, *supra* note 73, 628.

Natural disasters raise issues of human rights protection that have not received adequate attention.<sup>76</sup> These human rights concerns include sexual and gender-based violence and the recruitment of children into fighting forces.<sup>77</sup> These are actions of trafficking in persons and thus are violations of human rights.

### *The Indian Ocean Tsunami*

On December 24, 2004, the world witnessed the human desperation and pain caused by the Indian Ocean tsunami. Because of this natural phenomenon, approximately 240,000 people died. By 2005, 50,000 were still missing, and more than 1 million were displaced.<sup>78</sup> The countries most affected by the tsunami were India, Indonesia, the Maldives, Sri Lanka, and Thailand.<sup>79</sup> The natural disaster also affected other countries in South Asia and East Africa. The immediate response to the catastrophe was to concentrate efforts on rescue and on providing clean water, food, clothing, medical care, and shelter to survivors.<sup>80</sup> The actions taken by the international community to provide aid and supply resources were commendable,<sup>81</sup> but “[h]alf a decade later, communities devastated by the Indian Ocean tsunami are still struggling to resume normal, productive lives.”<sup>82</sup>

In the tsunami’s aftermath, the media soon reported rape and sexual abuse occurring in the first hours and days of the crisis.<sup>83</sup> The Coalition for Assisting Tsunami Affected Women<sup>84</sup> reported and confirmed incidents of rape, gang rape, molestation, and physical abuse of women and girls, along with a sense of insecurity, fear, and lack of security provisions in camps.<sup>85</sup> These harmful incidents, which sometimes are part of traditional and cultural practices, contribute to violence

76 OHCHR, “Protection of Internally Displaced Persons,” 7, *supra* note 51. In particular, “[v]iolence against women during natural disasters is an area that has received little attention by both disaster management and violence against women research and practice.” See Fisher, 136, *supra* note 70.

77 OHCHR, “Protection of Internally Displaced Persons,” 7–8, *supra* note 51.

78 Office of the UN Secretary-General, “Strengthening Emergency Relief, Rehabilitation, Reconstruction, Recovery and Prevention in the Aftermath of the Indian Ocean Tsunami Disaster: Report of the Secretary General” ¶ 3, U.N. Doc. A/60/86–E/2005/77 (June 21, 2005).

79 Tsunami Global Lessons Learned Project Steering Committee, *The Tsunami Legacy: Breakthroughs, Innovations, and Change* (Banda Aceh, Indonesia: Tsunami Global Lessons Learned Project Steering Committee, 2009), 3.

80 OHCHR, “Protection of Internally Displaced Persons,” 7, *supra* note 51.

81 *Ibid.*

82 Madoka Futamura, Christopher Hobson, and Nicholas Turner, “Natural Disasters and Human Security,” United Nations University, New York, March 24, 2011, <http://unu.edu/articles/peace-security-human-rights/natural-disasters-and-human-security>.

83 Fisher, 135, *supra* note 70.

84 See generally Kanchana N. Ruwanpura, “Temporality of Disasters: The Politics of Women’s Livelihoods ‘After’ the 2004 Tsunami in Sri Lanka,” *Singapore Journal of Tropical Geography* 29, no. 3: 325–40. See also Neloufer de Mel, “Between the War and the Sea,” *Intervention: International Journal of Postcolonial Studies* 9, no. 2 (2007): 238–54.

85 Fisher, 135, *supra* note 70.

against women being widespread,<sup>86</sup> and the abuse is perpetuated by acceptance or justification, which leads to inadequate health and counseling services for survivors, as well as insufficient mechanisms for protection and legal redress.<sup>87</sup> Consequently, violence against women often goes unreported, few survivors receive assistance,<sup>88</sup> state authorities do not provide women enough protection, and potential male perpetrators often commit abuses with impunity.<sup>89</sup>

Regarding the protection of the vulnerable in the Indian Ocean tsunami's aftermath, another aggravator was that violence against women is often considered a private issue that should not be discussed in the public sphere.<sup>90</sup> This kind of cultural norm exemplifies the unequal gender relations that women experience within their families and society.<sup>91</sup> Violence against women is the most pervasive of human rights violations,<sup>92</sup> because denial of women's human rights prevents them from participating in society, achieving their full potential, and experiencing equitable postdisaster reconstruction and development.<sup>93</sup> After the Indian Ocean tsunami, women were also at danger "when journeying to their damaged homes or venturing out to fulfill everyday needs."<sup>94</sup> Forced prostitution was more frequent in rural areas and among adolescent girls. In the tsunami's aftermath, marriages of young women and girls increased, and men replaced their lost wives by marrying girls as young as 13 years old. Some of these marriages were arranged by the girls' own parents to lessen the family's financial burden.<sup>95</sup> When men remarried, the burden of domestic work and the responsibility of looking after smaller children were laid on the older daughter.<sup>96</sup> The new marriages left the men's children more exposed to abuse because they were abandoned by the fathers in favor of their

86 ESCAP, "Harmful Traditional Practices in Three Countries of South Asia: Culture, Human Rights and Violence against Women" (Gender and Development Discussion Paper 5, ESCAP, 2008), 21.

87 CARE, "Bringing and End to Gender Based Violence" (Policy Brief, CARE, 2010).

88 Ibid.

89 Fisher, 136, *supra* note 70.

90 Chew and Ramdas, *supra* note 45.

91 Fisher, 136, *supra* note 70.

92 Charlotte Bunch, "The Intolerable Status Quo: Violence against Women and Girls," in *The Progress of Nations 1997*, 41 (New York: United Nations Children's Fund, 1997).

93 Fisher, 136, *supra* note 70.

94 Ibid., 141. Fisher explains that in Sri Lanka, the unsecure and precarious situation of women was worsened by the ongoing civilian-armed conflict. Women were subjected to rape, physical abuse, and sexual assault by armed groups, and an increase in violence against women—especially domestic violence—was observed in shelters housing the displaced after the tsunami. Ibid., 136.

95 Ibid., 141.

96 APWLD, "Tsunami Aftermath: Violations of Human Rights of Dalit Women, Tamil Nadu, India," APWLD, Chiangmai, Thailand, 2006, 19. Many cases of forced marriages against the will of girls under 18 years old were triggered by a "well-intended" government policy. Ibid., 21. "The Indian government announced that girls in the age group of 14 to 18 and young single women above 18 who had lost their parents in the tsunami were eligible for cash compensation." Ibid. In Sothikuppam village only, Cuddalore district, four girls under 18 years old were forced into marriage. Ibid.

new wives.<sup>97</sup> In the aftermath of the Indian Ocean tsunami, children were also submitted to forced labor and recruited for military services.<sup>98</sup>

### *Haiti's Earthquake*

In another example, on January 12, 2010, Haiti experienced a natural catastrophe of great proportions.<sup>99</sup> The 2010 earthquake left at least 300,000 people dead; 300,000 people injured and 1.5 million people homeless.<sup>100</sup> Although some organizations, most notably the United Nations Children's Fund (UNICEF), "paid significant attention to Haiti's children after the earthquake, some of the key post-earthquake relief and reconstruction reports and plans gave only passing mention to children rights."<sup>101</sup> The reports tended to address child protection as a side issue, despite the fact that children made up around 45 percent of Haiti's population. The "failure to incorporate children's rights and needs into the primary post-earthquake plans leaves nearly half of Haiti's population out, or at best at the margins, of Haiti's plans for its future."<sup>102</sup>

It has been estimated that before the earthquake, more than 300,000 children were subjected to forced labor in Haiti. Thus, human trafficking was already an issue.<sup>103</sup> A couple of days after the earthquake, Jean-Max Bellerive, Haiti's former

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97 Fisher, 141, *supra* note 70.

98 U.S. Department of State, *Trafficking in Persons Report 2005* (Washington, DC: U.S. Government Printing Office, 2005), 200. According to the report, the Liberation Tigers of Tamil Eelam continued to traffic children into forced labor and military service, taking at least 100 children after the tsunami. See also Human Rights Watch, "Sri Lanka: Child Tsunami Victims Recruited by Tamil Tigers," *Human Rights News*, January 14, 2005, <http://www.hrw.org/news/2005/01/13/sri-lanka-child-tsunami-victims-recruited-tamil-tigers>.

99 Haiti ratified the Protocol to Prevent, Suppress, and Punish Trafficking on April 11, 2011.

100 Jean-Germain Gros, *State Failure, Underdevelopment, and Foreign Intervention in Haiti* (New York: Routledge, 2012).

101 Jonathan Todres, "A Child Rights-Based Approach to Reconstruction in Haiti," *Intercultural Human Rights Law Review* 6 (2011): 43, 49.

102 *Ibid.*

103 Eve Blossom, "Haiti: Human Trafficking on the Rise after Earthquake," *Huffington Post*, January 26, 2010, [http://www.huffingtonpost.com/eve-blossom/haiti-human-trafficking-o\\_b\\_436412.html](http://www.huffingtonpost.com/eve-blossom/haiti-human-trafficking-o_b_436412.html). In U.S. Department of State, *Trafficking in Persons Report 2011* (Washington, DC: U.S. Government Printing Office, 2011), 393–94, Haiti was categorized as a special case for the sixth consecutive year. The U.S. Department of State asserted the following: "The massive physical destruction in the wake of the 2010 earthquake, including the destruction of governmental buildings, equipment, and loss of personnel, and the continued lack of fundamental infrastructure throughout the government, severely limited the government's ability to function in many areas, including in areas of law enforcement, social services, and border control. This had a similarly limiting effect upon the government's ability to address trafficking in persons. The extreme impact of the earthquake on the operational capacity of the Haitian government persisted throughout 2010 and into 2011. Twelve out of the 13 ministries collapsed in the earthquake, none of which have been rebuilt. Hundreds of civil servants and technocrats were killed, taking with them institutional knowledge and experience, and files were lost or destroyed. The Haitian government's ministries operated out of tents and in overcrowded makeshift buildings. Although Haiti has a significant child trafficking problem, the Haitian National Police Brigade for Protection of Minors (BPM), responsible for investigating crimes against children, has a minimal staff of 35 for the entire country, and lacks vehicles or investigational materials to inspect childcare facilities around the country. Border patrol lacks capacity to monitor the four official border crossings effectively, let alone the entire territorial border. Finally, the justice system is largely non-functional, as detention backlogs go back years, and few cases advance without some form of bribes or political pressure. The slow pace of reconstruction after the earthquake and the lack of government infrastructure obstructed basic government efforts to address trafficking in the country."

prime minister, admitted that because of the growing number of orphans, child trafficking was one of the biggest problems Haiti faced. Bellerive said that the earthquake left people in need of organs, which made children and the general population at risk of organ trafficking.<sup>104</sup>

The limited capacity of Haitian state institutions to respond to human trafficking was weakened by the extensive damage caused by the earthquake.<sup>105</sup> In partnership with nongovernmental organizations (NGOs), Haiti's government identified child-trafficking victims, but it did not enact much-needed anti-trafficking legislation. Since the earthquake, local shelters have received a record number of "restaveks," a label used for children who are experiencing the practice of child slavery in domestic settings. In partnership with an international NGO, the Ministry of Social Affairs identified 126 restaveks, but after the earthquake, NGOs identified around 816 restaveks in 25 major internally displaced persons camps in Port-au-Prince. Additionally, "[w]omen and girls are increasingly vulnerable to the internally displaced persons' self-appointed 'security guardians,' who exploit them in exchange for 'protection.'"<sup>106</sup>

The scenario of despair and danger has not changed in Haiti. Women are being forced to bathe in public.<sup>107</sup> Women and girls are being forced to sell their bodies and to engage in sexual activities in exchange for food.<sup>108</sup> News reports indicate that "[s]ome girls and women in the tent city have turned to prostitution to get money to feed themselves."<sup>109</sup> Officials call the frequent instances of "voluntary" prostitution "survival sex," and it affects impoverished women the most.<sup>110</sup> Tent cities were intended to be only temporary, but a year later "more than a million Haitians displaced from their homes by the earthquake are still eking out lives in [them]."<sup>111</sup> Their semipermanent state is due to the limited reconstruction efforts and tenuous social stability.

Frequently, women and children who are victims of rape cannot go to a hospital because they do not have money or do not know where to find a clinic offering

104 Charley Keyes, "State Department: U.S. Working to Prevent Child Trafficking in Haiti," *CNN World*, January 28, 2010, [http://articles.cnn.com/2010-01-28/world/haiti.us.children\\_1\\_child-trafficking-haitian-children-combat-trafficking?\\_s=PM:WORLD](http://articles.cnn.com/2010-01-28/world/haiti.us.children_1_child-trafficking-haitian-children-combat-trafficking?_s=PM:WORLD).

105 U.S. Department of State, *Trafficking in Persons Report 2010* (Washington, DC: U.S. Government Printing Office, 2010), 357.

106 Ibid.

107 Moni Basu, "One Year Later, Haiti's Symbolic Sites Are Sadly Unchanged," *CNN*, January 7, 2011, <http://www.cnn.com/2011/WORLD/americas/01/06/haiti.earthquake.anniversary/>.

108 Refugees International, "Haiti: Still Trapped in the Emergency Phase" (field report, Refugees International, Washington, DC, October 6, 2010), [http://www.refugeesinternational.org/sites/default/files/100710\\_haiti\\_still\\_trapped.pdf](http://www.refugeesinternational.org/sites/default/files/100710_haiti_still_trapped.pdf).

109 Basu, *supra* note 107.

110 Pistone and Hoeffner, 631, *supra* note 73.

111 Basu, *supra* note 107.

treatment for victims of violence. Exacerbating the issue is that victims of rape have testified that when they sought help from the police, the officers told them that the police could not do anything. According to Amnesty International research in Haiti, armed gangs attack at will because they know that there is little prospect that they will face justice.<sup>112</sup> It has been asserted that to successfully end the sexual violence, governments must ensure that the protection of women and girls in the camps—which has been largely ignored in the response to the humanitarian crisis—is a priority.<sup>113</sup>

### ***Recruitment Methods***

In the aftermath of natural disasters, the main recruitment methods for trafficking are fraud and force.<sup>114</sup> Traffickers make false promises to take advantage of the parents' desire to keep their children safe.<sup>115</sup> The traffickers tell parents that their child will have a better life.<sup>116</sup> Unfortunately, parents see these unscrupulous people as saviors and hand over their kids.<sup>117</sup> Women are also victims of such promises of a better life.

Human traffickers are aware that natural disasters worsen poverty. They know that some parents with too many mouths to feed may be willing to sacrifice one of

112 Amnesty International, "Haiti: Sexual Violence against Women Increasing," Amnesty International, January 6, 2011, <http://www.amnesty.org/en/news-and-updates/report/haiti-sexual-violence-against-women-increasing-2011-01-06>.

113 Rory Carroll, "Haiti One Year On: Suffering, Lost Opportunities, and Political Paralysis," *Guardian*, January 5, 2011, <http://www.guardian.co.uk/world/2011/jan/06/haiti-earthquake-one-year-on>.

114 In Indonesia, women and children in the internally displaced camps were at increased risk of being trafficked because "traffickers were luring women and girls away from the camp, offering them jobs and proposing to marry or adopt them. Mothers said that in the first days after the tsunami, many traffickers came to find babies or children who could be adopted. . . . There were accounts of many young girls who received offers from unknown persons to leave the camps for work opportunities in Malaysia or to work in restaurants and shops in Medan, North Sumatra's capital." See United Nations Population Fund, "Gender Based-Violence in Aceh Indonesia: A Case Study," United Nations Population Fund, New York, 2005, 11–12. See also *United States v. Ceneus*, 2011 WL 5547107 (N.D. Fla. Nov. 15, 2011). In that case, "a federal grand jury charged three defendants with conspiring to hold approximately 34 Haitian national agricultural guest workers in forced labor, actually engaging in forced labor, and engaging in document servitude and visa fraud. The indictment alleges that the defendants engaged in a scheme to target poor uneducated and unemployed Haitian nationals with false promises of plentiful work in the U.S. that would last for three years and culminate in lawful U.S. residency. The defendants allegedly required the victims to pay recruitment fees, knowing that the victims would incur debts from loan sharks to pay them. When the victims arrived in the U.S., the defendants confiscated their passports, failed to honor the employment promises, and threatened to deport the victims if they did not work for them, knowing that the victims would suffer serious financial and physical harm if they returned to Haiti. Trial is set for 2012." See U.S. Department of Justice, *Attorney General's Annual Report to Congress and Assessment of U.S. Government Activities to Combat Trafficking in Persons* (Washington, DC: U.S. Government Printing Office, 2010), 121.

115 ECPAT International and The Body Shop International, "Their Protection Is in Our Hands: The State of Global Child Trafficking for Sexual Purposes," ECPAT International, Bangkok, 2009, 23.

116 Michelle Crawford Rickert, "Through the Looking Glass: Finding and Freeing Modern-Day Slaves at the State Level," *Liberty University Law Review* 4 (2010): 211, 212. Traffickers sometimes pretend that they represent a wealthy benefactor from the United States "who is willing to pay for Haitian children to temporarily move to the U.S., where they can attend a boarding school and return when Haiti is restored." See ECPAT-USA, "Haitian Trafficking Prevention," ECPAT-USA, New York, 2012.

117 ECPAT-USA, *supra* note 116.



their children to benefit the family.<sup>118</sup> Traffickers buy family members in exchange for currency or foodstuffs.<sup>119</sup> Parents do not know the purpose for which their child is being purchased and justify their decision by reasoning that the transaction was necessary to save the rest of the family. Kidnapping is also a problem. Because human traffickers have guns and most of the people in the tent camps do not, “women and children are kidnapped while fetching water alone or pulled away from a group at gun point.”<sup>120</sup> Such traffickers meet little resistance because “traffickers are not afraid to shoot anyone who tries to interfere.”<sup>121</sup>

### ***Humanitarian Workers and Camps***

Regrettably, at times humanitarian workers participate in human trafficking. Following the 2004 Indian Ocean tsunami, incidents of sexual exploitation “were reported to have been committed by police and the paramilitary Special Task Force (STF) positioned in camps to provide security.”<sup>122</sup> There were reports of sexual assaults by humanitarian workers while women took baths.<sup>123</sup> Ongoing military control of camps and aid can harm internally displaced persons even more because they become vulnerable to sexual exploitation and abuse by the military and because children can be recruited for military purposes. Thus, it is essential to establish and retain the civilian character of camps and settlements for internally displaced persons to protect vulnerable populations from being trafficked. Moreover, the distribution of humanitarian aid should also be done by civilians.<sup>124</sup> International organizations should also play a key role because they have vast experience in camps and settlements in armed conflicts that can be applied to events of natural disasters.<sup>125</sup>

### ***Neglect of Vulnerability by Aid Response***

The aid response to natural disasters tends to be gender blind. For example, the compensation scheme established in response to the tsunami was to pay relief as cash to the male head of the household. Such a system increases women’s economic marginalization and forces them to seek other ventures for economic resources, which can become sexual work. Women and children’s vulnerability

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118 Oliver Pickup, “Haiti Earthquake Children Sold by Their Parents for Less than 76p Each to Traffickers, Say UNICEF,” *Mail Online*, February 22, 2011, <http://www.dailymail.co.uk/news/article-1359152/Haiti-earthquake-children-sold-parents-80-PENCE-traffickers.html>.

119 ECPAT-USA, *supra* note 116.

120 *Ibid.*

121 *Ibid.*

122 Fisher, 141 *supra* note 70.

123 *Ibid.*

124 OHCHR, “Protection of Internally Displaced Persons,” 17, *supra* note 51.

125 *Ibid.*, 27.

to being trafficked is also aggravated by their complete exclusion from camp management processes.<sup>126</sup>

Policies of limiting aid to the distribution of survival goods and services come from reasoning inherited from natural disaster relief, but this kind of aid has little transcendence across political and social factors.<sup>127</sup> The sorrow and despair suffered by victims of natural disasters show that “of all the many goods delivered by humanitarian organizations, the biggest shortage is in the delivery of security.”<sup>128</sup> The security shortage discourages and often prevents the delivery of other goods, thereby increasing problems related to medical care, nutrition, housing, and hygiene. Wealthier countries have not responded more vigorously to this problem, and their high sensitivity to their own immediate security in combination to insensitivity to the security concerns of others has created substantial security risks.<sup>129</sup> States have become unwilling or unable to offer protection to people who have been forcibly displaced within their own countries or across borders because they are “perceived as destabilizing to national, regional, and international security and as triggers for regional instability.”<sup>130</sup> Developed countries’ disregard of security issues “leads to the radicalization and militarization of the displaced, and causes host countries to disregard their own obligations,” leading to more radicalization.<sup>131</sup>

## Vulnerability in Developed Countries

### *Forced Labor in Katrina’s Aftermath*

Nonetheless, it is important to note that trafficking in persons in natural disasters is not an issue exclusive to developing countries. In the reconstruction of New Orleans after it was hit by Hurricane Katrina, Latinos, African Americans, Native Americans, Asian Americans, and poor white reconstruction workers were submitted to labor exploitation.<sup>132</sup> They faced threats of police and immigration raids without any guarantee that they would receive fair pay for their labor or any pay at

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126 Fisher, 142, *supra* note 70.

127 Mark Duffield, “The Crisis of International Aid,” in *Responding to Emergencies and Fostering Development: The Dilemmas of Humanitarian Aid*, ed. Claire Pirotte, Bernard Husson, and François Grunewald, 19, 20 (London: Zed Books, 1999).

128 Pistone and Hoeffner, 666, *supra* note 73.

129 *Ibid.*

130 Gil Loescher, “UNHCR at Fifty: Refugee Protection and World Politics,” in *Problems of Protection: The UNHCR, Refugees, and Human Rights*, ed. Niklaus Steiner, Mark Gibney, Gil Loescher, 3, 11 (New York: Routledge, 2003).

131 Pistone and Hoeffner, 666, *supra* note 73.

132 Judith Browne-Dianis, Jennifer Lai, Marielena Hincapie, and Saket Soni, *And Injustice for All: Workers’ Lives in the Reconstruction of New Orleans* (New Orleans, LA: Advancement Project, 2006), 9. See also Loren Redwood, “The Rebuilding of a Tourist Industry: Immigrant Labor Exploitation in the Post-Katrina Reconstruction of New Orleans,” in *Seeking Higher Ground: The Hurricane Katrina Crisis, Race, and Public Policy*, ed. Manning Marable and Kristen Clarke, 141 (New York: Palgrave Macmillan, 2008).

all.<sup>133</sup> A group of “Asian reconstruction workers was held captive by contractors in a mid-city hotel,” and government response to such labor exploitation and human trafficking was minimal.<sup>134</sup> These abuses were “facilitated by the presidential suspension of the Davis-Bacon Act, which requires that prevailing wages be paid on public works projects.”<sup>135</sup>

### ***Victimization of Women and Children***

Women and children were also deeply hurt by the aftermath of Hurricane Katrina. Women reported incidents of domestic violence and sexual assault in emergency shelters.<sup>136</sup> Continuously, men in the Astrodome entered the women’s restroom and showers to sexually assault them.<sup>137</sup> Children’s access to education was significantly disrupted. Almost 40 percent of children in Mississippi either had not completed their school year or had missed a considerable amount of class time.<sup>138</sup> In the months following the tragedy, symptoms of posttraumatic stress disorder and depression were found among children.<sup>139</sup> The devastation caused by Hurricane Katrina increased women and children’s impoverishment,<sup>140</sup> making them even more vulnerable to abuse, including human trafficking.

### ***Trafficking Victims Protection Reauthorization Act of 2005***

Hurricane Katrina landed in August 2005. On January 10, 2006, the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005 was signed into law.<sup>141</sup> The TVPRA of 2005 recognized the need to protect populations in “humanitarian emergencies from being trafficked for sexual or labor exploitation.”<sup>142</sup> It amended the Trafficking Victims Protection Act of 2000 and declared that “[t]he United States Agency for International Development, the Department of State, and the Department of Defense shall incorporate anti-trafficking and protection measures for vulnerable populations, particularly women and children, into their post-conflict

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133 Browne-Dianis et al., *supra* note 132.

134 Shelley, 253, *supra* note 24.

135 Ibid.

136 Julie Goldscheid, “Women and Disasters: Imagining Recovery Programs from the Victims’ Perspective,” *Women’s Rights Law Reporter* 28 (2007): 15–16.

137 Kathleen A. Bergin, “Witness,” *Thurgood Marshall Law Review* 31 (2006): 531, 533.

138 Irwin Redlener, David M. Abramson, and Richard Garfield, “Lessons from Katrina: What Went Wrong, What Was Learned, Who’s Most Vulnerable,” *Cardozo Journal of Law and Gender* 13 (2008): 783, 786.

139 Berre Burch, Shereen Naser, and Stacy Overstreet, “Children and Disasters: Lessons from Hurricane Katrina,” *Whittier Journal of Child and Family Advocacy* 10 (2010): 3, 8–10.

140 Avis Jones-DeWeever, “Gender, Race, and Class Disadvantage Pre- and Post-Katrina,” *Women’s Rights Law Reporter* 28 (2007): 21–22.

141 Trafficking Victims Protection Reauthorization Act of 2005, Pub. L. No. 109–164, §101, 119 Stat. 3558 (2006).

142 Ibid.

and humanitarian emergency assistance and program activities.”<sup>143</sup> It is noteworthy that the bill for TVPRA of 2005, HR 972, was introduced before Katrina hit American soil and that its concerns about trafficking in a natural disaster context were responses to the 2004 Indian Ocean tsunami.<sup>144</sup> The language of the statute recognized that the sector of the population most vulnerable to human trafficking in a disaster’s aftermath is women and children.

Human trafficking is a real and serious risk that increases when people are displaced, families are separated, children become orphans, and livelihoods are destroyed.<sup>145</sup> Regardless of where a disaster occurs, aid is often insufficient or diverted by corrupt officials.<sup>146</sup> This problem worsens the vulnerability of desperate people who have been suddenly deprived of all they had and the lives they knew. Traffickers are aware of the consequences of acts of nature and the gaps in humanitarian assistance and take advantage of those gaps. Natural disasters allow traffickers to target and enslave victims, especially women and children. Moreover, the international community has rejected the extension of the responsibility-to-protect to situations of natural disasters, making the path to develop and adopt the much-needed approach to vulnerability difficult.

## **International Protection and Security: A Disconnection from Human Trafficking**

### ***Protection of the Vulnerable: A Human Right***

Human rights protection is a well-established principle of customary international law.<sup>147</sup> One of the core precepts of the United Nations is “[t]o achieve international cooperation in solving international problems of ... humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms.”<sup>148</sup> By including the protection of women and children from being trafficked and sexually exploited in different treaties, international actors have shown their commitment to promoting and respecting human rights. Likewise, adopting the doctrine of the responsibility to protect at the 2005 UN World Summit demonstrates that respect for human rights and life is critical to the role that UN member states play in world affairs,<sup>149</sup> but the responsibility-

143 Ibid.

144 Christopher H. Smith, “Introduction of the Trafficking Victims Protection Reauthorization Act of 2005,” *Proceedings and Debates of the 109th Congress* 151, no. 18.

145 OHCHR, “Protection of Internally Displaced Persons,” 18, *supra* note 51.

146 Shelley, 38, *supra* note 24.

147 Tahmika Ruth Jackson, “Bullets for Beans: Humanitarian Intervention and the Responsibility to Protect in Natural Disasters,” *Naval Law Review* 59 (2010): 1, 5. “Customary law” is defined as “[l]aw consisting of customs that are accepted as legal requirements or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic a part of a social and economic system that they are treated as if they were laws.” See *Black’s Law Dictionary* (4th pocket ed., Eagan, MN: West, 2011), 194. Customary international law is known as the law of nations. See *Flores v. S. Peru Copper Corp.*, 414 F.3d 233, 247 (2d Cir. 2003).

148 U.N. Charter, art. 1, para. 3.

149 Jackson, *supra* note 147.

to-protect principle has been expressly declared inapplicable to natural disaster contexts.

### ***The Environmental Refugee: Not Recognized by International Law***

Despite many international and domestic efforts to address human trafficking, gaps in international law diminish the approach to vulnerability. One of these breaches is that those who are forced to flee their countries because of natural disasters are not considered refugees under international law.<sup>150</sup> Humanitarian international law applies only in times of armed conflict,<sup>151</sup> although the United Nations University has agreed with a Red Cross study that concludes that more people are being displaced by environmental disasters than by war.<sup>152</sup> Yet the UN Refugee Convention does not recognize the category of environmental refugee.<sup>153</sup>

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150 Donal K. Anton and Dinah L. Shelton, *Environmental Protection and Human Rights* (Cambridge, U.K.: Cambridge University Press, 2011), 670. The 1951 Refugee Convention adopts a restrictive definition of “refugee,” consequently limiting refugee status to a narrow legal interpretation. See Angela Williams, “Turning the Tide: Recognizing Climate Change Refugees in International Law,” *Law and Policy* 30, no. 4 (October 2008): 502, 507. Article 1 of the Refugee Convention establishes that the term “refugee” shall apply to any person who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” See Convention Relating to the Status of Refugees, art. 1(A)(2), July 28, 1951, 189 U.N.T.S. 150. It should be noted that the “*Guiding Principles on Internal Displacement* outline the responsibilities of governments and other actors toward those who have been displaced by natural disaster or armed conflict. Although not legally binding as such, they reflect the moral and political obligations of the adopting states to provide for the basic needs of displaced persons as well as to protect their rights of compensation, participation, and return.” See Hope Lewis, “Human Rights and Natural Disaster: The Indian Ocean Tsunami,” *Human Rights* 33 (Fall 2006): 12, 13. But the *Guiding Principles* do not provide for the protection of persons who have crossed their state’s borders because of a natural disaster. “For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.” UN Commission on Human Rights, *Guiding Principles on Internal Displacement, Introduction: Scope and Purpose (2)*, U.N. Doc. E/CN.4/1998/53/Add.2 (Feb. 11, 1998).

151 Anton and Shelton, 671, *supra* note 150. However, it has been argued that since the provisions of humanitarian law have also been applied in the context of armed violence, by analogy these same provisions can be used to address sexual violence against women perpetrated by armed groups in displacement camps in the aftermath of a natural disaster. See Benedetta Faedi Duramy, “Women in the Aftermath of the 2010 Haitian Earthquake,” *Emory International Law Review* 25 (2011): 1193, 1203–1204.

152 Anton and Shelton, 764, *supra* note 150.

153 Williams, 508, *supra* note 150. The first category of environmental refugee “includes those people temporarily displaced due to temporary environmental stress but who return to their habitat once the area has been rehabilitated, such as following a natural hazard or environmental accident. Second, environmental refugees might include those permanently displaced who have resettled elsewhere due to permanent environmental change that, in many cases, is often man-made, such as large dam projects. The third category of environmental refugees includes people who have migrated (either temporarily or permanently) in search of a better quality of life as a result of progressive degradation of environmental resources. This often represents a more subjective classification whereby “the migration depends mainly on the refugees’ perception of the change and their ability to cope with its consequences.” *Ibid.*, 506.

Although “[o]ver the last decade, recognition of women’s vulnerability to violence in conflict situations has increased,” this recognition has not fully developed when it comes to natural disasters.<sup>154</sup> Neglecting gender as a factor of disaster vulnerability has serious implications for humanitarian assistance because it can result in an intervention that fails to meet women’s needs.<sup>155</sup> Furthermore, states that do not have the political or institutional infrastructure to manage the consequences of natural disasters represent a problem in international relations because they affect neighboring states, become preferred locations for nefarious nonstate actors such as traffickers, and magnify the effects of natural disasters.<sup>156</sup> But as mentioned, international humanitarian law is far from addressing humanitarian aid because it covers only armed conflicts and not purely natural disasters.<sup>157</sup> During natural disasters, “people lack a right to protection by the international community.”<sup>158</sup>

### ***The Responsibility-to-Protect Principle***

In 2001, the International Commission on Intervention and State Sovereignty issued a report that emphasized the states’ duties to protect its populations from human rights abuses and other humanitarian crises.<sup>159</sup> Although the principle of state sovereignty was recognized, the report concluded that when a state manifestly fails to protect its population, the international community has a collective duty to respond through the United Nations, particularly through the UN Security Council.<sup>160</sup> This is known as the “responsibility-to-protect principle.”<sup>161</sup> On April 28, 2006, the Security Council issued Resolution 1674 on the protection of civilians in armed conflict, making explicit reference to the so-called *responsibility*

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154 Fisher, 136, *supra* note 70.

155 *Ibid.*, 137.

156 Gros, 167, *supra* note 100.

157 Hans-Joachim Heintze and Andrej Zwitter, “Introduction,” in *International Law and Humanitarian Assistance: A Crosscut through Legal Issues Pertaining to Humanitarianism*, ed. Hans-Joachim Heintze and Andrej Zwitter, 1 (New York: Springer, 2011).

158 *Ibid.*, 2. Missing is a sound legal framework “for expediting and providing meaningful humanitarian relief operations” and assistance, especially because “[t]he current international legal framework to address complex humanitarian emergencies and their aftermath is fragmented.” Patnaik, 129–130, *supra* note 62.

159 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).

160 *Ibid.*, 15, par. 2.23; 29, par. 4.1.

161 Anton and Shelton, 755, *supra* note 150. For more on the responsibility-to-protect principle, see UN General Assembly, “More Than 40 Delegates Express Strong Scepticism, Full Support as General Assembly Continues Debate on Responsibility to Protect,” UN Press Release GA/10849, July 24, 2009; 2005 World Summit Outcome, G.A. Res. 60/1 U.N. Doc. A/Res./60/1 (October 24, 2005). See also International Commission on Intervention and State Sovereignty, *supra* note 159.

to protect, for the first time.<sup>162</sup> The resolution limited this responsibility to cases of “genocide, war crimes, ethnic cleansing, and crimes against humanity.”<sup>163</sup>

It can be argued that although natural disasters can lead to human rights violations, the responsibility-to-protect principle cannot be invoked to provide aid and assistance in natural disasters until the violations take place or are reported. Without a threat to military peace and security, Security Council enforcement measures in response to a natural disaster that are based on humanitarian grounds will be attenuated.<sup>164</sup> This international principle is disassociated from the notion that trafficking in persons is an organized crime and that people have a human right not to be submitted to trafficking. As a matter of fact, the United Nations rejected the idea of invoking the responsibility-to-protect principle to provide humanitarian assistance when the government of Myanmar resisted aid in the 2008 floods caused by cyclone Nargis.<sup>165</sup> The responsibility to protect is an evolving principle because countries are hesitant to accept this new concept of humanitarian intervention.<sup>166</sup> Meanwhile, there is no obligation under international law to distribute and provide aid in a natural disaster and its aftermath when the affected state fails or declines to do so, nor do victims of such a disaster have the right to receive such aid.<sup>167</sup> Such policies are desired but not yet a reality.<sup>168</sup> Still, humanitarian intervention in natural disasters goes beyond providing food, water, and medical assistance because, as discussed, natural disasters create the conditions for human rights infringements such as human trafficking.

In 2008, UN Secretary-General Ban Ki-moon expressly eliminated the possibility of invoking the responsibility to protect in natural disasters when the states fail or refuse to protect their own citizens. He stated that extending the concept of the responsibility-to-protect to other calamities or to natural disasters “would undermine the 2005 consensus and stretch the concept beyond recognition or operational utility.”<sup>169</sup> The reluctance of the international community to extend the responsibility-to-protect principle to natural disasters might be the result of the traditional concept that aid and assistance after natural disasters is about delivering food, medicine, and shelter. As this article discusses, the responsibility-

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162 Anton and Shelton, 755, *supra* note 150.

163 S.C. Res. 1674, ¶ 4, U.N. Doc. S/RES/1674 (Apr. 28, 2006).

164 Anton and Shelton, 758, *supra* note 150.

165 *Ibid.*, 159.

166 *Ibid.*, 155.

167 Françoise Bouchet-Saulnier, “Myanmar: Responsibility to Protect?” Doctors Without Borders, New York, May 21, 2008, <http://www.doctorswithoutborders.org/news/article.cfm?id=2740>. According to Patnaik, 135, *supra* note 62, “The issue of international humanitarian assistance and its compliance with sovereignty when [s]tates refuse aid or cooperation is a delicate balance to achieve as there is not provision to deal with a situation if a [s]tate’s capacity for disaster relief and support is limited and it refuses cooperation.”

168 Office of the United Nations Secretary-General, “Secretary-General Defends, Clarifies ‘Responsibility to Protect’ at Berlin Event on ‘Responsible Sovereignty: International Cooperation for a Changed World,’” Press Release SG/SM/11701, July 15, 2008

169 *Ibid.*

to-protect focuses on serious violations of human rights: genocide, war crimes, ethnic cleansing, and crimes against humanity. But is not human trafficking a gross violation of human rights that is a crime against humanity?<sup>170</sup> If the international community wants to provide comprehensive and holistic protection to victims of natural disasters, especially those victims who are most vulnerable, it must start promoting a change in the mindset of stakeholders.

Natural disasters should not be perceived as a temporary catastrophe in which people's needs can be met by providing food and shelter. The underlining issues and violations to human rights that arise in a disaster's aftermath should be taken into account when delineating the international policy of human protection. International assistance and aid in natural disasters should go beyond providing material needs; the important role such aid can play in preventing and combating human trafficking must be recognized. The international community should guarantee that internally displaced persons have access to material assistance and protection from violence and abuse when state governments fail to provide such access.<sup>171</sup> Even in shelters, which should be safe places, women and children are raped and kidnapped for illicit purposes. What happens to the vulnerable when an affected country refuses or resists assistance is disconcerting. Humanitarian assistance in natural disasters should not be undermined by the government's will. Furthermore, the local government should take a significant role in prevention of human trafficking, especially when natural disasters are foreseeable. When governments refuse offers of assistance from other states but are unable or unwilling to provide adequate assistance themselves, they fail to comply with their responsibilities under international law.<sup>172</sup>

### ***Human Security***

Because it has been decided that the responsibility to protect does not apply to natural disasters, the international community is now analyzing how to address the protection of the population from a human security standpoint. In February 2012, a research project of the United Nations University Institute for Sustainability and Peace brought together leading international experts to consider how a human security approach could help the international community to understand and respond to natural disasters. International scholars and practitioners explored how human security could be applied to the role of different actors such as the state, the

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170 For human trafficking as a crime against humanity, see generally Fausto Pocar, "Human Trafficking: A Crime against Humanity," in *Measuring Human Trafficking: Complexities and Pitfalls*, ed. Ernesto U. Savona and Sonia Stefanizzi (Berlin: Springer, 2007), 5; Jennifer M. Smith, 1139, *supra* note 15; United Nations Office on Drugs and Crime, "Act against Human Trafficking" (United Nations Office on Drugs and Crime, Vienna, Austria), <http://www.unodc.org/documents/human-trafficking/Act-Against-Human-Trafficking.pdf>.

171 Anton and Shelton, 162, *supra* note 150.

172 OHCHR, "Protection of Internally Displaced Persons," 13, *supra* note 51.



military, and civil society in responding to a natural disaster and managing existing vulnerabilities. The group of experts concluded that human security has significant potential functions, particularly in identifying and protecting vulnerable groups such as women and children. The recommendations of this leading group on how to incorporate human security into the response to natural disasters will remain unknown until the project's output is published in 2013.<sup>173</sup>

The concept of human security emerged from a 1994 report by the UN Development Programme. That concept recognizes that the most pressing threats to individuals are not from interstate war, but from everyday emergencies such as displacement and natural disasters.<sup>174</sup> Human security is a broader concept than the responsibility to protect and is based on the notion that policy should take into account the security of people, not just the security of the states, across the whole range of possible threats.<sup>175</sup> Human security is understood as a complement to state security, as an enhancer of human rights, and as a reinforcer of human development.<sup>176</sup> The human security principle seeks to protect people against threats to themselves and their communities and, further, to empower people to act on their own behalf. The aspirational achievement with the adoption of a human security approach is to create “political, social, environmental, economic, military, and cultural systems that together give people the building blocks of survival, livelihood, and dignity.”<sup>177</sup>

Indeed, if appropriately developed, the human security principle could improve protection to vulnerable people in a natural disaster aftermath; however, the concept does not seem to address the issue of the responsibility to protect. Strategies such as establishing an early warning system for predicting natural disasters may be laudable, but they are simply not enough to protect the vulnerable from human trafficking.<sup>178</sup> If, in the aftermath of a natural disaster, a state fails to provide the necessary humanitarian assistance and refuses to receive such assistance from other states, the responsibility-to-protect principle cannot be invoked. Also, although the human security approach focuses on prevention and people's empowerment, it

173 United Nations University, “UNU-ISP Events Explore Human Consequences of Natural Disasters,” United Nations, New York, March 3, 2012, <http://unu.edu/news/2012/03/unu-isp-event-explores-human-consequences-of-natural-disasters.html>.

174 Ibid.

175 Office of the United Nations Secretary-General, *supra* note 168.

176 United Nations Commission on Human Security, *Human Security Now: Final Report Commission on Human Security* (New York: United Nations, 2003), 2.

177 Ibid., 4.

178 “Often early warning systems are developed on a national scale and monitor indicators such as market prices and climatic conditions. At this level, there are unlikely to be viable or useful gender-specific indicators.” See Bridget Byrne and Sally Baden, “Gender, Emergencies, and Humanitarian Assistance,” (Bridge Report 33, Brighton, U.K.: Institute of Development Studies, 2005), 28. Nonetheless, local-level early warning systems can incorporate gender-specific indicators such as women's increased participation in the labor market, and capacity building should give attention to strengthening women's organizations, which could include increasing the number of women staffing emergency organizations. Ibid.

does not address how to harmonize the limitations of the responsibility-to-protect principle with the need to protect those who are vulnerable to trafficking. The human security theory is not quite vocal on how to cope with the tradition of not intervening in another state's affairs and of respecting the state's sovereignty.<sup>179</sup> Thus, if in a natural disaster's aftermath, a state refuses to receive the humanitarian assistance needed to manage issues such as food shortage, health care, and protection from trafficking, the international community might decide, because of the narrow application of the responsibility-to-protect principle or even the human security principle, not to help the people affected—at least not immediately.

### ***Human Trafficking: An Issue of Security for the Vulnerable***

Regardless of the responsibility to protect or the concept of human security, the assistance and aid offered in the aftermath of a natural disaster have to reach beyond providing food, water, and basic medical services.<sup>180</sup> The humanitarian intervention should include a mechanism of protection for potential victims of human trafficking. Reducing vulnerability to trafficking in a natural disaster aftermath must be an issue of protection and human security. For interventions to work, governments and stakeholders ought to delineate a plan before a natural disaster hits, and the plan's development must pay special consideration to protecting the vulnerable and discouraging the demand for human trafficking.

### ***Inadequacy of International Law in Protecting the Potential Victim***

As discussed, the responsibility to protect cannot be invoked in natural disasters, and human security is a relatively new concept that is still being explored and debated by academics and practitioners.<sup>181</sup> In addition, however, lies the issue that no treaty has adequately addressed the rights and protections of potential victims<sup>182</sup> or actual victims of trafficking in persons.<sup>183</sup> The 1949

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179 The principle of state sovereignty is based on the notion that a state should refrain from interference in the internal or external affairs of another state. The corollaries of this principle include, but are not limited to, sovereign equality, political independence, territorial integrity, duty of nonintervention in areas of exclusive domestic jurisdiction, and dependence of obligations arising from international law and treaties on the consent of states. See Jianming Shen, "National Sovereignty and Human Rights in a Positive Law Context," *Brooklyn Journal of International Law* 26 (2000): 417, 419–20.

180 Although food, water, and medical care are primary and important needs, humanitarian aid cannot be limited to them. A component of security and adequate distribution of services must be included.

181 Futamura, Hobson, and Turner, *supra* note 82.

182 Compare the definition of "potential victim" with those of "derivative victim" and "vulnerable victim." The "potential victim" is a "person who is part of a risk group and is vulnerable to becoming a victim of trafficking. Preventive measures must be taken so that the potential victim does not become a real victim." See Mattar, *Comprehensive Legal Approaches*, *supra* note 40. The term "derivative victim" includes the "immediate family or dependents of the direct victim and persons who have suffered to assist victims in distress or to prevent victimization." *Ibid.* The "vulnerable victim" is a person "who is unusually vulnerable due to age, physical or mental condition, or who is otherwise particularly susceptible to the criminal conduct." U.S. Sentencing Commission, *supra* note 52.

183 Jennifer M. Wetmore, "The New T Visa: Is the Higher Extreme Hardship Standard Too High for Bona Fide Trafficking Victims?" *New England Journal of International and Comparative Law* 9 (2003): 159, 165.

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others<sup>184</sup> is primarily focused on punishing traffickers,<sup>185</sup> and the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) “narrowly focuses on the prohibition of forced prostitution.”<sup>186</sup> The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, addresses the needs of victims, but “it leaves the level and adequacy of protection to the individual governments’ discretion.”<sup>187</sup> These gaps in the international law call for the adoption of the approach to vulnerability when dealing with victims and potential victims in the aftermath of a natural disaster.

Within the international community, there is a need to develop a framework for action that addresses protection and particular needs of vulnerable populations in cases of natural disasters.<sup>188</sup> The framework should identify the responsibilities of each party involved, such as states and NGOs,<sup>189</sup> the steps to be taken to ensure that human rights are respected; and the ways states, NGOs, UN agencies, and other stakeholders can work together to monitor compliance with human rights and ensure accountability for protection after natural disasters.<sup>190</sup> When addressing human needs and security, states and stakeholders have to understand that vulnerability is

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184 “[P]rostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community.” U.N.G.A., Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others Preamble, Dec. 2, 96 U.N.T.S. 271. This convention has been ratified by 82 member states. For the status of the convention, see <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&msgid=VII-11-a&chapter=7&lang=en>.

185 However, article 16 of the Convention for the Suppression of Traffic establishes that its parties “agree to take or to encourage, through their public and private educational, health, social, economic, and other related services, measures for the prevention of prostitution and for the rehabilitation and social adjustment of the victims of prostitution and of the offences referred to in the present Convention.” Additionally, article 20 stipulates that the parties “shall ... take the necessary measures for the supervision of employment agencies in order to prevent persons seeking employment, in particular women and children, from being exposed to the danger of prostitution.” *Ibid.*

186 Wetmore, *supra* note 183. Article 6 of the CEDAW establishes that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” Convention on the Elimination of All Forms of Discrimination against Women, *supra* note 13.

187 Wetmore, *supra* note 183. See, for example, Protocol to Prevent, Suppress, and Punish Trafficking, *supra* note 9. Article 6(3) of the protocol states that member states shall *consider* implementing measures to provide physical, psychological, and social recovery for victims of trafficking in persons. Under article 7, member states shall *consider* “adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.” Article 11(5) states that member states shall *consider* “taking measures that permit, in accordance with its domestic law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Protocol”.

188 OHCHR, “Protection of Internally Displaced Persons,” 27, *supra* note 51.

189 Protocol to Prevent, Suppress, and Punish Trafficking, *supra* note 9, art. 6 (3). This article establishes that member states “shall consider implementing measures to provide for the physical, psychological, and social recovery of victims of trafficking in persons,” including cooperation with NGOs. Policies, programs, and other measures established in article 9(3) of the protocol (prevention of trafficking in persons) shall include cooperation with NGOs.

190 OHCHR, “Protection of Internally Displaced Persons,” 27, *supra* note 51.

driven by policy needs and not by scientific curiosity.<sup>191</sup> Protection of women and children from sexual abuse and exploitation must be a global priority, not only as a moral concern, but also as a legal imperative.<sup>192</sup> Limiting humanitarian aid to rescue and relief can reinforce the notion that aid is undertaken as a charitable endeavor, overlooking the rights of survivors and failing to acknowledge the importance of the vulnerable in the reconstruction efforts.<sup>193</sup>

## Best Practices for a Holistic Approach to Vulnerability

### *Prevention as the Main Objective*

When developing and adopting a comprehensive approach to vulnerability, the key point is prevention. Natural disasters create a pool of potential victims, and preventive measures must be taken to increase the chances of protecting them. Research indicates that “[d]isaster risk reduction begins with knowledge and information.”<sup>194</sup> Furthermore, it “is a matter of good governance and an issue of the fundamental rights of populations at risk.”<sup>195</sup> It would be praiseworthy if investments in disaster risk reduction took into consideration the approach to vulnerability, which safeguards the vulnerable.

Knowledge and education about the general environmental risks that a particular country faces allows for enacting and tailoring laws to reduce risks.<sup>196</sup> These laws can then serve as a tool to lower demand for trafficking and to protect the vulnerable from being trafficked. States can enact or amend their anti-trafficking laws to include an enhanced penalty for trafficking and solicitation for trafficking in the aftermath of a natural disaster. Strong legislation can discourage the demand for trafficking after a catastrophic event.<sup>197</sup> In addition, prior to a natural disaster, the collection of sex- and age-disaggregated data, among other vulnerability factors,

191 Anthony G. Patt, Dagmar Schröter, Anne Cristina de la Vega-Leinert, and Richard J. T. Klein, “Vulnerability Research and Assessment to Support Adaptation and Mitigation: Common Themes from the Diversity of Approaches,” in *Assessing Vulnerability to Global Environmental Change: Making Research Useful for Adaptation Decision Making and Policy*, ed. Anthony G. Patt, Dagmar Schröter, Richard J. T. Klein, and Anne Cristina de la Vega-Leinert, 1, 8 (London: Earthscan, 2009).

192 Marta Santos País, “The United Nations Legislative Framework for the Protection of Children from Sexual Violence, Including Sexual Abuse and Exploitation,” in *Protecting Children from Sexual Violence: A Comprehensive Approach*, 45, 53 (Brussels: Council of Europe, 2010).

193 Todres, 47, *supra* note 101.

194 Pistone and Hoeffner, 685, *supra* note 73.

195 OHCHR, “Protection of Internally Displaced Persons,” 11, *supra* note 51.

196 Pistone and Hoeffner, 685, *supra* note 73.

197 Protocol to Prevent, Suppress, and Punish Trafficking, *supra* note 9, art. 9 (5). The article requires states to adopt or strengthen legislative or other measures to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.” Although the protocol does not require specific actions, leaving discretion to state parties, this flexibility does not mean inaction. Hence, it can be argued that not taking preventive measures to reduce demand in a natural disaster is a violation of the protocol. For the international legal obligation to address demand in human trafficking, see Gallagher, 434–42, *supra* note 61.

must be prioritized to identify the needs and vulnerabilities of the population more at risk and at a disadvantage.<sup>198</sup>

### *Integration of the Vulnerable in Planning and Assistance*

Assistance money and relief items should be distributed directly to women in an effort to increase their economic independence and thereby reduce their vulnerability to violence and sexual exploitation.<sup>199</sup> Complete and equal participation of women must be ensured through all the stages of the emergency management process, which includes planning, decision making, and practice.<sup>200</sup> Local women's organizations can take a leading role in providing assistance, protection, and resources to this vulnerable population, and collaboration with such organizations should be strengthened.<sup>201</sup> Because women are socially expected to protect children and because they tend to be responsible for children, providing women with adequate assistance in a postdisaster scenario can have the result of reducing children's vulnerability.

Children must also be included in the discourse on natural disaster prevention and reaction. Consulting children about the risks that they feel they face, the things that worry them, the areas where they feel most in danger, and the ways that they think these difficulties can be addressed would be very useful in identifying potential risks and helping children to acquire the skills and knowledge they need to keep themselves safer.<sup>202</sup> One researcher notes that “[c]hildren who have been taught the skills of how to keep themselves safer, who have higher levels of confidence and self esteem, the ability to articulate and explain their wishes, together with a range of coping skills, are less vulnerable to abuse.”<sup>203</sup> Those skills should be taught to children prior to an emergency and then reinforced during the relief and recovery process.<sup>204</sup> The vulnerable population need not be perceived as passive victims of disasters; initiatives must be developed to empower the vulnerable to play an active role in disaster prevention, response, and rebuilding.<sup>205</sup> Women and children who were trafficked in a natural disaster aftermath should also be included in the

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198 Sphere Project, *Humanitarian Charter and Minimum Standards in Humanitarian Response* (Geneva: Sphere Project, 2011), 63.

199 Fisher, 145, *supra* note 70. “Economic marginalization and lack of access to resources left women reliant on men and vulnerable to manipulation and sexual exploitation. Instances were reported of men offering impoverished tsunami-affected women money or goods for sex, or engaging in relationships under a false pretense that marriage would follow.” *Ibid.*, 141.

200 United Nations Inter-Agency Standing Commission, *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings: Women, Girls, Boys and Men: Different Needs—Equal Opportunities* (New York: United Nations, 2006), 3, 10, 24, 42, 44, 77, and 105.

201 *Ibid.*, 23.

202 Delaney, 59, *supra* note 71.

203 *Ibid.*, 39.

204 *Ibid.*

205 United Nations University, *supra* note 173.

application of the approach to vulnerability because they “may be best equipped to help develop new and successful outreach programs.”<sup>206</sup>

### ***Security Provisions***

In addition, camps ought to be located and designed with proper regard to providing privacy and safety. Security personnel should monitor visitor entry and ensure that the camp is safe to move about in. Rules of acceptable behaviors, such as prohibition of the use of alcohol, can be introduced to reduce the risk of actions fueled by lower inhibitions.<sup>207</sup> It is important to promote awareness among providers of humanitarian aid about women and children’s vulnerability to postdisaster violence and abuse. Interventions that take into consideration special needs based on gender and age must be part of humanitarian aid providers’ obligation to do no harm. Capacity building of security personnel and humanitarian workers is extremely important. Such workers should be trained in the recognition and management of vulnerable populations and in the process of reporting, monitoring, and responding to incidents, especially human trafficking. Even in the chaos following a natural disaster, reporting should be prioritized because the documentation of incidents can provide the evidence necessary to enact or improve protective measures and legislation.<sup>208</sup> Governments and humanitarian agencies must establish or reinforce disciplinary procedures for those in official positions who violate human rights by contributing to human trafficking.

The effectiveness of the allocated resources and aid must be constantly monitored and evaluated to determine if such aid is adequately protecting the vulnerable. Shelters have a financial incentive to stay full to justify their funding, and governments often rely on shelters to evidence their efforts to combat trafficking, in a response to the threat of U.S. anti-trafficking sanctions.<sup>209</sup> This circumstance can diminish the essence and purpose of shelters and other forms of humanitarian aid because the protection of the vulnerable depends on the adequacy

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206 Lederer, 19, *supra* note 20. Lederer proposes this integration of victims to counterattack trafficking by gangs, but it is an alternative aimed at those most affected by human trafficking that can also be applied in a natural disaster context.

207 Delaney, 54, *supra* note 71.

208 Fisher, 146, *supra* note 70.

209 Janie A. Chuang, “Rescuing Trafficking from Ideological Capture: Prostitution Reform and Anti-trafficking Law and Policy,” *University of Pennsylvania Law Review* 158 (2010): 1655, 1718. The TVPA determines that “[i]t is the policy of the U.S. not to provide non-humanitarian, nontrade-related foreign assistance to any government that does not comply with minimum standards for the elimination of trafficking; and is not making significant efforts to bring itself into compliance with such standards.” 22 U.S.C.A. § 7107(a) (2010). However, the TVPA allows the president to waive the sanction if he or she determines that such a waiver is justified because (a) the country has a written plan to begin making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking; (b) the plan, if implemented, would constitute making such significant efforts; and (c) the country is devoting sufficient resources to implement the plan. 22 U.S.C.A. § 7107(b)(3)(D)(ii) (2010).

of the initiatives, including a design and location that are based on the special needs of the vulnerable population and the threats they may face.

Security to prevent human trafficking should not be concentrated exclusively on the borders, because people are also trafficked internally (i.e., within the affected state's jurisdiction). One researcher notes that "[f]ocusing on movement instead of exploitation results in mis-deployment of counter-trafficking resources to border areas."<sup>210</sup> Another research points out that "a border focus in anti-trafficking efforts misses the reality that a far greater number of individuals are victims of intra-country trafficking than cross-border trafficking."<sup>211</sup> Besides, children and women are suffering numerous other rights violations beyond cross-border trafficking.

Institutional support is very important to achieve sustainability of these efforts. Initiatives are needed that support the government institutions that play a role in successful anti-trafficking response, including those responsible for social welfare, education, child protection, and the judiciary.<sup>212</sup>

### ***NGOs' Role and Reach***

International cooperation of different actors is imperative in this effort. With the increase of security concerns, no state can completely cope with this problem through traditional state control mechanisms alone.<sup>213</sup> International organizations such as UNICEF and NGOs have significant expertise to bear on children's issues and should be involved in efforts focused on minors.<sup>214</sup> NGOs should include a component of human security in their activities, and many of them are doing so by developing school curricula that cover peace building and the advocacy of the human rights of refugees or internally displaced persons. NGOs can reach and provide services to communities that multilateral agencies and governments cannot reach because they lack the necessary infrastructure or funds.<sup>215</sup> For this reason, among others, NGOs are key players in the aid, assistance, and protection of people after a natural disaster. NGOs' size, reach, and diversity of services

210 Luis CdeBaca, "Best Practices: Human Trafficking in Disaster Zones—Keynote Remarks to the Harvard Kennedy School's Ash Center for Democratic Governance and Innovation" U.S. Department of State, Washington, DC, May 24, 2010, <http://www.state.gov/j/tip/rls/rm/2010/142160.htm>.

211 Todres, 55, *supra* note 101.

212 CdeBaca, *supra* note 210.

213 François Fouinat, "Human Security and the Role of NGOs," in *Development, Social Justice, and Civil Society: An Introduction to the Political Economy of NGOs*, ed. Thomas J. Ward, 89 (St. Paul, MN: Paragon House, 2005).

214 Todres, 55, *supra* note 101.

215 Sarah Michael, "What NGOs Bring to Advance Human Security," in *Development, Social Justice and Civil Society: An Introduction to the Political Economy of NGOs*, ed. Thomas J. Ward, 99, 100 (St. Paul, MN: Paragon House, 2005).

contribute significantly to human security.<sup>216</sup> In cases of natural disasters, NGOs can respond more effectively because they operate with fairly informal structures and little bureaucracy.<sup>217</sup> Additionally, governments must focus on strategies for the whole nation, whereas NGOs can concentrate on individuals and communities, in which human security begins.<sup>218</sup> However, NGOs must surpass different challenges, including financial constraints that harden the integration of emergency and development.<sup>219</sup>

A crucial characteristic of the role of NGOs in dealing with human trafficking in the aftermath of a natural disaster is that they know and understand local social and environmental contexts and have intimate community relationships.<sup>220</sup>

Their knowledge and experience makes them able to mobilize the participation of local populations more successfully, serving in some instances as the political voice of the most vulnerable.<sup>221</sup> With the media, NGOs can also be very helpful in raising awareness about the dangers of human trafficking as part of a mass information campaign and broadcast of public services announcements. Likewise, NGOs “working in disaster-prone areas can assist emergency planning by assembling local population profiles.”<sup>222</sup>

The international organizational structure of NGOs enables them to implement a comprehensive plan for human security that can be asserted transnationally, without being limited to the jurisdictional borders of the affected country.<sup>223</sup> Nevertheless, to make a long-term contribution, NGOs must overcome funding issues, and donors must allow them to accumulate savings.<sup>224</sup> Funding for longer-term programs is preferable to short-term project-based funding.<sup>225</sup> Another issue that NGOs must surmount when providing assistance and protection to those more vulnerable is the possibility of a hostile reaction from the state government.<sup>226</sup>

In the aftermath of the Indian Ocean tsunami, NGOs provided food and medical assistance. They also contributed to the coordination of the immediate response

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216 Sarah Michael, “The Role of NGOs in Human Security” (Working Paper 12, Hauser Center for Nonprofit Organizations and Kennedy School of Government, Harvard University, Cambridge, MA, November 2002), 1, 10.

217 Michael, “What NGOs Bring,” 101, *supra* note 215.

218 Michael, “The Role of NGOs,” 13, *supra* note 216.

219 Pierre Laurent, “Political Constraints,” in *Responding to Emergencies and Fostering Development: The Dilemmas of Humanitarian Aid*, ed. Claire Pirotte, Bernard Husson, and François Grunewald, 62 (London: Zed Books, 1999).

220 Mohamed Y. Mattar, “Human Security or State Security? The Overriding Threat in Trafficking in Persons,” *Intercultural Human Rights Law Review* 1 (2006): 249, 277.

221 Michael, “What NGOs Bring,” 103, *supra* note 215.

222 Fisher, 145, *supra* note 69.

223 Michael, “The Role of NGOs,” 16, *supra* note 216.

224 *Ibid.*, 19.

225 Michael, “What NGOs Bring,” 106, *supra* note 215.

226 Mattar, “Human Security,” *supra* note 220.



after the tsunami and engaged in long-term missions aimed at reconstruction and capacity building.<sup>227</sup> In the Haitian earthquake's aftermath, NGOs spent a significant amount of time gathering data on humanitarian conditions such as security and availability of shelter, with the purpose of identifying critical gaps and monitoring progress.<sup>228</sup>

Assistance from NGOs is essential not only in developing countries but also in developed countries, where the support they provide is vital. In Hurricane Katrina's aftermath, NGOs provided food and medical aid and maintained communication channels by, for example, broadcasting radio programs with the latest news regarding damages, casualties, and relief operations.<sup>229</sup> Consequently, NGOs should be involved in mapping the security action plan prior to and following a natural disaster. Involvement and commitment of NGOs and other stakeholders should be extended over the long run because "the long term failure in restoring livelihood options and a lack of opportunities is one of the major factors contributing to the risk of sexual abuse and exploitation."<sup>230</sup>

Given that prevention is a key factor in reducing people's vulnerability after a natural disaster, efforts to combat trafficking in persons in this situation should take place before nature hits. Initiatives must be focused on skill development, job placement, access to resources, and self-employment schemes for women and on health care, education, and adequate protection in shelters for both women and children. Integrating this scheme into the harmonization of the international and domestic law will make achieving the approach to vulnerability in natural disasters feasible.

## Conclusion

Human trafficking is a worldwide problem that threatens valuable human rights. It is a modern enslavement that nourishes itself by taking advantage of the most vulnerable people during chaotic times such as those after natural disasters. Women and children are considered the people who are most vulnerable to human-trafficking practices. They have special needs for protection and reintegration that must not be disregarded. Hence, efforts to combat trafficking in persons in the aftermath of a natural disaster need to incorporate a vulnerable approach to humanitarian assistance. As this article shows, I designed an approach to account

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227 Lothar Rieth, "Humanitarian Assistance and Corporate Social Responsibility," in *Humanitarian Assistance: Improving U.S.-European Cooperation*, ed. Julia Steets and Daniel S. Hamilton, 293, 298 (Berlin: GPPi, 2009).

228 Paul E. Weisenfeld, "Successes and Challenges of the Haiti Earthquake Response: The Experience of USAID," *Emory International Law Review* 25 (2011): 1097, 1107.

229 Rieth, 299, *supra* note 227.

230 Delaney, 15, *supra* note 71.

for women and children as the people most vulnerable to being trafficked in the aftermath of a natural disaster. The approach to vulnerability stands for the development and adoption of plans, strategies, legislation, and any other means necessary to procure and enhance the physical and psychological protection of women and children in a natural disaster's aftermath. This approach would increase the effectiveness of humanitarian aid because it addresses particular characteristics of and threats against those who are more at risk.

In the aftermath of a natural disaster, the vulnerable population experiences different forms of violence, such as assault, rape, physical damage, and psychological trauma. These people are prone to betrayal by unscrupulous traffickers who take advantage of their vulnerable condition and in many cases deceive them with false promises. Regardless of the geographic region, women and children do not recover promptly from natural catastrophes and can face constant threats even years after the disaster. Therefore, the question becomes whether countries are addressing efficiently and explicitly the issue of vulnerability. Unfortunately, the answer is no.

To address the need to protect the vulnerable, states and the international community must integrate environmental management and disaster reduction, response, and recovery as integral parts of their sustainable development. Countries have a duty to guarantee that women and children are able to fully exercise recognized human rights, including civil, economic, and social rights. Hence, recurrent research on the impact of natural disasters should be enabled, with particular attention to socioeconomic data and information disaggregated by sex and age. This initiative can help states, organizations, and the private sector to reduce risks to the vulnerable population when drafting and reviewing their policies and programs to protect such people.

The aid response should improve the shelter and care of women and children so as to safeguard them from trafficking. Humanitarian aid should include the provision of training and assistance to women so that they can develop new sources of income. Such aid would also enhance children's protection because women are primarily responsible for taking care of children. In an approach to vulnerability, humanitarian aid interventions should include research and monitoring, provision of services, awareness-raising campaigns, development of effective responses to incident reports, and inclusion of women and children in relief and reconstruction processes. Women and children should be granted access to information and education. Medical care ought to incorporate a more holistic approach that includes treatment of injuries from the violence and sexual abuse of trafficking and that is not limited to other physical injuries caused by natural phenomenon. In addition, financial relief, material relief, and recovery projects must ensure equal opportunities and access for women regardless of their marital status.

As I argue in this article, governments, NGOs, and other stakeholders must recognize and incorporate conditions of vulnerability into their emergency planning and response. The international community should reconsider the deplorable conditions following a natural disaster aftermath and the menaces posed to human rights and should reassess the scope of the responsibility-to-protect principle. In addition, international stakeholders must take the current development of the human security doctrine as an opportunity to address the gaps in the international law that encumber the protection of the people who are vulnerable to human trafficking. Undoubtedly, a framework for action is needed. When policy makers are addressing natural disasters and human trafficking, the guiding principle should be that protected people can make choices, and those who are empowered can make better choices. Understanding vulnerability is essential if progress is to be made in protecting women and children from human trafficking in the aftermath of a natural disaster.

# Researching the Nature and Extent of Human Trafficking for Sexual Exploitation in Ireland

*Eilís Ward and Gillian Wylie\**

## Introduction

Researching human trafficking is agreed by all involved to be a difficult undertaking with a range of intersecting ethical, political, and methodological challenges.<sup>1</sup> We have been researching, teaching, and supervising in the broad field of human trafficking for almost a decade. One of our initial forays into the area became the first baseline study to determine the nature and extent of trafficking in women for sexual exploitation into Ireland.<sup>2</sup>

Since then, in the Irish context, other research projects have further pursued the question of the nature and extent of trafficking for sexual exploitation. One of those was a research project sponsored by a nongovernmental organization (NGO) known as the Immigrant Council of Ireland,<sup>3</sup> and the other the now-annual reports of the Irish government's Anti-Human Trafficking Unit (AHTU). Strikingly, the baseline findings of each of these reports are notably divergent. In light of the more comprehensive body of literature that is now available, this essay focuses on challenges to researching trafficking in the context of a small, open state such as Ireland, although the issues we raise are pertinent across all states and in the realm of the international.

We begin by revisiting our original research project to reconsider the challenges we encountered in framing, conducting, and reporting the research and to address the methodological and ethical decisions that underpinned the project. We then discuss our first report in contrast to those that followed. Then, given the divergent

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- 1 Andrea DiNicola, "Researching Human Trafficking: Issues and Problems," in *Human Trafficking*, ed. Maggy Lee (Cullompton, U.K.: Willan, 2007).
- 2 Eilís Ward and Gillian Wylie, "The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation, 2000–2006," (SSRC Research Paper and Report 9, NUIG Social Science Research Centre, Galway, Ireland), March 4, 2012, <http://lastradainternational.org/lisidocs/341%20Irish%20sex%20trafficking%20research.pdf>.
- 3 According to the council's website, "The Immigrant Council of Ireland (ICI) is an independent human rights organisation. We advocate for the rights of migrants and their families and act as a catalyst for public debate as well as legislative and policy change." For more information, see <http://www.immigrantcouncil.ie/>.

statistics that emerged across the spectrum of work available, we consider explanations for this divergence, particularly in the context of the contested nature of these data. In conclusion, we suggest that researchers in the field of human trafficking need to be ever mindful of the ways in which knowledge production is inflected by their views and by dominant legal and political discourses. In recognizing those dangers, we suggest that researchers of trafficking need to approach their work with (a) methodological self-reflexivity and (b) a commitment to transparency of data-gathering methods and fieldwork. With those approaches in place, policy makers, scholars, and civil society actors are better equipped to deal with the reality of trafficking. Then effective public policy, which is informed by evidence-based research, is more likely to emerge.

The essay is in three sections followed by a conclusion. The first section discusses our own research, the second section deals with the research of an NGO, and the third section discusses two publications from the state. It should be noted that the state publications report on trafficking for labor as well as for sexual exploitation, but for the purposes of this article, we focus on the data for sexual exploitation.

### **The Nature and Extent of Trafficking in Women: The First Irish Report**

The research we published in 2007<sup>4</sup> established a baseline of the nature and extent of trafficking in women for sexual exploitation into Ireland over the years 2000–06. In that time period, Ireland was falling behind the expectations of its European Union, Council of Europe, and United Nations peers in its failure to introduce adequate legislation to translate new international anti-trafficking commitments into domestic law or even to acknowledge politically that there could be incidences of human trafficking in Ireland. A legal definition of *trafficking* congruent to the Palermo Protocol entered the Irish statute books only in 2008, after the project was concluded. Hence, the research operated outside any domestic legal framework and outside a statutory or institutionalized state response to the phenomena of trafficking.

Our terms of reference—to establish baseline evidence on human trafficking of women—were adopted, therefore, in a context where, unlike our British counterparts<sup>5</sup>, we could not be guided by a definition of *trafficking* in domestic law or by details of cases derived from prosecutions. In addition to those constraints, we were sensitive to the practical and ethical difficulties of interviewing trafficked women and opted to interview stakeholder representatives of NGOs and state bodies that had encountered trafficked women. Access to the field of enquiry was mediated through Ireland en Route (IeR), a national network of nongovernmental

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4 Ward and Wylie, “Nature and Extent of Trafficking,” *supra* note 2.

5 Liz Kelly and Linda Regan, “Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the U.K.” (Police Research Paper 125, U.K. Home Office, London, 2010), <http://andranetwork.pbworks.com/f/trafficking.pdf>.

and statutory bodies dealing with possible cases of human trafficking in their service provision and policing work. IeR member organizations became our key informants, and we then added other organizations to this core of interviewees to ensure a comprehensive nationwide survey. Seeking to determine the number of cases of potential human trafficking encountered by each agency, we carried out questionnaire-based interviews with the stakeholders. The questionnaires were designed to elicit information about the recruitment, travels, exploitation and post-trafficking experiences of the women identified by the agencies as trafficked. In all, we conducted 17 interviews with organizations and individuals and in some cases followed up with second conversations.

Our approach employed the feminist research methodology of coalition building, an approach that responds to concerns over power differentials between researchers and the individuals researched and over the ends to which knowledge is put in traditional research. Our approach advocates a methodology that creates trustful partnerships and coalitions between researchers and the researched through which, ideally, the needs and interests of the researched are met.<sup>6</sup> At the time we conducted our research, when the government and police were emphatically denying that trafficking was occurring in Ireland, we understood that our research would meet the interest of our interviewees in establishing baseline data and analysis.

The process of doing the empirical research quickly became complicated, however, by the emergence of definitional differences among interviewees depending on their ideological positions. In those divergences, echoes of the vociferous international debate concerning the relationship between trafficking and prostitution were evident. This debate has been rehearsed across the international literature; here we can merely point to the polarities of position in the manner in which interviewees framed the responses we received. Within the global debate, some define the movement of women into the sex industry as inherently exploitative and hold that the purchasing of sex is a form of violence against women.<sup>7</sup> At the other polarity, others argue that it is possible for women to migrate voluntarily for “sex work”<sup>8</sup> and that sex work is not inherently exploitative.

As elsewhere, this debate fractured the network of Irish anti-traffickers. Several civil society groups, wedded to the position that prostitution is by definition

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6 See generally, Alison Jagger, “Globalising Feminist Ethics,” in *Decentering the Centre: Philosophy for a Multicultural, Postcolonial and Feminist World*, ed. Uma Narayan and Sandra Harding (Bloomington: Indiana University Press, 2000); Kathleen Lynch, “Emancipatory Research as a Tool of Change,” in *Equality: From Theory to Action*, ed. John Baker, Kathleen Lynch, Sara Cantillon, and Judy Walsh, 169 (Basingstoke, U.K.: Palgrave, 2004).

7 Janice Raymond, “Public Hearing on ‘The Impact of the Sex Industry in the EU,’ Committee on Women’s Rights and Equal Opportunities Public Hearing at the European Parliament, January 2004” (Coalition Against Trafficking in Women, New York), [http://action.web.ca/home/catw/readingroom.shtml?sh\\_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA\\_EX\\_Session=469ce2d01985bff20826196368afea18](http://action.web.ca/home/catw/readingroom.shtml?sh_itm=d2d1f51cfb123b9bdc2dcc121b2c4de9&AA_EX_Session=469ce2d01985bff20826196368afea18).

8 See generally, Kamala Kempadoo and Jo Doezema, *Global Sex Workers: Rights, Resistance, and Redefinition* (London: Routledge, 1998); Laura Agustín M., *Sex at the Margins: Migration, Labour Markets, and the Rescue Industry* (London: Zed Books, 2007).

exploitative, saw trafficking as very widespread. Others coming from a more harm-reductionist or workers' rights approach saw fewer women as fitting the trafficking definition and, moreover, did not view sex work as inherently a form of violence against women.

This divergence created an epistemological and ethical challenge for us. Not least of all was the issue of the scope of our research: What could we rule in and out, and whose definitional parameters would we adopt? In the end, we opted to allow each interviewee to define trafficking for herself or himself. However, we determined a set of criteria for a substantive case against which we would later assess whether the cases might be counted confidently as constituting trafficking or not. By a *substantive case*, we meant that there was (a) direct contact with the women (and not simply third-party or hearsay evidence) and that (b) something meaningful could be said about a woman based on knowledge derived from that contact. In the first instance, this knowledge could be as little as a name, a nationality, and information about the place and time of contact, and we remained open to the nature of these data. Thereafter, in a substantive case, the grounds for suspecting trafficking in a woman's situation could be established in accordance with the understanding of the informant as to what constituted trafficking. In other words, once we established substantiality, the interviewee's own definition of trafficking determined whom we would rule in and whom we would rule out.

Where these two criteria were not met, for whatever reason, and where the organization still wished to include a suspected case as one of trafficking, we allocated it to a second category of "possible cases." We also checked for cross-referencing of cases between organizations with the aim of eliminating double-counting.<sup>9</sup> The evidence provided for the criteria of substantiality also served to allow crosschecking both within the organizational case history and across the sector.

Drawing on our terms of reference and the criteria for a substantive case, our research allowed us to conclude that the probable minimum number of women trafficked into Ireland for the purposes of sexual exploitation between 2000 and 2006 was 76. In our second category of possible suspected cases were an additional 75 cases for the same period. However, in elaborating our findings, we referred only to the 76 women for whom we had uncovered any substantive detail.

Within those 76 women, the majority groupings were of African or Eastern European origin, and there were also cases from Asia and South America. In many cases, the women's stories fitted the classic three-part definition of trafficking as found in the Palermo Protocol. Many had been recruited for work in Ireland under false pretenses and had experienced degrees of control during their journeys that ranged from feeling fearful under very close observation to physical or sexual assault. Most ended up in the Irish sex trade, which in its contemporary form is

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9 Ward and Wylie, "Nature and Extent of Trafficking," *supra* note 2.

characterized by its nationwide reach, by the mobility of brothels around new apartment complexes, and by the use of new technologies in its organization.<sup>10</sup> In terms of the outcomes for the women, the most disheartening finding was that 36 of the women had disappeared from contact with any support agencies (either state or civil sector) and another 14 had been repatriated. Such figures were indicative of the failure of the Irish state before 2008 to offer any route of protection, recovery, or reflection to suspected victims of trafficking.

Although our research did uncover, on the one hand, women who were coerced, deceived, and physically forced into prostitution in Ireland and kept in conditions approximating slavery, we also uncovered women who came “voluntarily” to work in the sex industry but experienced deception as to pay and conditions, women who could have been said to have been “coerced” into coming to Ireland because of socioeconomic conditions in their home countries, and women who returned voluntarily to the Irish sex trade after repatriation. These scenarios revealed to us the complexity in relation to definitional limits of trafficking, the blurring of the edges between it and smuggling in human beings, and also of the complexities of human situations and choices behind the statistics. In this respect, we found the work of Julia O’Connell Davidson and her analysis of the multiplicity of women’s experiences of prostitution and power to be analytically helpful and to validate our conclusions as to the complexity of the problem of trafficking.<sup>11</sup>

However, despite our intention to produce socially useful research, we felt that in the end our report met nobody’s agendas and, following an initial media flurry, largely disappeared from the record. From the perspective of civil society lobbyists in pursuit of “advocacy numbers,”<sup>12</sup> our figures were too low. In particular our final number was very significantly lower than those cited by a number of advocacy groups for the same period. Our analysis, following O’Connell Davidson’s work, paid heed to the complexity of women’s experiences in the sex industry and did not agree with the abolitionist stance taken by the majority of the anti-trafficking network members. From the perspective of the state—which had claimed there were no cases of trafficking within the state up to that point—our figures were equally off-message. It was not without some irony, however, that our statistics did subsequently arm the government with a rationale to resist proposals to adopt a Swedish-style domestic legislative framework on prostitution. Brian Lenihan, who was then minister for justice, argued in Parliament that the numbers of women caught up in sex trafficking into Ireland were not sufficient, as illustrated by our research, to justify criminalization of demand. However, our report was referred

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10 Eilis Ward, “Prostitution and the Irish State: From Prohibitionism to a Globalised Sex Trade,” *Irish Political Studies* 25, no. 1 (2010): 24–27.

11 Julia O’Connell Davidson, *Prostitution, Power, and Freedom* (Cambridge: Polity, 1998), 13–35.

12 Liz Kelly, “You Can Find Anything That You Want: A Critical Reflection on Research on Human Trafficking in Europe and Beyond,” *International Migration* 43, nos. 1–2 (2005): 239.



to in the U.S. State Department's Trafficking in Persons (TIP) Report<sup>13</sup> (2008) and undoubtedly that year's poor TIP report and tier rating for Ireland was one factor that prodded the Irish government into eventual legislative action.

Although our data-gathering methods and overall methodological and ethical considerations were, we felt, rigorous and as thorough as the context could allow, we quickly learned that the production of statistics in the field of trafficking is not without its own politics and dilemmas for the researcher. In the next two sections, we pick up this theme.

### **Globalization, Sex Trafficking, and Prostitution: The Second Irish Report**

In 2009, the Immigrant Council of Ireland (an NGO that provides information, support, and legal advice to immigrants and their families) published work it had commissioned under the title *Globalisation, Sex Trafficking, and Prostitution: The Experiences of Migrant Women in Ireland*.<sup>14</sup> This report sought not only to establish the extent of sex trafficking into Ireland but also to analyze the nature of the contemporary Irish sex industry. Within this remit, the report further focused on determining the level of male demand for prostitution.

In relation to the specific question of determining the extent of trafficking in women for sexual exploitation, the ICI research derived its data from case histories provided by four service-providing NGOs, plus interviews with 12 migrant women who had experience within the sex trade in Ireland. In terms of the NGO surveys, the key NGOs informants were asked to complete a form for each suspected case with data that focused on the recruitment, travel circumstances, and exploitation experiences of women identified by the NGOs as trafficked. The report's authors are clear that the highest number of reported cases came from Ruhama, an NGO that has a long track record of working with women in prostitution. According to the report, each of the interviewed agencies was working from a Palermo-based definition of trafficking, added to in Ruhama's case by a set of indicators derived from the Organization for Security and Co-operation in Europe and the International Organization for Migration (IOM).<sup>15</sup> Overall this research found 102 cases of trafficking in women for sexual exploitation into Ireland over the 21 months from January 2007 to September 2008, with a further probable 66 cases reported.

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13 The TIP Report is the U.S. government's principal diplomatic tool for engaging foreign governments on human trafficking. It is also the world's most comprehensive resource of government anti-trafficking efforts. For more information, see, <http://www.state.gov/j/tip/rls/tiprpt/>.

14 Immigrant Council of Ireland, *Globalisation, Sex Trafficking, and Prostitution: The Experiences of Migrant Women in Ireland* (Dublin: ICI, 2009).

15 *Ibid.*, 21.

A striking difference between the two reports is the number of cases reported: 76 in a six-year period (2000–06) versus 102 in a 21-month period (2007–08). There are various possible explanations for this discrepancy. One may be that the increased figures reflected the actual increased flow of women into the sex industry in the second part of the decade. A second explanation may be that the organizations concerned were more adept at recording and recognizing cases, most especially in a context where the concept of trafficking was becoming more embedded in legal, public, and political consciousness.

A third explanation may stem from some methodological and epistemological differences between the two reports. Our experience with undertaking the questionnaires with members of *Ireland en Route* was that when asked to detail alleged cases of trafficking, the interviewees possessed a very wide range of knowledge about each woman's case. Hence, we introduced a degree of reliability by using our test of a substantive case to determine whether to count a case. There is no obvious sign in the ICI report that any such discriminatory approach was taken to their survey data. Rather it was taken for granted that because the NGOs were working from the Palermo Protocol definition the cases reported would constitute trafficking. The Palermo Protocol is, however, open to a multitude of interpretations, which is the inevitable product of its wordy definition and contested genesis at the United Nations.<sup>16</sup> Moreover, the NGO that reported the highest number of cases to the ICI researchers adheres to the view that sees no boundaries between prostitution and trafficking. The standpoint of the ICI report itself is of that same order. Although it acknowledges that there may well be a continuum of experiences within prostitution, the ICI report comes from the perspective of the abolitionist camp, evidenced, for instance, in its call for the criminalization of demand for commercial sex on the grounds that “prostitution is about male sexual power”<sup>17</sup> and that “all women in prostitution experience objectification and dehumanisation and the mental and physical harm and the violence that are intrinsic to prostitution.”<sup>18</sup> Indeed, since the report's publication, the commissioners of the report, aligned with the Brussels-based European Women's Lobby and a coalition of Irish NGOs, have been spearheading a campaign to “Turn Off the Red Light” and for the Irish state to adopt the Swedish model of demand criminalization for the sex industry. This campaign has had considerable success. In January 2011, the government confirmed that it was considering Swedish-style legislation. In October of that year, the newly returned upper house of the Parliament (Seanad Éireann) featured, for the first time in Irish history, a comprehensive debate on sex trafficking and prostitution. During this debate, the ICI statistics and analysis were widely cited to support a motion in favor of the Swedish approach.

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16 Jo Doezema, *Sex Slaves and Discourse Masters: The Construction of Trafficking* (London: Zed Books, 2010), 27–29.

17 See Immigrant Council of Ireland, *Globalisation*, 39, *supra* note 14.

18 *Ibid.*

## Summary Reports of Trafficking in Human Beings: the Third and Fourth Reports

In this section, we turn finally to the third research and statistical source: two reports from the state body charged with compiling statistics on trafficking.

The Irish government's Criminal Law (Human Trafficking) Act 2008 brought Ireland into line with its European counterparts with a legal framework that defined trafficking and made it prosecutable.<sup>19</sup> Alongside the legislative regime, the state created an anti-trafficking infrastructure in the form of an Anti-Human Trafficking Unit in the (then) Department of Justice Equality and Law Reform. The unit's functions include collecting data, liaising with civil society, providing public information, and engaging in international dialogue. Since its establishment, the unit has published two annual "Summary Reports of Trafficking in Human Beings in Ireland," which collate data on cases of both sexual and labor exploitation.<sup>20</sup> We now turn our attention to the data-gathering process and the methodologies used by the state to produce these official figures.

The state's data collection approach is modeled on the format developed by the Austrian government and the IOM. Accordingly, the AHTU collected its data on a template from a number of anonymous sources. It then collated the data centrally and crosschecked for double-counting. Its informants included the Garda National Immigration Bureau, which provided details of numbers of cases reported, investigated or prosecuted; the Irish Naturalisation and Immigration Service of the Department of Justice, Equality, and Law Reform, which provided standardized information regarding people who were granted either a recovery and reflection period or a temporary residence permit; and four NGOs that provided standardized information for all persons whom they believed exhibited indications of having been trafficked. The standardized information referred to included demographic details of victims and information regarding the recruitment and trafficking process.<sup>21</sup> As with our own raw data, the data received from informants were subsequently evaluated according to definitional and legal categorizations.

In its glossary of terms and reporting of the data, the AHTU report for 2009 makes a distinction in its cases (under investigation) between "suspected victims" and "potential victims" of trafficking. The difference here depends on whether the police found reasonable grounds to think that the person might be a victim

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19 The text of the Criminal Law (Human Trafficking) Act 2008 is available at [http://www.protectionproject.org/wp-content/uploads/2010/09/Ireland\\_Criminal-Law-Human-Trafficking-Act\\_2008-and-Child-Trafficking-Act\\_1998.pdf](http://www.protectionproject.org/wp-content/uploads/2010/09/Ireland_Criminal-Law-Human-Trafficking-Act_2008-and-Child-Trafficking-Act_1998.pdf).

20 Anti-Human Trafficking Unit (AHTU), Department of Justice and Equality, "Summary Report of Trafficking in Human Beings in Ireland 2009," (AHTU, Dublin, 2010), <http://www.justice.ie/en/JELR/Pages/PB10000060>; AHTU, Department of Justice, "Summary Report of Trafficking in Human Beings in Ireland 2010" (AHTU, Dublin, 2011).

21 See AHTU, "Summary Report of Trafficking in Human Beings in Ireland 2009," 33, *supra* note 20.

of trafficking (*suspected victim*) or had yet to decide whether the person might be a victim (*potential victim*).<sup>22</sup> Only those cases that were deemed suspected are reported on in detail; the government provided a “recovery and reflection” period for the people concerned.

Interestingly, the AHTU disaggregated the cases and suspected cases gathered from the NGO sector, and it reports both sets of statistics separately. The suspected cases are presented in the final report as cases believed by the NGOs to present evidence of trafficking.

As a consequence of the disaggregation of state agency data from the NGO data and the categorization of cases according to the criteria of suspected and potential, the number of reported suspected cases that emerged is relatively small. Although the first section of the report rolls the suspected and potential cases together (66 investigations for sexual and labor exploitation), by the second section (which provides detail on those in the administrative arrangements) the number boils down to 11 potential victims of sexual exploitation, labor exploitation, or both. Meanwhile, the NGO section of the report refers to 37 cases referred by NGOs to the AHTU in 2009.

This pattern is reinforced by the AHTU’s report for 2010, which contains figures “broadly similar to 2009.”<sup>23</sup> Again, although there were 68 cases involving 78 alleged victims of trafficking reported to the Garda Síochána (Ireland’s national police service) throughout 2010, the numbers of people given either a recovery and reflection period or a temporary residence permit were five and seven, respectively.<sup>24</sup> To attain these administrative protections, a person must have been deemed by a police officer who is not below the rank of superintendent to be a potential victim of trafficking. The clear implication was that the majority of alleged cases did not meet the Garda benchmark.

The government statistics coincided with the first prosecutions in the state under the 2008 legislation and the preexisting Child Trafficking and Pornography Act.<sup>25</sup> In 2010, there were five convictions in total.<sup>26</sup>

## Discussion and Conclusion

This essay outlined three very different research exercises that attempted to determine the nature and extent of trafficking in human beings for the purpose of sexual exploitation in Ireland over a 10-year period. An interesting dimension of the research explored here is that it emerged from three different sectors: the

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22 Ibid., 3.

23 See AHTU, “Summary Report of Trafficking in Human Beings in Ireland 2010,” 2, *supra* note 20.

24 Ibid., 3.

25 Child Trafficking Pornography Act 1998, <http://www.irishstatutebook.ie/1998/en/act/pub/0022/>.

26 See AHTU, “Summary Report of Trafficking in Human Beings in Ireland 2010,” *supra* note 20.

academy,<sup>27</sup> the NGO sector (ICI), and the state,<sup>28</sup> thus reflecting comprehensively the three different domains with the capacity to produce such research. As we saw, definitional presuppositions as well as ideological commitments and interests played into the production of very different accounts of the nature and extent of the trafficking. What can we say about the divergences and about the validity, or otherwise, of the statistics produced?

It may perhaps be no surprise that the statistics produced by the state are significantly lower than those produced by an advocacy group. Although spanning a different time period, our own work also accounted for statistics averaged on an annual basis, which were lower than that of the advocacy group. In turn, the NGO data went on to provide the basis of the national campaign to adopt a Swedish approach to prostitution in Ireland and provided the evidence used by members of the Seanad in its motion to support that campaign. At a time of legislative change, policy makers and policy shapers (social partners, NGOs, and so on) require evidence to support their case and none more so than in the area of trafficking and prostitution. The need is somewhat acute in Ireland, where little is known about the sex industry and limited research has been carried out.<sup>29</sup>

It is clear that research into trafficking for sexual exploitation is not a neutral enterprise in terms of the subsequent use of the data. But our interest here is in the manner in which the data-gathering process and its framing, operationalizing, and reporting is influenced by the worldviews of the authors.<sup>30</sup> And it is to this point that we finally turn in the discussion and conclusion to follow.

In the case of our own research, we attempted to enhance neutrality, which is an aspiration of social science, in developing our criterion of a substantive case, while also allowing the informants to provide their own definitions of trafficking. In other words, we did not operate from a single definition that might, we felt, be too narrow or too broad. Yet undeniably our analysis was inflected by our evolving position on the abolitionist versus sex worker's rights debate and the manner in which this position, in turn, affected our understanding of the complex relationships between prostitution and trafficking, coercion and consent.

As our research deepened, we found ourselves uncomfortable at either pole of this discussion. On the one hand, our commitment to a feminist ethic of privileging the agency of women (and others) rendered unacceptable the "false consciousness"

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27 See Ward and Wylie, "Nature and Extent of Trafficking," *supra* note 2.

28 See AHTU, "Summary Report of Trafficking in Human Beings in Ireland 2009" and "Summary Report of Trafficking in Human Beings in Ireland 2010," *supra* note 20.

29 Eilis Ward, "Prostitution and the Irish State: From Prohibitionism to a Globalised Sex Trade," *Irish Political Studies* 25, no. 1 (2010): 47–65.

30 Jonathon Moses and Torbjørn Knutsen, *Ways of Knowing: Competing Methodologies in Social and Political Research* (Basingstoke, U.K.: Palgrave, 2007).

argument of the abolitionist tradition, which suggests that any woman expressing a rational choice for prostitution is deluded.<sup>31</sup> On the other hand, our recognition of the pervasiveness of gendered power inequalities, informed again by our feminism, made us leery of arguments that prostitution is just another form of work.

In the end, we found ourselves trying to make sense of this issue by recognizing the multiplicity of women's experiences of prostitution and by not collapsing all into trafficking. We concluded that the complexity we encountered was itself of epistemological value and did not just reflect an inability to see the "facts." As researchers, then, we found ourselves valuing work that interrogated itself and the many easy assumptions that are made in relation to the phenomena of trafficking. Interestingly, while the authors of the ICI report also make frequent reference to O'Connell Davidson's work in their references to the continuum of women's experiences in prostitution, they still assume dehumanization and degradation to be a universal experience for women across that continuum.<sup>32</sup> Leaving aside the very practical and ethical dilemmas that beset trafficking research, we find that the contrast between these two reports is testimony to the ways in which researcher worldviews and agendas affect research or affect what is ultimately "found."

The government's reports reveal a different dynamic at work in relation to the inflections involved in the production and analysis of trafficking statistics. In this case, the government narrowed the definition of trafficking in accordance with the legal framework. This narrowed definition required that trafficking cases must "tick all the boxes" of (a) recruitment, (b) movement, and (c) exploitation and that a senior police officer must validate the victim's identity as such. Given those strictures, it is not surprising that very few victims were recognized and then counted by the state as such. Moreover, a strong disparity emerges between the number of alleged cases, the number of NGO-reported cases, and the number of cases that were finally recognized as possibly involving trafficking. This validates a concern of O'Connell Davidson and Anderson that a narrow definition of trafficking, such as deployed by states, cannot capture the complexity of people's experiences of migration and exploitation.<sup>33</sup> Indeed, defining trafficking may lead to denying justice to many migrants who are experiencing exploitation but who do not fit the three-point trafficking definition now on the Irish statute books.<sup>34</sup>

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31 See O'Connell Davidson, *Prostitution, Power, and Freedom*, 4, *supra* note 11.

32 See Immigrant Council of Ireland, *Globalisation*, 37, *supra* note 14.

33 Julia O'Connell Davidson and Bridget Anderson, "The Trouble with Trafficking," In *Trafficking and Women's Rights*, ed. Christien van den Anker and Jeroem Doomernik, 11–26 (Basingstoke, U.K.: Palgrave, 2006).

34 Deirdre Coghlan and Gillian Wylie, "Defining Trafficking/Denying Justice: Forced Labour in Ireland and the Consequences of Trafficking Discourse," *Journal of Ethnic and Migration Studies* 37, no. 9 (2011): 1513.

We conclude, therefore, by distilling from these divergent research methods, processes, and reports four points that we believe present key issues for academics, researchers, and students in this field. Although the research we have discussed here relates to a small state that does not have a large sex industry (albeit this circumstance is changing) and only a recent tradition of in-migration, we suggest that our conclusions can be generalized across the field of trafficking research. We conclude with the following four points:

1. Researchers need to be mindful of the tension between policy-driven research—which is shaped to fit a particular policy outcome or campaign or to respond to an opportunity in the policy landscape—and evidence-based research.<sup>35</sup> In the first context, all knowledge production becomes particularly fraught with complexities. Both advocacy groups and social movements, on one side, and governments and state bodies, on the other, may seek to control the discourse in an effort to direct or frame the policy outcome. Research findings here become highly politicized and are open to manipulation or misrepresentation. Consequently, the researcher may find herself, unwittingly, an actor in a contested political process. This situation creates difficulties for researchers, particularly those like ourselves who are committed to academic scholarship as an ethical process and who, in the case of the sex-trafficking and prostitution debate, sought to bring a feminist analysis to bear that did not correspond to the dominant feminist discourse.
2. Academic scholarship especially, being largely *disinterested* (defined here to mean not interested in *particular* policy outcomes or in validating *particular* ideological positions), can find itself caught up in these contexts. Knowledge production in a contentious policy environment places particular pressure on academics to be clear about their standpoint, their methodology, and their own location within discourses. It also raises interesting questions about academics' own political, philosophical, or ideological identity. However, as we discovered, standpoints develop dynamically in response to contexts, evidence, and, not least of all, the nature of the discourse at any given moment. Hence, we suggest that a deep reflexivity and openness might be a useful standpoint for a researcher to adopt while engaging in such research. Such reflexivity may apply in different realms (ethical, political) at different times. Here we suggest that Judith Butler's work provides a useful paradigm for proceeding—namely, her proposal for an orientation of moral humility, a willingness to question one's own moral perspective and to be open to being wrong.<sup>36</sup> Here ethics is less about the view that you hold than about the way that you hold it and its implications for your interactions with others, including those with

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35 Roger Matthews, *Prostitution, Politics, and Policy* (Abingdon, U.K.: Routledge-Cavendish, 2008).

36 Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004).

whom you disagree.<sup>37</sup> The challenge of such ethical reflexivity does not, however, imply a resistance to any kind of analytical closure; rather, it gestures toward a multilevel orientation (ethical, policy, ideological) that may make a research journey more meaningful and productive in the long term. We return to this point later.

3. Arising from these points is the question of how to retain a coherent perspective in this kind of environment. We drew on two strengths throughout this research process. The first was our own private dialogues as researchers whose views and attitudes were becoming increasingly and mutually grayer as the research process deepened. We found our own ground shifting. Personal support and validation allowed us draw intellectual and epistemological strength from and within the unfolding complexity. Second, we began to understand the tensions and challenges we felt as feminist researchers as bearing epistemological and policy value.
4. Most particularly, we came to understand that the researcher's own emotional, philosophical, and ideological uncertainty (her *grayness*), if acknowledged and problematized, is of epistemic value. Rather than ignoring the tensions that we experienced, acknowledging them and their value pointed to critical power plays within the public realm and to the closure brought by ideology or by state interest when, in fact, complexity and openness is required. Our discomfort prompted us to reach continuously beyond discourses that simply confirmed structures of knowledge or framing of the problem of trafficking. These challenges are not addressed only by recourse to rigorous, methodological frameworks; rather, they illuminate troubling and troublesome realities.<sup>38</sup> Matthews argues that the most sustainable and valid state prostitution policies emerge from "pathways" between the polarities that characterize that field and that the experience of those caught up in the prostitution business are, themselves, largely located within gray areas, not in neat polarities.<sup>39</sup> In turn, this kind of grayness became evident in the reality of our research.

We suggest, finally, that in the context of the challenges posed by the reality of trafficking, globally and nationally, troubling complexity may be the order of the day. For academic scholars in particular, we suggest therefore that grayness, as a metaphor for that complexity, may be an uncomfortable space to inhabit, but it may, at times, be a place of great ethical and political value and, within a research process, a necessary space. It may be that the task of the academic researcher is to sit tight in the gray space and speak openly from that position.

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37 Kimberley Hutchings, *Global Ethics: An Introduction* (Cambridge: Polity Press, 2010), p. 71.

38 Sarah Neal and Eugene McLaughlin, "Researching Up? Interviews, Emotionality, and Policy-Making Elites," *Journal of Social Policy* 38, no. 4 (2009): 689–707; Karen Duke, "Getting Beyond the 'Official Line': Reflections on Dilemmas of Access, Knowledge, and Power in Researching Policy Networks," *Journal of Social Policy* 3, no. 1 (2002): 39–59.

39 Matthews, *Prostitution, Politics, and Policy*, *supra* note 35.





## **“Let Me Through! I’m an Academic!” Fighting Trafficking from the Campus and Beyond**

*Ryszard Piotrowicz\**

This article examines the legal aspects of the trafficking of human beings and focuses on not only how different law courses can be used to develop students’ awareness of trafficking, but also how teaching law with trafficking as a model can encourage discourse and research into the protection of the victims of trafficking and can help to prevent and combat trafficking. The article also briefly considers other contributions that academic lawyers can make. The crucial point is that the complexity and breadth of activities encompassed by the practice of trafficking in human beings mean that it is an appropriate subject of study in many fields of law.

### **Bringing Trafficking into the Curriculum**

Trafficking in human beings is, legally, a complex issue.<sup>1</sup> It is this complexity that offers opportunities to mainstream the teaching of trafficking while raising awareness of it. Trafficking is frequently portrayed as a human rights issue or as a criminal law issue. Sometimes there is disagreement as to whether it is more one than the other, or sometimes those who focus on human rights are accused of paying insufficient attention to the criminal law dimension—and vice versa.<sup>2</sup> This problem becomes clear, for example, in much of the discussion about the Palermo Protocol,<sup>3</sup> which is sometimes criticized for lacking sufficiently strong human rights guarantees. On one level, this criticism might be true; however, the protocol was never intended to be a human rights instrument. It is an instrument designed to encourage international cooperation in fighting the crime of trafficking of human beings. Thus, it in no way detracts from applicable human rights law.

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1 See, for example, Alice Edwards, “Traffic in Human Beings: At the Intersection of Criminal Justice, Human Rights, Asylum/Migration, and Labor,” *Denver Journal of International Law and Policy* 36 (2007): 9.

2 On this, see Ryszard Piotrowicz, “The Legal Nature of Trafficking in Human Beings,” *Intercultural Human Rights Law Review* 175 (2009): 4.

3 Regarding the Palermo Protocol, see “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Crime,” *opened for signature* November 15, 2000 (entered into force December 25, 2003). Available at <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>.

In fact, trafficking does involve serious violations of human rights.<sup>4</sup> It is also a serious criminal act<sup>5</sup> (composed of several other serious criminal acts). Furthermore, several other areas of law are, or may be, relevant to trafficking:

- Immigration law—The victims may have entered a transit or destination country irregularly or may have breached conditions imposed with regard to their stay.<sup>6</sup>
- Labor law—The victim may be working in spite of a prohibition on employment, or where the conditions of work violate national law, or both.<sup>7</sup>
- Welfare law—Such law is related to the treatment of workers.
- Laws on prostitution—Some victims may be forced to work in the sex trade in countries where such work is prohibited or restricted.
- Tort law—The victims have a right to bring private actions against those who have trafficked them, for example, in false imprisonment, battery, and assault.

The complexity of the legal regime with regard to trafficking arises not only because several substantive areas of law may be pertinent, but also because several *levels* of law have to be taken into account:

- National law
- International law (including human rights law, international humanitarian law, and international criminal law)
- European Union (EU) law (within the EU)

Anyone who has worked in the field of preventing trafficking—whether for a nongovernmental organization (NGO), as an academic, for an international organization, or in a state agency—should have some awareness of those complexities. If one works for an NGO assisting victims of trafficking, for instance, the priority will probably be to secure the immediate safety of the victims and then, over time, to help organize their recovery and consider the longer term options. These are primarily issues of human rights and welfare rights. Yet it would be naive to ignore other aspects of the situation: the victims may, for instance, be assisting in the prosecution of the traffickers by giving evidence against them. This assistance requires not only engagement in the criminal-law process, but also awareness of the vulnerability of the victims arising specifically out of their

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4 United Nations, "Act Against Human Trafficking," United Nations Office on Drugs and Crime. Available at <http://www.unodc.org/documents/human-trafficking/Act-Against-Human-Trafficking.pdf>.

5 Ibid.

6 International Organization for Migration, "About Migration," International Organization for Migration, <http://www.iom.int/jahia/Jahia/about-migration/lang/en>.

7 International Labour Organization, "Purpose of International Labour Law: Source of Inspiration for Nation Action," <http://actrav.ilo.org/actrav-english/telearn/global/ilo/law/lablaw.htm>.

participation in this process, including their immediate physical safety and other requirements and extending even to possible international protection needs.

A police officer or employee of some other state agency who comes into contact with a suspected victim of trafficking will need to be aware not only that several criminal offenses may have been committed against the victim, but also that the agency may have immediate and longer-term obligations to protect the human rights of the victim. As an important decision of the European Court of Human Rights in 2010 made clear, those obligations may extend to organizing immediate and effective measures of protection so as to guarantee the physical safety of the victim.<sup>8</sup>

The factors create many opportunities to incorporate trafficking into existing law courses. There are specialist courses on migration law, refugee law, and international criminal law, particularly at the master's level.<sup>9</sup> The advantage of such courses is that the legal issues involved in trafficking of human beings can be studied in greater depth. This approach is particularly helpful for those who may wish to specialize in the field. Such courses, however, do not necessarily raise awareness of trafficking significantly—although they should certainly increase the knowledge of the area for those who take them. The most effective way to mainstream trafficking as a legal issue is to bring it into first-degree courses in law—which in Europe are usually undergraduate courses.

### ***Human Rights***

Perhaps the most obvious place to introduce trafficking into the legal curriculum is in human rights courses. Article 4 of the European Convention on Human Rights<sup>10</sup> (ECHR) provides, in part, the following:

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.

This provision has not featured extensively in human rights courses because there have been so few cases where its breach was alleged. However, in the very important January 2010 decision *Rantsev v. Cyprus and Russia*,<sup>11</sup> the European Court of Human Rights considered at length how trafficking in human beings could violate Article 4 and furthermore outlined the positive obligations of the

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8 *Rantsev v. Cyprus and Russia*, Application No. 25965/04, Judgment of January 7, 2010, para 286. Judgment is available at [http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/CAR\\_Serbia/ECtHR%20Judgements/English/RANTSEV%20v%20CYPRUS%20-%20RUSSIA%20-%20ECHR%20Judgment%20\\_English\\_.pdf](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/CAR_Serbia/ECtHR%20Judgements/English/RANTSEV%20v%20CYPRUS%20-%20RUSSIA%20-%20ECHR%20Judgment%20_English_.pdf)

9 See generally, University of Michigan Law School, The University of Edinburgh School of Law, and Lewis and Clark Law School.

10 European Convention on Human Rights (ECHR), Council of Europe Treaty Series, No. 5, as amended by Protocol Nos. 11 and 14.

11 See note 2, herein.

state toward those who were at risk of being victims or were already victims of a breach of Article 4. There is, therefore, very good reason to include trafficking in human rights courses.

However, one can go further. It would be a mistake to assume that only Article 4 of the ECHR and its equivalents in other human rights instruments, such as Article 8 of the International Covenant on Civil and Political Rights,<sup>12</sup> are relevant to trafficking. It should be very clear to anyone who has worked in the field of human trafficking that the type of treatment to which victims are often exposed may well also amount to a violation of Article 3 of the ECHR,<sup>13</sup> which prohibits torture and inhuman or degrading treatment or punishment. Although the state may not be the perpetrator, it has an obligation to ensure the enjoyment of the rights, and its failure to prevent trafficking may, therefore, breach Article 4 and Article 3.

The applicability of Article 3's prohibitions against trafficking adds further opportunities to increase the profile of trafficking as a human rights issue. Indeed, this very point has been made with regard to a recent decision of the European Court of Human Rights with regard to an alleged violation of Article 3 of the ECHR.<sup>14</sup>

The legal issues relating to trafficking can easily be incorporated into other undergraduate courses, some of which are compulsory in most, if not all, jurisdictions for anyone wishing to practice subsequently as a lawyer.

### ***Criminal Law***

Trafficking is a crime in the domestic legal systems of all states that are party to the Palermo Protocol.<sup>15</sup> There is plenty of scope, therefore, for including it as one of the crimes that students have to study when they take criminal law. In fact, its complexity can make it a very useful vehicle for teaching this subject. Students may be presented with a trafficking scenario and asked to identify which crimes, including trafficking, are involved. Many different crimes can be involved: not only crimes of violence, but also those of conspiracy and joint criminal enterprise. The opportunity exists here to highlight how the types of crime against the person

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12 International Covenant on Civil and Political Rights, *opened for signature* December 16, 1966 (entered into force March 23, 1976), Article 8: "1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. 2. No one shall be held in servitude. 3 (a) No one shall be required to perform forced or compulsory labour."

13 ECHR, Article 3: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

14 The case is *M.S.S. v. Belgium and Greece*, Application No. 30696/09, January 21, 2011. I discussed this point in an article ("MSS v. Belgium and Greece and Its Significance for Anti-Trafficking") given at a conference organized by the OSCE Alliance Against Trafficking in Persons—Preventing Trafficking in Human Beings for Labour Exploitation: Decent Work and Social Justice, Vienna, June 20, 2011.

15 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, Article 5: "1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of this Protocol, when committed intentionally."

taught in most criminal law courses—including assault, battery, and rape—are often core elements of the crime of trafficking.

### ***Tort***

Tort, like criminal law, is usually a compulsory subject of study. The inclusion of trafficking is on the face of it problematic: there is no *tort* of trafficking. However, when one considers the ways in which victims are treated, then issues of false imprisonment, battery, and assault evidently arise. Accordingly, one can devise problems involving trafficking scenarios that require the students to identify which torts might have taken place. This approach is also useful because it shows the student how trafficking can be seen from a noncriminal law perspective, one in which the victims may even be empowered if they are assisted in asserting their own legal rights against traffickers.

### ***Welfare Law***

Welfare law includes rights to social security and other social assistance. Victims of trafficking may be entitled to such assistance from the state.<sup>16</sup> Indeed, they may even be entitled to extra assistance because of their special vulnerability. Consideration of the treatment of victims of trafficking as an element of welfare law can facilitate an appreciation of the particular needs of the victims. The precise rights involved may vary from one country to another, but the principle is clear enough.

### ***Labor Law***

People are trafficked for the exploitation of their labor.<sup>17</sup> They work usually in highly exploitative conditions. The very fact that they work at all may be unlawful—because they may have no entitlement to work, or else the conditions in which they are forced to work and their treatment may breach national law. By bringing trafficking into such a course, one can show how employment law may apply outside the scope of the standard employer–worker relationship. The rights of migrant workers form a particular issue in this context.

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16 *Ibid.*, Article 6 (3): “Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.”

17 Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386, 106th Congress, Sec. 102 b (3): “Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor and involves significant violations of labor, public health and human rights standards worldwide.”

## ***EU Law***

EU law is a core subject in law degrees throughout the EU. Although some courses cover only the institutional structure of the EU, most law schools offer courses—often compulsory—on substantive EU law.<sup>18</sup> This area is now so large that teachers must be selective. One can teach asylum and immigration law of the EU as part of such a course, including a substantial element on trafficking. It is particularly useful to teach trafficking in this course because one is able to show how the law relating to trafficking links to the wider EU law on immigration and asylum.

## ***International Law***

Trafficking would not normally be part of a mainstream course on international law. However, it can be incorporated rather easily—and quite legitimately. For instance, when one discusses the law of treaties, examples such as the UN Convention on Transnational Organised Crime and the Trafficking Protocol<sup>19</sup> offer an excellent model for explaining the significance of the various stages of becoming bound by a treaty, from signature to ratification and accession. If one teaches an advanced course on international law (such as selected or current issues), it is possible to have a segment devoted entirely to trafficking.

**International Humanitarian Law.** The protection of human rights during armed conflicts is governed by a highly specialized legal regime. People may be at their most vulnerable during armed conflict. It is recognized that women and children are particularly vulnerable to being trafficked during and after armed conflict, and trafficking can be studied as a violation of international humanitarian law.

**International Criminal Law.** Courses on international criminal law are increasingly popular, even at the undergraduate level, and it is not uncommon to find trafficking addressed as a separate segment in such courses. Trafficking may be a war crime or a crime against humanity, and indeed it appears in the case law of the War Crimes Tribunal for the Former Yugoslavia. Furthermore, trafficking is explicitly recognized in the Statute of the International Criminal Court as a crime against humanity.<sup>20</sup>

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18 See generally, University of Reading, Mykolas Romeris University, and King's College London.

19 United Nations Convention Against Transnational Organized Crime and the Protocols Thereto, GA Res 55/25, *opened for signature* December 12, 2000 (entered into force September 29, 2003).

20 Rome Statute of the International Criminal Court, Article 7 (1): "For the purposes of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack"; 7 (2) (c): "For the purpose of Paragraph 1: 'Enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children."

**Refugee Law.** Victims of transnational trafficking may be at risk in their home countries if they return there. Accordingly, they may have international protection needs. It is appropriate to study this problem in such a course. In fact, such study is highly instructive because, in many cases, victims of trafficking will not qualify for refugee status but may nevertheless have a need—and an entitlement—to international protection. Such issues can be addressed in a separate course about refugee law but may also be incorporated in a course on human rights.

## **Beyond Teaching**

It should be clear that, using only a little imagination, law teachers can do much to raise awareness of trafficking and to bring it into the mainstream as a subject for serious study by all law students. However, much more can be done.

## ***Research***

The teaching and research by university professors can—and should—inform each other. An awareness of the complexity of trafficking and its place in many areas of law should help us to reach beyond our comfort zones. It is not just a matter of human rights or criminal law; it is both—and even more. It is not just a matter of national law, regional law or international law; it is all three. This complexity can be challenging for some, particularly if they lack experience in some or more of these fields. Those with more expertise can help, for example, by running seminars and workshops.

## ***Training Courses***

Academia can get involved by offering courses for those working in the field, such as NGOs and public servants. When such courses are delivered effectively, they enable those in the field to mix their experience with the knowledge that academia has to offer.

## ***Awareness-Raising beyond the Campus***

Academia can—and should—be involved in the debate beyond the university, particularly in the mass media. One of the biggest problems for those seeking to address trafficking is the lack of awareness of many in the wider community. To put it crudely, will a customer still want to sleep with a sex worker if he knows she might have been trafficked and that he might be committing rape? Of course, some will go ahead, but some will think twice and abstain.



### ***Influences on the Agenda***

Academia can have an effect for the good by shaping the agenda—through submissions to parliaments, advise to NGOs and other bodies, and even work with international organizations.

### **Conclusions**

The legal aspects of trafficking can, and should, be addressed in courses about human rights. However, it would be a mistake—and a failure of imagination—to confine trafficking to this one area. There is significant room to incorporate trafficking into a wide range of law courses.

The benefit of such incorporation is not only to widen the lens through which students see trafficking, but also to move the issue of trafficking firmly toward the core of law studies. As well as raising the profile of trafficking as an issue in itself, this process can enable the student to recognize—and appreciate—its complexity.

In studying trafficking in a variety of its contexts (although likely not all of them), students also develop their awareness of how the law can be used in different and imaginative ways. Trafficking is a human rights issue, but it is not exclusively a human rights issue. Thus, the teacher can advance the cause of improving the law (at regional, national, and international levels) to protect victims and combat trafficking by acknowledging this complexity in teaching.

# Assessing the Effects on Students' Awareness and Actions Produced by the Course "Human Trafficking and Contemporary Slavery"

*Silvia Scarpa\**

The aim of this article is to assess whether introducing the course titled "Human Trafficking and Contemporary Slavery" into the academic curriculum of John Cabot University (JCU)<sup>1</sup> affected student awareness and action in the field of human-trafficking and contemporary slavery. The article is subdivided in four main parts: the first describes why the author decided to conduct this research and its timeframe; the second clarifies the methodology; the third discusses whether the sample can be considered representative of the target population; and the fourth examines the survey's outcome, including whether the course increased students' awareness in the field of human trafficking and contemporary slavery, whether it effected a change in students' behavior, and whether students believe that similar courses should be introduced into the academic curricula of other universities worldwide.

## The Research Process

"Human Trafficking and Contemporary Slavery" (Course PL325)<sup>2</sup> was offered for the first time at JCU as a major elective in the summer I semester of 2009. It

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- 1 John Cabot University is an American liberal arts university based in the historic neighborhood of Trastevere, Rome, Italy. JCU was founded in 1972 and is accredited by the Commission on Higher Education of the Middle States Association of Colleges and Schools. For more information, see <http://www.johncabot.edu/>.
- 2 John Cabot University Course PL 325. For the brief description of Course PL 325 see [http://www.johncabot.edu/Academics/Courses/Course\\_Descriptions.aspx?FieldOfStudy=POLITICAL%20SCIENCE](http://www.johncabot.edu/Academics/Courses/Course_Descriptions.aspx?FieldOfStudy=POLITICAL%20SCIENCE). For the syllabi of Course PL 325 and Course PL 325H offered in the fall semester of 2012, see [https://myjcu.johncabot.edu/syllabus/syllabus\\_print.aspx?IDS=5381](https://myjcu.johncabot.edu/syllabus/syllabus_print.aspx?IDS=5381) and [https://myjcu.johncabot.edu/syllabus/syllabus\\_print.aspx?IDS=5904](https://myjcu.johncabot.edu/syllabus/syllabus_print.aspx?IDS=5904).

was subsequently reoffered and was also introduced as an honors course (Course PL325H); in this latter case, however, only students with a minimum cumulative grade point average of 3.5 or higher could attend it.

The course aims to increase students' understanding of human trafficking and contemporary slavery. Although slavery and the slave trade have been legally abolished, exploitation of human beings is still widespread and is practiced all over the world. For this reason, the course analyzes trafficking in human beings and contemporary slavery as complex and multifaceted phenomena, and it uses an interdisciplinary approach to foster students' critical examination of the political, economic, and social factors that lie behind these practices.

The author decided to conduct this research because she was interested in understanding whether such a course would not only generate an increase in students' awareness about such issues, but also affect their behaviors and choices in other ways. Some students who sent her "thank you" e-mails after attending the course stated that it had changed their lives in various ways. Those e-mails were at the basis of her interest in finding out whether the feelings her students expressed were more widespread. Eventually, she hoped to learn whether a link existed between an increased awareness and more prominent action in the field. Moreover, because, as far as the author knows, no similar research has been conducted on this issue before, she hoped to explore a new path that might prove useful in supporting the fight against human trafficking and contemporary slavery.

The research process began in July 2011, and it was concluded in November 2011, when the preliminary results of the survey were presented at the regional conference titled "Incorporating Human Trafficking in Academic Institutions: The European Experience."<sup>3</sup>

## **Methodology**

The methodology was framed around four key steps aimed at identifying (a) the goals of the research project, (b) the target population (that is, the group of individuals whose behaviors and ideas were to be studied), (c) the form to be used for data collection, and (d) the method to be used to distribute that form and to collect the opinion of the target population.

## **Goals**

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3 The conference, which was organized by the Protection Project, School of Advanced International Studies of the Johns Hopkins University, and the University of Amsterdam, was held in Amsterdam on November 25–26, 2011.

The first step, correctly identifying the goals of the research project, was considered very important, because those goals would constitute a solid basis for conducting the survey and would guarantee a precise research outcome. The goals identified at the beginning of the research process were aimed at obtaining better knowledge in four areas:

- Understanding whether students had previous knowledge about human trafficking and contemporary slavery before their enrollment in the course.
- Determining whether they believed that they were more aware of these phenomena after having attended the course.
- Finding out whether this awareness in any way changed their actions or induced different behaviors.
- Determining whether they believed that similar courses should be introduced into the educational curricula of other universities around the world.

### ***Target Population***

In the second step, the target population was identified. When dealing with huge populations, social researchers tend to identify a sample of the target population from the beginning of their research process for the purpose of conducting their surveys. In this case, the author decided to attempt to contact all students who attended the course during May 2009 to May 2011. It was clear, however, that finding the contact details of all the students included in the target population would be difficult, especially given that 66.2 percent of students who attended the course were studying abroad.<sup>4</sup> Those students had attended John Cabot University only for a semester and in the meantime had returned to their home university. However, in the end, difficulties were encountered contacting both the degree-seeking and the study-abroad students because many degree-seeking students had graduated after taking the course or had moved to a different country.

### ***Format***

Subsequently, it was decided to develop a questionnaire (see annex) and to use it to collect students' opinions. The questionnaire included a mix of 11 multiple-choice questions and open-answer questions aimed at, on one hand, getting comparable data and, on the other, leaving room for students to add extra comments when they felt that none of the possibilities identified by the questionnaire reflected their point of view. The questionnaire was also drafted in such a way that it would be easy to read so that students would not feel that contributing to the research would be extremely time consuming; it was believed that a longer, more complex,

4 JCU admits both degree-seeking students, who study at the campus in Rome to earn their undergraduate degree, and study-abroad students, who attend courses only for a semester or two or for a summer session.

and more detailed questionnaire might have discouraged participation. Finally, the questionnaire methodology allowed the respondent to decide when he or she would take the survey and how much time he or she would dedicate to that activity.

The questions included in the survey were aimed at understanding students' point of view regarding (a) the extent to which the course increased students' awareness of human trafficking and contemporary slavery, (b) students' eventual decision to take action in the field of human-trafficking after having attended the course, and (c) the possibility that similar courses could be introduced in the academic curricula of other universities worldwide.

### ***Method of Data Collection***

Finally, the method of data collection was selected. It was believed that contacting students by e-mail would be the best way to proceed. Because many students might have attended JCU for only a semester, direct interviews would have been possible only with those few still living in Rome. If direct interviews were used, it seemed probable that the majority of students responding would have belonged to the degree-seeking category. Telephone interviews were not considered an option, because the students' telephone numbers were not known and, moreover, individual contact of the students would have been extremely time consuming, thereby limiting the size of the sample that could have been taken into consideration.

In a few cases, students did not appear to check their e-mail addresses or had deactivated their e-mail accounts; hence, social networks—particularly LinkedIn and Facebook—were used as a last resort when no other contact detail was available.

Although conducting the survey by e-mail was considered the best option in this situation, both advantages and disadvantages of the selected method were taken into account. In terms of advantages, drafting the questionnaire and compiling a list of all the students who attended the various editions of the course was neither difficult nor time consuming. Moreover, a survey conducted by e-mail is less intrusive than other research modalities adopted by social researchers, such as telephone or personal interviews. However, the selected method also had some disadvantages. First, finding students' contact details was difficult and, in a few cases, proved impossible. Moreover, a telephone or personal interview would have allowed the interviewer to use the questionnaire as a basic instrument that could be supplemented with additional questions tailored to the information provided by the interviewed person. In some cases, students needed more than one reminder to return the questionnaire, and some weeks passed before replies were received.

Finally, some students may have received the e-mails asking them to contribute to the research and simply decided to ignore them.

The questionnaire was drafted in July 2011, and e-mails including the questionnaire were sent out shortly thereafter. As of August 30, 2011, 11 questionnaires had been filled in and sent back, 5 from degree-seeking students and 6 from students studying abroad. This first result was meager, probably because August is a holiday month for students and many of them were not checking their e-mail. During the first week of September and again in October and November, the questionnaire was re-sent to those students who had not previously replied. In addition, other ways of contacting them were identified through social networks.

As of November 18, 2011, a total of 47 questionnaires were collected. Therefore, those 47 students constituted the sample of the target population identified for the purpose of this research project. One must take into consideration, however, that those students who decided to contribute to the research may also have been those who shared a positive opinion of the experience of attending the course; hence, the results might slightly be upwardly biased. The purpose of the research, however, is not to reach generalized conclusions about the target population; instead its focus is on the interesting changes in beliefs and behaviors of the sample that occurred in relation to the course.

### **Is the Sample Representative of the Target Population?**

To determine whether the sample identified for the study is representative of the target population of students who attended the course, one needs to compare the students who attended the course during May 2009 to May 2011 with the students who participated to the survey. Then one should consider not just the number of students but also specific characteristics such as whether they were male or female and whether they were degree-seeking students or study-abroad students.

For the three different editions of the course offered between May 2009 and May 2011, 71 students were enrolled, and 3 students attended the honors course offered for the first time during the spring semester of 2011. As shown in tables 1 and 2, respectively, 45 and 2 students belonging to these categories participated to this survey; thus, they represent, respectively, 63.38 percent and 66.66 percent of the total population. Therefore, overall, 63.5 percent of the students who attended the course filled out the questionnaire. As one might predict, however, because it was relatively easier to contact the students who attended the latest editions of the course, 76.92 percent of the students who attended the course in the spring semester of 2011 returned the questionnaire, whereas only 52.94 percent of those who attended it in the summer of 2009 did the same.

**Table 1. Number of Students Who Attended Course PL 325 Compared with the Number of Students Who Participated in the Survey**

Semester	Number of students who attended course	Number of students who participated in survey	Share of total (%)
Summer I 2009	17	9	52.94
Spring 2010	28	16	57.14
Spring 2011	26	20	76.92
<b>Total</b>	<b>71</b>	<b>45</b>	<b>63.38</b>

*Source:* Author's compilation.

**Table 2. Number of Students Who Attended Course PL 325H Compared with the Number of Students Who Participated in the Survey**

Semester	Number of students who attended course	Number of students who participated in survey	Share of total (%)
Summer I 2009	n.a.	n.a.	n.a.
Spring 2010	n.a.	n.a.	n.a.
Spring 2011	3	2	66.66
<b>Total</b>	<b>3</b>	<b>2</b>	<b>66.66</b>

*Note:* n.a. = not applicable. The course was not offered in the first summer semester of 2009 or the spring semester of 2010.

Similar predictions could be made regarding the sex of students and the category of study—degree seeking or study abroad—to which they belong. As regards the former, in one case—namely that of girls who attended the first edition of the course in the summer of 2009—only three of the eight students who attended the course also filled out the questionnaire (that is, only 37.5 percent of that population). In the case of category of study, study-abroad students were underrepresented in the sample for both the summer 2009 and spring 2010 semesters; respectively, they represented 33.33 percent and 47.82 percent of the population. However, as stated before, in some cases it proved impossible to contact students who attended the earlier editions of the course. Nevertheless, those three cases represent a minority; in all the other cases, between 50 percent and 100 percent of the students belonging to the different categories taken into consideration participated in the survey.

Regarding the countries in which students currently reside, the students made reference to multiple cities in 11 of U.S. states<sup>5</sup> as well as to cities in five other countries: Canada, Great Britain, Italy, Israel, and Sweden. However, some students clarified that they currently live in countries that are not the ones of their nationality;

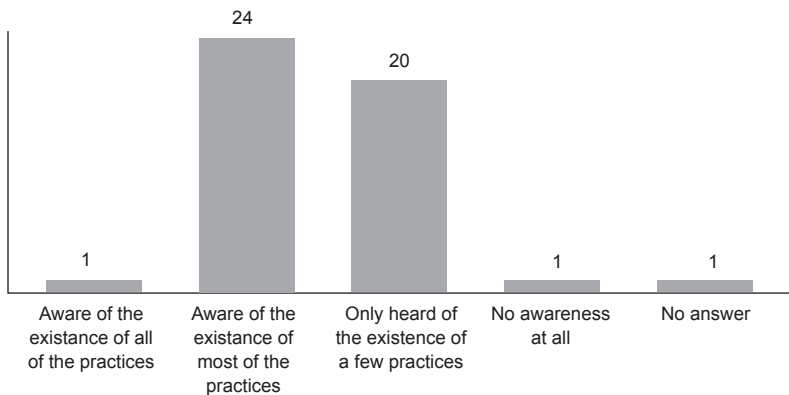
5 The 11 states were Alabama, Arizona, California, Florida, Illinois, Massachusetts, Nevada, New Jersey, New York, Ohio, and Pennsylvania.

hence, Germany, Kosovo, and some other countries should also be added to the list of countries to which the students frequently return. This peculiarity renders the results of this research very interesting and gives an idea of the potential effect that similar activities might produce in a globalized world.

## The Survey Outcome

As already clarified, the questionnaire was meant to be easy to read and use, and it comprised 11 questions, both multiple choice and open answer. The first question was aimed at determining students' awareness of the existence of contemporary forms of slavery and human trafficking before attending the JCU course. Although only one student admitted to having no prior awareness of the issues, the majority of others were more or less equally divided between those who believed that they already had awareness of most of the studied practices (24 students) and those who claimed that they had heard of only a few of them (20 students). Finally, one student did not answer the question, and one claimed to have been aware of the existence of all the practices (see figure 1). The data are relevant in as much as they clarify that the majority of students included in the sample had at least heard about the issues discussed during the course before attending it.

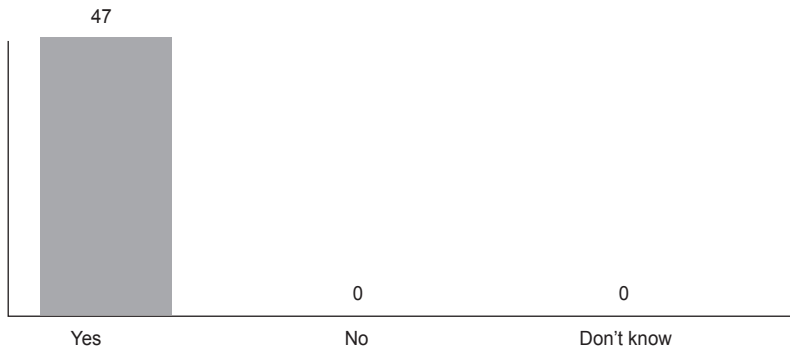
**Figure 1. Students' Awareness of Practices Studied before Attending the Course**



*Source:* Author's compilation.

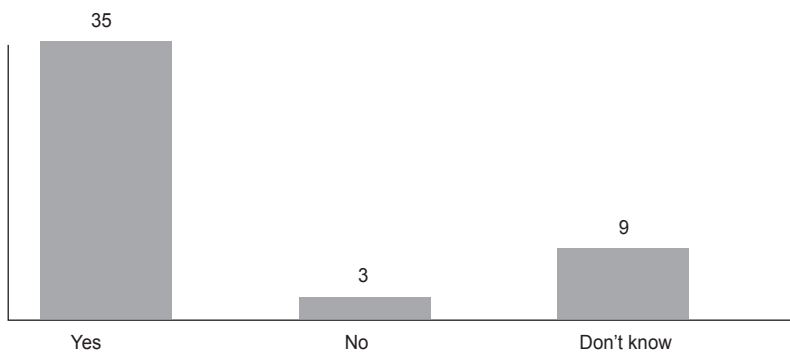
The second question was strictly related to the first one, and it aimed at understanding whether, in the students' opinion, their awareness in the field increased after they attended the course. All students answered that question positively; hence, all recognized that the course increased their awareness of the existence of severe forms of exploitation related to contemporary slavery and human trafficking (see figure 2).



**Figure 2. Was Students' Awareness Increased after Attending the Course?**

*Source:* Author's compilation.

The third question was aimed at determining whether a link existed between awareness generated by the course and action in the field. Therefore, its aim was to find out whether students believed that attending the course in any way effected a change in their behavior. This question was answered positively by 35 students and negatively by 3; 9 students were unable to provide a specific opinion on this issue (see figure 3). Thus, it is possible to confirm that a link exists, because for 75 percent of the sample, the increased awareness generated by the course led to specific action in the field.

**Figure 3. Has the Course Effected a Change in Students' Behavior?**

*Source:* Author's compilation.

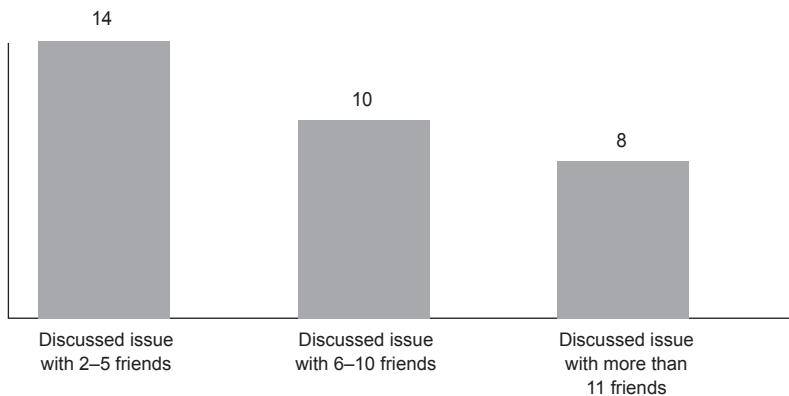
Question 4 was a follow-up to question 3. It tried to determine how the behavior had changed among those who answered the third question positively. Therefore, question 4 aimed at understanding what kinds of activities the students were carrying out that could be strictly connected to their increased awareness of human trafficking and contemporary slavery. Students had a chance to choose from four different activities, but a fifth option was left open so that they could add comments if they believed that no previous answer was suitable to their case. The five options provided to them were (a) discussing the issue with friends, (b) organizing an

event to raise awareness, (c) becoming a donor to a nongovernmental organization (NGO) or international organization (IO) working in the field, (d) volunteering for an NGO or IO, and (e) being involved in another activity not included in the list. Students were free to check more than one box if they were active in multiple ways.

Out of the 35 students who filled in this part of the questionnaire, 32 claimed that they were trying to raise awareness among their friends. The question was framed in a way that allowed students to specify whether they had discussed such issues with a low number of friends (1 friend, or between 2 and 5), a medium number (between 6 and 10), or a high number (more than 11).

No student claimed to have discussed the issue with one only friend, but 14 said that they had raised the awareness of between 2 and 5 friends. Another 10 had raised the awareness of between 6 and 10 friends, and 8 had raised the awareness more than 11 friends (see figure 4).

**Figure 4. Are Students Raising Awareness?**



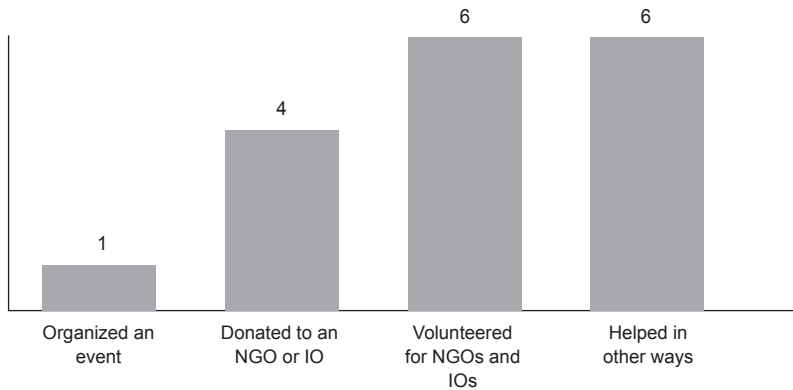
*Source:* Author's compilation.

The data clearly show the potential multiplier effect that similar courses could produce, thereby quickly generating a massive awareness of the issue in students' communities. If, in fact, one examines the minimum and maximum number of persons made aware of the existence of human trafficking and contemporary slavery by these students, the number might be between 184 and 274 (a conservative estimate that takes into consideration 13 as the maximum number of individuals made aware by the students). In an additional final comment, one student explained that he raised awareness among friends by recommending one of the textbooks used for the course:

The course textbook ... explained the various types of contemporary slavery well, and I advised it to many when talking about the issue various times.

With respect to the other options available for question 4, one student organized an event to raise awareness of human trafficking and contemporary slavery, four became donors, and six even volunteered for NGOs and IOs working in the field. Finally, six students felt that the various options at their disposal for answering question 4 did not describe the ways in which their behavior has changed, so they added additional comments. Two of the students claimed that they were more aware of their role as consumers, one expressed a desire to specialize in human rights, one wished to pursue a career in the field with the U.S. Department of State, one was currently looking for a job or a volunteer position in the sector, and one used her knowledge during a summer internship at the Legal Department of Kosovo (see figure 5). Overall, 16 students out of 32 were active in multiple ways; those students checked at least two boxes.

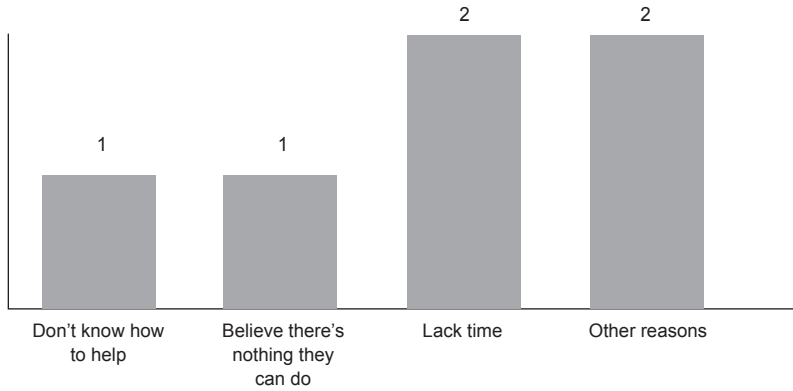
**Figure 5. How Are Students Active?**



*Source:* Author's compilation.

Question 5 was directed at the three students who claimed that their behavior had *not* changed after they attended the course. In this case, too, four specific options were provided to students, and a fifth one allowed them to make additional comments if none of the provided options reflected their point of view on the issue. The four options were (a) I have no idea how I could change my behavior, (b) I think there's nothing I can do, (c) I don't have time to be involved in anti-trafficking and contemporary slavery activities, and (d) I don't want to change my behavior.

It is interesting that three of the nine students who, in answering question 3, had stated that they were not in a position to evaluate if their behavior had changed felt the necessity to provide an explanation and freely decided to answer this question. Therefore, a total number of six students answered question 5. As clarified by figure 6, the six students explain that the lack of change or impossibility to evaluate change is determined by (a) having no idea of how to help (one student), (b) believing that there is nothing a student can do (one student), (c) having a lack of time (two students), or (d) other reasons (two students).

**Figure 6. Why Do Students Not Change Their Behavior?**

*Source:* Author's compilation.

The two students who claimed that other reasons determined their lack of change in behavior clearly explained, however, that they were not uninterested in the issue; however, they were active in other issues. The same students showed a willingness to be more active in the near future:

I have not found a good way to really help the problem in my community, but I did apply for a position with a community service organization that works with human trafficking victims.

—Questionnaire 9

I currently do not have enough time to be an activist against human trafficking; however, I would like to become more involved in the future when I am done with school.

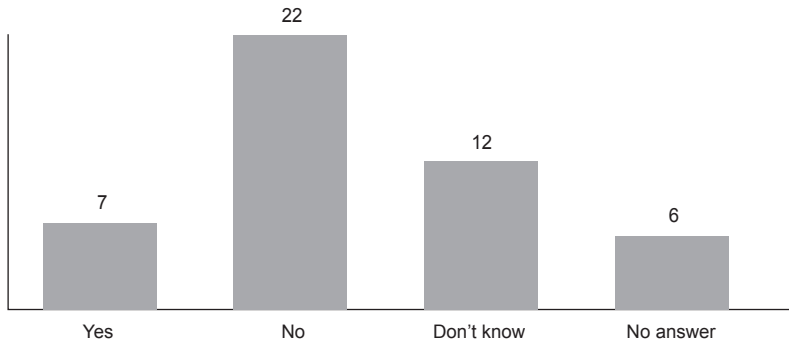
—Questionnaire 15

Question 6 shifted the focus to a more academic issue and was, in fact, aimed at determining whether the students had addressed or intended to address one or more of the issues explored during the course in their final theses. Only seven students (15 percent of the total) said that they were interested in doing so. The others either did not want to do so (22 students), were unsure (12 students), or did not answer the question (6 students) (see figure 7).

The seven students who answered this question positively also had to answer a follow-up question (question 7) regarding the specific topic or topics they had explored or would like to explore in their theses. Some of their comments refer to specific issues, including (a) the link between female migration and trafficking for the purpose of sexual exploitation, (b) the smuggling of migrants, (c) the trafficking in persons for the removal of organs, (d) the issue of child labor, and (e) the resettlement of refugees and human trafficking. Four students were equally divided among those who were planning to focus their theses on course-related

topics and those who were going to use the information gained in the course to write theses on other topics. Finally, three students answered the question more vaguely. Those students referred to (a) a passion for a certain topic (Questionnaire 29), (b) future plans aimed at further exploring the area with the help of instructors of the home university (Questionnaire 32), and (c) past volunteering activities in the field that increased the respondent's interest in a specific subsector (Questionnaire 47).

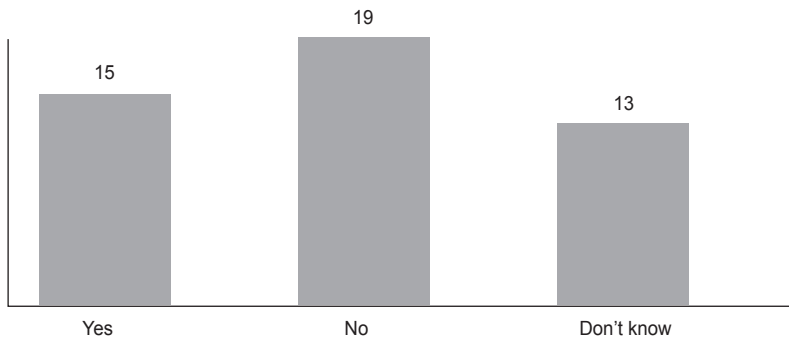
**Figure 7. In Their Final Theses, Will Students Address Issues Discussed in the Course?**



*Source:* Author's compilation.

Question 8 was aimed at discovering whether the course had generated an increase in interest in applying for an internship at IOs, NGOs, foundations, academic institutions, or other institutions working to fight against contemporary slavery and human trafficking. For this question, 15 students answered positively, 19 answered negatively, and 13 did not have a clear opinion on the issue (see figure 8).

**Figure 8. Have Students Applied, or Will They Apply, for an Internship?**

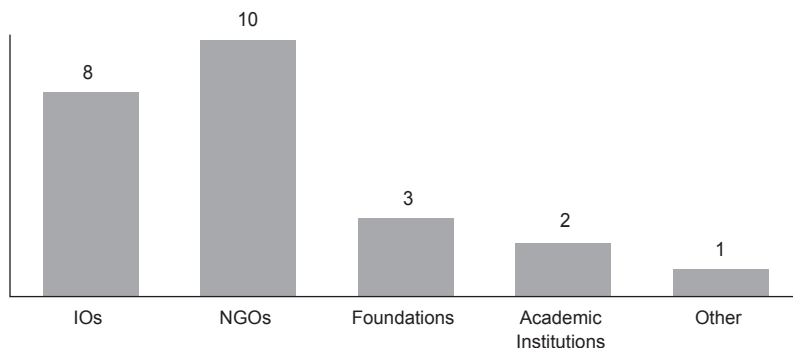


*Source:* Author's compilation.

Question 9 followed up on question 8 and asked the students which category of institution they would apply to. The 15 students who were willing to apply or had already applied for an internship showed multiple preferences for various institutions; however, NGOs and IOs ranked highest, followed by foundations and academic institutions. One student manifested a specific interest for institutions

that were not included in the list. He checked the box “other” and added the U.S. Immigration and Customs Enforcement and Interpol, thus showing a potential interest in law enforcement activities related to fighting contemporary slavery and human trafficking (see figure 9).

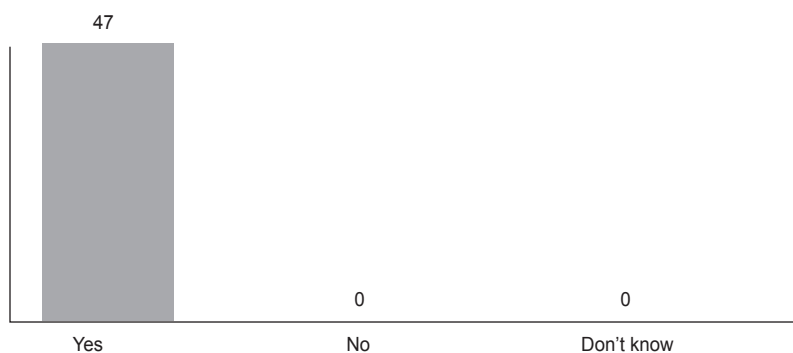
**Figure 9. Where Would Students Prefer to Gain Internships?**



*Source:* Author’s compilation.

Finally, the last question was aimed at understanding whether, according to the students, courses similar to “Human Trafficking and Contemporary Slavery” should be introduced in the academic curricula of other universities worldwide. The result was overwhelming: all 47 students answered this question positively (see figure 10).

**Figure 10. Do Students Think That Similar Courses Should Be Introduced in the Academic Curricula of Other Universities Worldwide?**



*Source:* Author’s compilation.

Students were then given the chance to add any other comment they felt appropriate. Some focused in particular on the issue examined by question 10, and their comments are relevant to better understanding the students’ point of view. For example, one student commented on the lack of awareness of human trafficking and contemporary slavery in universities:

I think this topic is very interesting, and I do not think there is enough awareness in academic institutions. I think it would be very beneficial for this type of course to be offered more frequently in universities.

—Questionnaire 2

Other students justified their belief that similar courses should be introduced in other academic programs by focusing on the lack of awareness of how much contemporary slavery and human trafficking affect—in different ways—everyone in the world:

The course on Human Trafficking and Contemporary Slavery was extremely useful and addressed issues that are pertinent to every individual worldwide. The points which the course discussed are rarely talked about anywhere so in-depth, and little space is dedicated in academic curricula.

—Questionnaire 3

Although I do not plan on actively pursuing continued study/employment in the subjects covered in class, I do believe taking this class was essential to understanding the world we live in and shed light on a massive human rights issue that is not commonly known in developed countries such as the United States. If there is any hope for improvement on human slavery/trafficking, more attention must be brought to the subject, and classes such as the one I took should undoubtedly be introduced into more universities around the world.

—Questionnaire 19

Two students not only believed that similar courses should be introduced into the academic curricula of universities worldwide but also added the following:

I ... believe it should be a more prevalent subject in university course options.

—Questionnaire 12

This course should be mandatory as a humanities requirement; everyone should know what is going on in our world.

—Questionnaire 16

Two other students specifically noted that the introduction of similar courses would be especially relevant for programs aimed at students majoring in social work or human rights:

Because this issue is relatively new and people do not know much about it, I think it would be great to introduce classes on the subject into social work type majors.

—Questionnaire 9

Courses such as [“Human Trafficking and Contemporary Slavery”] should be introduced in BA degrees in human rights.

—Questionnaire 40

Finally, one student not only believed that universities have a role to play in fighting human trafficking and contemporary slavery but focused on other relevant actors as well:

Not only schools and universities should participate to raise the public awareness on this matter, but also the media (TV, newspapers, Internet, documentaries, films) should become more effective in communicating what is going on in so many places of the world.

—Questionnaire 10

## Concluding Remarks

The research conducted on the sample of students who attended the course “Human Trafficking and Contemporary Slavery” at John Cabot University of Rome provides the anti-trafficking movement with several interesting pieces of information. First, it demonstrates that courses can increase the student awareness of global issues such as human trafficking and contemporary slavery. Second, it shows that a direct link between increased awareness and willingness to be more active in the field exists. As shown by the research, 35 out of 47 students—75 percent of the sample—changed their behavior after the course and became active in the field. The research also points out an interesting potential multiplier role that students can play in raising the awareness of other members of their communities.

Although only 15 percent of the sample were willing to examine issues related to the course in their final theses, it is interesting that 28 percent of them were willing to take an internship at an institution working in the field. Finally, all the students included in the sample believed that similar courses should be introduced into the academic curricula of other universities. They understood the relevance of human trafficking and contemporary slavery in the globalized world and recognized that universities can be important actors in the complex global governance system dealing with those phenomena.

This research, therefore, allows the author to conclude that universities all over the world should consider introducing well-tailored courses that are about this topic and that would provide students with, on the one hand, the necessary knowledge of the various exploitative practices that still exist in the world today and, on the other hand, the relevant tools aimed at transforming this awareness into positive action that will contribute to the global fight against human trafficking and contemporary slavery.



## Annex: Questionnaire

City and state of residence: \_\_\_\_\_

1. Were you aware of the existence of contemporary forms of slavery and human trafficking before attending **Course PL399/325/325H, "Human Trafficking and Contemporary Slavery"**?

- Yes**, I was aware of the existence of **all** the different forms of exploitation that we studied during the course.
- Yes**, I was aware of the existence of **most** of the different forms of exploitation that we studied during the course.
- No**, I had heard of the existence of only **a few** of the different forms of exploitation that we studied during the course.
- No**, I was not aware of the existence of the different forms of exploitation that we studied during the course.

2. Do you think that your enrollment in **Course PL399/325/325H, "Human Trafficking and Contemporary Slavery,"** has increased your awareness of these issues?

Yes  No  Don't know

3. Do you think that your enrollment in **Course PL399/325/325H, "Human Trafficking and Contemporary Slavery,"** has in any way effected a change in your behavior?

Yes  No  Don't know

**If your answer is "Yes," please, answer question number 4; if it is "No," jump to question 5; and if it is "Don't know," jump to question 6.**

4. If **yes**, how?

- I try to raise awareness among my friends, and I have already discussed these issues with
- 1 of them.     2–5 of them.     6–10 of them.
- More than 11 of them.
- I organized an event to raise awareness.
- I became a donor for a nongovernmental organization or international organization working to fight against these practices.
- I volunteered for a nongovernmental organization or international organization working to fight against these practices.

Other. Please, specify:

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5. If **no**, why?

- I have no idea how I could change my behavior.
- I think there's nothing I can do.
- I don't have time to be involved in anti-trafficking and contemporary slavery activities.
- I don't want to change my behavior.
- Other. Please specify:

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6. Have you addressed or do you intend to address one or more of the issues examined by the course in your final thesis?

Yes  No  Don't know

**If your answer is "Yes," please answer question 7; if it is "No" or "Don't know," jump to question 8.**

7. If **yes**, which one?

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8. Have you applied or do you intend to apply for an internship at an international organization, nongovernmental organization, foundation, academic institution, or other institution working to fight against contemporary slavery and human trafficking?

Yes  No  Don't know

**If your answer is "Yes," please answer question 9; if it is "No" or "Don't know," jump to question 10.**

9. If **yes**, to which category does the institution belong?

- International organization
- Nongovernmental organization
- Foundation
- Academic institution
- Other. Please specify:

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10. Do you think that courses similar to **Course PL399/325/325H, "Human Trafficking and Contemporary Slavery,"** should be introduced in the academic educational curricula of other universities?

Yes  No  Don't know

Add any other comments you would like to make:

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**Thank you very much for your help!**

# Studying Human Trafficking for Forced Labor: The Polish Experience

*Zbigniew Lasocik\**

When one reviews the publications on human trafficking, it seems obvious that most of the research on the issue has focused on trafficking for sexual exploitation, whereas trafficking for forced labor has received relatively little attention. If we simultaneously look at the European labor market, we can see that movement of labor has continued to increase and that there is an increase in different forms of labor exploitation, especially that of migrant workers.<sup>1</sup>

Each European country has been affected somehow. Although forced labor varies from country to country, data collected by the International Labour Organization show that no place in Europe is free of forced labor. Depending on the level of wealth, some countries are countries of origin, transit countries, or destination countries. A *country of origin* is one whose citizens become victims of human trafficking for forced labor.<sup>2</sup> A *transit country* is one through which such victims are transported or smuggled.<sup>3</sup> A *destination country* is one where citizens of another country are forced into labor.<sup>4</sup> Some countries, such as Poland, can play all three roles, whereas others are countries of destination or origin only.

Also, the forms of forced labor vary across Europe. The differences are in the industries involved, the ways that the victims are exploited, and who those victims are. In some countries, people are forced to work on fruit and vegetable plantations,

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- 1 For general information, see Catalin Ghinararu and Mariska N. J. Van der Linden, "Trafficking of Migrant Workers from Romania: Issues of Labor and Sexual Exploitation," working paper 13, International Labour Organization, 2004; Stephen Castles, "Guestworkers in Europe: A Resurrection?" *International Migration Review* 40, no. 4 (2006): 741–66.
- 2 In the country of origin, the most common causes are poverty, unemployment, and lack of opportunities. Those factors motivate potential victims of trafficking to look to other countries for opportunities they do not have at home. They then become easy prey for traffickers making false promises about job offers in foreign countries. For more information, see International Office for Migration, "The Nature of Human Trafficking," <http://www.iom.int/jahia/Jahia/pid/676>.
- 3 Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 106th Congress, § 102 (b) (5): "Traffickers often transport victims from their home communities to unfamiliar destinations, including foreign countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable"
- 4 *Ibid.* The most important cause in destination countries is the demand for inexpensive labor. Inexpensive labor benefits entrepreneurs in destination countries, and this demand is satisfied by irregular immigration, smuggling, and trafficking.

whereas in others they have to work in small factories or on construction sites. In some countries, forced labor is a problem in private enterprises, but in others state-owned enterprises take advantage of forced labor. In some countries, the majority of the victims are foreign nationals from the poorer countries of the European Union, whereas in others the victims come from non-European countries, including those of Asia. Although most victims in Europe are adults, children are also exploited, especially in begging.<sup>5</sup> Those exploiting forced labor come from different ethnic origins or are members of different organizations. They create ad hoc consortia of employment agencies and employers, or they organize stable crime groups that are also committing other crimes.

Judging from this brief overview, we researchers could say that we know quite a lot and that we understand the different aspects of the problem. But we do not. In fact, our knowledge is still anecdotal, inaccurate, and lacking a base of solid evidence.<sup>6</sup> That is why we must build a system to study human trafficking for forced labor, collect reliable information, and analyze the data. Building such a system will not be easy. The usual research procedures do not work well with forced labor and human trafficking. There are many barriers to consider. The most important one is that migrant victims often stay illegally in the country, and their biggest fear is that of the authorities rather than fear of the perpetrators of trafficking.

Another barrier is the conspiracy of silence between perpetrators and victims. There are mental and cultural barriers that stop people from admitting that they are victims of a crime—not to mention victims of exploitation. According to the experiences of different nongovernmental organizations (NGOs) (including La Strada International<sup>7</sup>), this set of barriers is a particular problem for men from Asian male-dominated countries. Finally, organizing forced labor involves conspiracy, and the police can do very little unless these crimes have been reported by either citizens or the victims (and it is understandable that the victims are not doing so).

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5 Gijsbert Van Liemt, "Human Trafficking in Europe: An Economic Perspective," working paper 1, International Labour Organization, 2004. Available at <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1008&context=forcedlabor>.

6 For general information, see Frank Laczko, "Human Trafficking: The Need for Better Data," International Organization for Migration, November 2002, <http://www.migrationinformation.org/feature/display.cfm?ID=66>; Gijsbert Van Liemt, "Human Trafficking in Europe: An Economic Perspective," Forced Labor working paper 9, International Labour Organization, 2004.

7 La Strada International (LSI) is a European NGO network comprising eight member organizations in Belarus, Bulgaria, Czech Republic, the former Yugoslav Republic of Macedonia, Moldova, the Netherlands, Poland, and Ukraine and an international secretariat based in Amsterdam. The overall aim of LSI is to prevent trafficking in human beings in Europe, in particular trafficking of women, and to protect the rights of trafficked persons. LSI's philosophy, guiding its anti-trafficking work and its provision of services, is based on a human rights approach that demands equal human rights for all human beings. The mission of LSI is to improve the position of women and to promote their universal rights, including the right to choose to emigrate and work abroad and to be protected from violence and abuse. For more information, see <http://lastradainternational.org/>.

In many communities, people believe that it is not right to interfere with other people's business and that it is immoral to report others to the police, especially when foreign nationals are involved.

The situation is revealed as even more complicated when we notice that there are very few court judgments against trafficking for forced labor—perhaps nearly none. One must take this problem into account when drafting the research strategy of European academia as a whole. There is an urgent need to explore and understand both the extent and nature of the problem of human trafficking, to collect reliable information on it, and to create a platform for better cooperation and exchange of information to prevent this very special crime. These steps must be initiated by the universities, as they have in Poland.

### **The First National Meeting on Eliminating Forced Labor in Poland**

Discussion of human trafficking for forced labor is very new in Poland. In fact, for many years, researchers have concentrated on studying sexual exploitation as the most visible and heinous crime against women and children. That is why the Human Trafficking Studies Centre at the University of Warsaw organized in March 2010 the First National Meeting on Eliminating Forced Labor in Poland. The meeting was attended by representatives of institutions and voluntary organizations that were tackling the problem of forced labor. They included the National Labor Inspectorate, Ministry of the Interior and Administration, Police, Border Guard, Prosecutor's Office, Ministry of Labor and Social Policy, Office for Foreigners, and La Strada Foundation. The discussion showed that an effective system for eliminating forced labor in Poland must ensure the involvement of two important players: trade unions and employers' organizations.

As a result of this meeting, the participants accepted the following conclusion: the scale of trafficking for forced labor in Poland calls for urgent action, and the following steps should be taken:

- Raise real interest in government and self-government bodies.
- Carry out in-depth research and analysis of the problem.
- Take steps to build a system for the identification of victims and the elimination of forced labor in Poland.
- Ensure the involvement of trade unions and employers' organizations in the process.
- Build a system of support, including financial support, to foster the involvement of citizens in civil society actions.

The meeting's attendees also agreed that the number of victims identified in Poland shows that forced labor is a real social problem and that, as such, it requires government action. The most important goal is to come to understand the issue through in-depth research and to translate the results into practical knowledge that can be used to create a system of identification of the victims, prosecution of the perpetrators, and support for the victims. For all these reasons, a national plan to study exploitation and forced labor is needed. From such study, two things can be learned: what to do, and how to do it. This article is mostly about the latter.

### **Strategy for Research**

Construction of such a new strategy is not an easy task because one must take into account several important factors. First, in extreme cases, forced labor becomes a form of modern day slavery, with victims being foreign nationals mainly. Second, the nature of the problem requires specialized knowledge and capacity building of special abilities. Third, forced labor is a social action in which perpetrators are usually private employers, but the victims are mostly afraid of the repressions they may face from authorities such as law enforcement and specialized inspection bodies. Fourth, unlike human trafficking, which is penalized in most countries, forced labor is often either not seen as a crime or not defined in legal language.

Trafficking for forced labor is an issue that does not lend itself to scientific cognition easily. Thus, like corruption, state violence, and prostitution, trafficking for forced labor is a significant challenge for researchers and academics. In the case of forced labor, the real problem is hidden behind an illusion of legitimate private business. A major difficulty in studying trafficking for forced labor is that although the victim is abused by a private employer, the ultimate oppressor—the one that the victim fears most—is the state. What pushes the victim into the hands of the perpetrators is the system. Victims usually come from a different country, and their work and stay are illegal. As a result, none of the parties are willing to report the crime or talk about it. The main difficulty in research thus lies in poor access to information.

Another important difficulty in the study of trafficking for forced labor is that it is a fairly new problem as an academic issue and is underresearched as a result. Our knowledge continues to be intuitive rather than empirical. For this reason, potential researchers of the problem should approach it from a *tabula rasa* perspective and keep their minds open to all information for subsequent verification of tentative hypotheses. This approach will gradually help them to build a picture of the problem.

If all of those factors—and many more—are taken into account, construction of the new strategy should be based on six pillars:

- Clear definition of the objectives of the research
- Identified actors and sources of information
- Proper methodology of the research
- Code of ethics related to the research and social activities in this field
- Possible actions to be taken to prevent human trafficking in all forms
- Process of national mobilization of all actors so that they consider the problem as important and become involved in solving it.

### ***Definition of Objectives***

Beginning with the first pillar, one might ask this question: How we can define the objective of the study on human trafficking and forced labor? The simple answer would be to learn as much as we could about the problem of trafficking and forced labor. In doing so, we need to look at the problem from two angles. The first is to describe the phenomenon, while the second is to understand both how to identify the institutions relevant to solving the problem and how to investigate human trafficking for forced labor. The reason for this holistic approach is that in some countries, even now very little is known about new forms of human trafficking such as forced labor. Although the relevant institutions can quite successfully deal with cases of human trafficking for sexual exploitation, they do not do as well when the cases do not involve the sex industry (e.g., begging by children, forced marriages).

For a complex answer to the question of the objectives of the study, I could say this: the objectives are to collect and analyze quantitative and qualitative data, describe the nature of the phenomenon, and evaluate the legal and institutional framework designed to combat human trafficking and forced labor and to protect its victims. This general description could be presented in more detail. In fact, the functions of academics taking part in such research would also include the construction of channels of cooperation and the exchange of information between the relevant national institutions. Such institutions include law enforcement authorities, judiciary, state agencies, self-government, NGOs, trade unions, employers' associations, universities, and the media. Good cooperation could be secured by organizing different forums for discussion, including national meetings of experts that include external guests.

### ***Identification of Actors and Sources***

As to the second pillar, one can think about the following actors: police, border guards, the prosecutor's office, labor inspectorate, trade unions, employers' organizations, migration authorities, work permit authorities, courts, legal offices



offering free legal aid, ombudsmen, NGOs, and churches. As to the sources of information and data, I suggest the following: of course, the legislation (relevant laws and decrees); analysis of the institutional system (labor inspectorate, trade unions, employers, etc.); information from labor inspection reports; statistics, mostly on the labor market, violation of workers' rights, investigation material before trials for violent crimes as well as court and prosecution information (criminal and labor cases); media analysis; relevant registry data; information received during national expert meetings, interviews with experts; interviews with victims, if possible,<sup>8</sup> and information from NGOs, trade unions, employers' associations, and the like.

### ***Methodology***

The third pillar is methodology. In this respect, the important starting point is the proper definition (including legal definition) of all basic phenomenon and terms, such as *forced labor*, *exploitation*, *slavery*, *victim*, *perpetrator*, *migration*, and *irregular migration*.

This starting point has analytical and practical implications. It has analytical implications in that we need to reach the proper level of precision in describing the phenomenon that is to be studied. In other (metaphorical) words, we have to know what we understand by *tree* to avoid situations in which we collect data about a *bush*. Thus, precision is important for a proper assessment of the empirical material. Where practical implications are concerned, we mostly look at the criminal justice system and its effectiveness in investigating and sentencing cases of human trafficking and forced labor. For that reason, clear description of all the terms mentioned earlier would be useful and likely very helpful, but all legal definitions must be seen as an absolutely necessary base for legitimate action of state authorities.

Lack of good definitions at the national level makes the criminal justice system less effective. Polish experiences from the past, when there was a laconic enforcement of article 253 of the Penal Code,<sup>9</sup> prove it. The police thought they were better off not accusing people of human trafficking or forced labor because of the difficulty of providing the evidence and thus convincing the prosecutor to press charges. Mindful of the possibility of a different charge brought by the prosecutor, police officers offered a "safer" option, one that was easier to prove. Things were no different for prosecutors, who would formulate charges contrary to the evidence gathered. They did so often because of a lack of knowledge about

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8 Such interviews would have to be conducted in a very special way by people trained to do so.

9 Article 253 of the Penal Code of Poland, June 6, 1997, states that anyone who cultivates human trafficking even with their victim's consent will be punished by imprisonment for a term of not less than three years, and that anyone who, in order to gain material benefits, organizes the adoption of a child in violation of the act will be punished by imprisonment for a term between three months and five years.

human trafficking and the international laws and because they feared that the judge would change the proposed charges.

The concern was quite legitimate, because the judges in Poland differed in their verdicts on human trafficking and lacked clarity on what human trafficking really meant. The question for the courts was, for example, whether for “human trafficking” to occur, a “sales agreement” in the meaning of civil law had to be made. In other words, must human trafficking include the elements of a typical transaction, or does the crime occur even if none of the commonly recognized commercial conditions are met?

From that point of view, it is very important to know whether cases of exploitation, forced labor, or human trafficking have already been decided. If so, it is essential to identify them and to conduct in-depth analysis of the circumstances. Although criminal court cases give the most important information about the issue, they show only the tip of the iceberg in terms of labor exploitation or forced labor in a particular country. For that reason, the researchers have to be careful to avoid going too far in formulating conclusions.

Another set of problems is related to the forms of labor exploitation and sectors in which human trafficking and forced labor may occur. It may help to construct the study to answer questions such as these: What are the types of exploitation (if any) that exist in the country? Which economic sectors are affected by this problem? Have these sectors collected information about the issue? What are the countries of origin of the victims? In which countries are citizens of your own country being victimized? Where can we find registry data?

When building a methodology of studies in the field of modern day slavery, one should remember that victims of human trafficking and forced labor are foreigners in the country in which they are victimized and that increasingly they come from distant and exotic countries, usually in Asia and Africa. Hence communication and intercultural dialogue can be a problem. On the practical side, a properly communicating with victims of forced labor can be a real problem that involves not only the issue of languages but also the issue of understanding victims’ expectations, behaviors, and gestures. It is important not only to understand what brings the migrant workers to Europe, but also to find solutions that will address the cultural contexts of their decisions and the consequences. Such solutions must take into account, for example, whether returning empty-handed victims to their home countries will put their honor at stake or whether such victims will be trapped in dangerous relationships in their country of origin. A possible solution could be to find alternative employment for victims of forced labor. This solution is not about granting privileges: it is a duty of any country in which people become enslaved and exploited as cheap labor and in which their human rights are violated.

This article has already been mentioned many times that forced labor is not an easy subject to study. Consequently, it is a fairly new and underresearched problem. The set of methods suggested here is designed to meet the special needs of this area of study.

Several methods of conducting research can be used. It is always useful to start with press analysis and basic readings of the accessible literature. Media news can provide inspiration in determining the potential fields of investigation, the topics to be studied, the perpetrators and victims, the beneficiaries, and the like. After reviewing the press and literature, I suggest interviews with experts (mostly law enforcement and state officials). Because of the nature of the crime and the special obligations of the state, it is important to keep these interviews confidential and to protect the experts' anonymity. One cannot conduct any research in the field of human trafficking and forced labor without analysis of official data from the many institutions that collect such data, including crime and court statistics, annual reports of social services, annual reports of the ombudsman, reports of law enforcement agencies, annual reports of the labor inspectorate, and working materials of the parliamentary commission on labor or migrants.

Because criminal cases are obvious sources of information, in-depth analysis of criminal files is important. In fact, such "law in action studies" are key to understanding the dynamic of the social situation of the victims. But unlike many other crimes, forced labor likely will not yield many cases. Thus we have to go much deeper into each case and read carefully every single word. It is important to understand the phenomenology of the crime; the institutional aspects of it (i.e., who identified the victim and how); the effectiveness of the investigation procedures and sanctions; and, finally, the criminal cases. These cases are an irreplaceable source of information about whether the justice system was willing to treat the victims in a way that would take into account their situation and mental state.

The set of methods described here should be extended by adding interviews with victims and with perpetrators. Such interviews, whether with the victim or the perpetrator, are not easy for reasons that are obvious. Victims are in a vulnerable position and must be treated with great care, and researchers must make them feel comfortable as much as possible. With regard to perpetrators, we must adhere to all standards worked out in social studies. Researcher must avoid—among many other things—any statements suggesting that the persons are perpetrators or may be held liable, especially when they have not been convicted of the crime. Finally, public opinion polls are useful tools for studying the society's level of awareness and its readiness to face the problem.

## *Ethics*

The fourth pillar of the system constructed here is ethics. Studying a social issue always raises questions about ethical standards, but especially in the case of human trafficking and forced labor. This phenomenon demonstrates the worst side of the human condition. It is (a) a modern day form of slavery,<sup>10</sup> (b) an extremely serious crime, and (c) a serious human rights violation. Because the first two aspects of forced labor are obvious, let us focus on the last one. It places the discussion in a domain of human rights in the context of states' obligations toward an individual, the victim of human rights violation. States must take action in response to the sale or unjust exploitation of a human being because it violates so many fundamental human rights—rights that are immanently associated with human dignity. Therefore, victims of such crimes deserve special attention and special treatment. They are in a vulnerable position and must be treated with great care.

At the same time, because of their enormous knowledge about the issue, victims are very attractive to law enforcement agencies and to researchers. They are absolutely free to cooperate and share information they have if they so desire. In such cases, both police officers and academics must make them feel as comfortable as possible. Regarding research, the victims must first agree to talk, even if the talk would involve just asking them if they would agree to be interviewed. We must ensure that the victims stay anonymous. Obviously, before researchers can talk to the victims, a law enforcement organization or an NGO must first determine the victims' personal details. However, these details will be withheld from us when we interview the victims.

An important concern is the trauma that the victim has gone through. The researchers must do everything they can to limit the victim's exposure to their worst memories. I suggest that even police officers should talk to the victim only once and should not repeatedly question the victim. Similarly, we, as researchers, must not make the victim suffer again.

Before we talk to a victim, we must first understand his or her social and mental state and very carefully prepare a strategy for the interview. We must consult a doctor, psychologist, or care worker before the interview to find out what we need to know about the victim, including any limitations of the subjects we may talk about with him or her. Although our goal is to gain information, we cannot do it at the expense of the victim.

Because the victims are usually foreign nationals, we should use qualified interpreters after explaining to them the victims' vulnerability. When talking to

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10 For general information, see Vincenzo Ruggiero, "Trafficking in Human Beings: Slaves in Contemporary Europe," *International Journal of the Sociology of Law* 25, no. 3 (1997); Bharathi A. Venkatraman, "A Guide to Detecting, Investigating, and Punishing Modern-Day Slavery," *Police Chief* 70, no. 12 (2003): 34–43; Luis De Baca and Andrea Tisi, "Working Together to Stop Modern-Day Slavery," *Police Chief* 69, no. 8 (2002): 78–80.

victims of crime in general and in particular victims of human trafficking for forced labor, we must avoid using negative words or terms and sounding judgmental.

### ***Prevention***

The fifth pillar can simply be called *prevention*.<sup>11</sup> Prevention is a special part of the strategy. To take into account difficulties in creating good and effective prevention programs, researchers have to participate in such initiatives. This is especially true when such programs are based on research findings as opposed to political will. In general terms, prevention should include analyzing the existing models in other countries; studying the institutional framework within one's own country (state, self-government, NGOs); analyzing the culture and mentality of the society; and drafting models for education and information campaigns. In more practical terms, the system of prevention of human trafficking for forced labor may include actions to be taken at different levels:

- First is the policy level, where main activities could include creating a development strategy that takes into consideration the presence of foreigners in the labor market or creating a reasonable and realistic migration policy.
- The second level consists of institutional and systemic solutions. Creating and strengthening institutions responsible for verifying the legality and conditions of employment, as well as simplifying employment procedures for foreigners, seem to be most important activities at this level.
- The third level involves penalizing forced labor and all other behavior associated with extortion of certain benefits and exploitation of the workforce.
- The fourth level involves building partnerships for the elimination of human trafficking for forced labor. The main partners are trade unions and employers' organizations.
- The fifth level is social awareness, without which no effective prevention can occur. In this respect, actions should be taken to build new attitudes toward migrants and a climate of social condemnation of human exploitation.

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11 Mohamed Mattar, *Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective* (Washington, DC: The Protection Project, Johns Hopkins University School of Advanced International Studies, 2006), 15.

### ***National Mobilization***

The sixth pillar is the process of national mobilization to face problems of human trafficking and forced labor. Why is national mobilization such an important element of the system of studying human trafficking? Unlike many other crimes, trafficking in human beings is not commonly regarded as a serious social problem. This is true in relation to all social actors, including the public, state institutions, the media, NGOs, and academics. Polish experiences in this respect are very instructive. To limit the argument, I will simply mention that the organization in charge of labor inspection had strong reservations regarding the task of controlling employment of irregular migrant workers in Poland (at the beginning of last decade) and so did some state institutions to our invitation to participate in the first national meeting on forced labor organized two years ago .

Mobilizing all actors to face the issue of human trafficking and forced labor is a challenge for those academics and social leaders who want to do so. I will mention only several of the difficulties here. Human trafficking is often seen in the context of prostitution,<sup>12</sup> and this association makes it difficult to convince the public that victims of human trafficking deserve special protection and support from the state. Human trafficking is also not “visible” in the way that ordinary crimes are perceived by society. Owing to the specifics of forced labor (as previously explained), foreigners are its most common victims.

In Poland, the migration issue appeared only after 1990,<sup>13</sup> after systemic transformations had taken place. In the preceding decades, foreigners were not very numerous, so they did not draw the Polish society’s attention. Yet the ethnic origin of newcomers became very important because Poland became a frequent country of destination for victims of human trafficking.<sup>14</sup> Until 1990, the only multiethnic groups in Poland comprised students from a few African and Asian countries, such as Angola and Vietnam, who came to Poland to participate in a program aimed at involving youth from those countries in the development of socialist management methods. The situation changed after 1990, with the growth of streams of people from neighboring countries—mainly Ukraine, Russia, Belarus, and the Balkan states—into Poland. The first social response to the effects of migration movements and economic mobility (crimes and illegal trade) was rather negative. Polish people were not mentally prepared for sharing their country with foreigners. Such critical attitudes were reinforced by the media, which presented foreigners as smugglers and perpetrators of serious crimes. However, in time, the situation changed, and by the late 1990s, Poles started to perceive positive features of foreigners.

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12 Laczko, “Human Trafficking,” 2.

13 Van Liemt, “Human Trafficking in Europe,” 1

14 “Poland Becoming Transit, Destination Country for Human Trafficking,” UN News Centre, May 29, 2009, <http://www.un.org/apps/news/story.asp?NewsID=30961&Cr=human+trafficking&Cr1=>.

However, in countries with insufficient legal and organizational support for migrant workers, some members of the public may have a peculiar attitude toward those people. People may claim that even low-paying jobs with difficult work conditions are better than what migrants from underdeveloped countries can expect in their countries of origin. This attitude may lead to poor treatment and false justification of such behavior. Studies and public debate are needed to correct this situation.

The process of national mobilization can help to build the necessary capacity of all state institutions and NGOs dealing with forced labor. The latter are especially important to the effort. It should be the responsibility of the government to develop organizational and financial solutions within the third sector. The simplest method would be to build a system of incentives encouraging the development of new NGOs and to provide financial and technical support to existing ones.

However, this process would be much easier if it were supported institutionally. In some European countries (e.g., the Netherlands, Finland), an institution of national rapporteur on slavery or human trafficking<sup>15</sup> has been established. A national rapporteur is the most effective instrument for increasing the effectiveness of state institutions responsible for combating human trafficking. Institutions of this kind are extremely necessary but lacking in Poland, and establishing such institutions would be good practice for all countries in which the scope of the problem overwhelms the capacity of regular bodies.

According to experience in Poland, such institutions should be independent and professional and should have a wide mandate. The institution should draft—among other things—a long-term strategy to combat human trafficking (if that element is still lacking); to coordinate activities of the state bodies, NGOs, and self-governments; to empower all these actors to cooperate; to collect reliable data; and to prepare in-depth analysis of particular issues and organize national meetings to discuss needs and progress in eliminating trafficking in human beings and forced labor.

## Conclusion

From a strategic point of view, the aim of the initiative described in this article is to increase knowledge about human trafficking and forced labor and to collect the information from various sources, including thematic interviews with experts and with victims of trafficking and exploitation. In addition, information is to be collected from police, prosecutors, and courts, as well as from various

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15 Eva Biaudet, Finnish Ombudsman for Minorities and National Rapporteur on Human Trafficking; Corinne Dettmeijer, Dutch National Rapporteur on Human Trafficking; Gulnara Shahinian, UN Special Rapporteur on Contemporary Forms of Slavery.

registries and the media. The varied data sources will make it possible to describe human trafficking, forced labor, and labor exploitation from a broad and holistic perspective. In that regard, asking numerous academics representing as many different fields as possible to participate in the research team is advisable. With respect to the potential results of the studies, they not only must be seen as a description of the reality of human trafficking but also as a means of increasing society's and the media's awareness of the phenomenon. Also, research should be designed to use the so-called networking approach, both to collect and disseminate information and to enhance cooperation between the different actors.





## **Interview: Committee on the Elimination of Discrimination against Women**

*July 20, 2012*

### **Side Event: Reporting on the Status of Trafficking in Women in accordance with Article 6 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW): Guidelines on the Interpretation of the Text of Article 6 of the Convention**

This part of the conference at the United Nations (UN) Headquarters in New York began with a welcoming statement by Silvia Pimentel, Chair of the Committee on the Elimination of Discrimination against Women (CEDAW Committee):

**Silvia Pimentel:** Human trafficking has become a global business that generates huge profits for traffickers. Some victims are lured into subjugation by advertisements for good jobs. Others are sold into service by real-life acquaintances or a family friend. Traffickers target poor communities. This problem is widespread. Although most reviewers accuse Asia of having the greatest amount of trafficking, it is a worldwide phenomenon. Recently, the European Commission raised concerns about the growing slave trade in Eastern European women; some 500,000 maybe have been forced into commercial sex. Few cases are prosecuted. Human trafficking is indeed one of the worst forms of violence against women and girls. According to the United Nations Office on Drugs and Crime (UNODC), nearly 80 percent of all victims of human trafficking are women and girls, many of whom also experience abuse and gender-based violence.

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) identifies trafficking as a form of gender-based violence. Because such trafficking is incomparable with the equal enjoyment of rights by women and with respect for the rights and dignity, this forum will explore Article 6 of CEDAW, which lays the foundations for combating trafficking in women and exploitation of women for the purpose of prostitution as it relates to reporting and implementing CEDAW by the state. At this time, I would like to give the floor to my colleague Naela Gabr, who is a CEDAW Committee member and an expert from Egypt and who is very much involved with this

issue in her country. Ms. Gabr was the former chair of the CEDAW Committee. She will introduce Dr. Mattar who will, in turn, introduce the other speakers and will also moderate this discussion.

*The following are remarks by Naela Gabr, CEDAW Expert.*

**Naela Mohamed Gabr:** Thank you very much, Madam Chairperson, Dr. Mattar and his team, honorable participants, and guests and colleagues from the CEDAW Committee. The UN system has given great attention to the problem of trafficking in human beings, approaching it as a transnational organized crime as well as a violation of all human rights of individuals and societies.

Many of the UN agencies and programs have been active in that regard by working on drafting legally binding instruments that are aimed at preventing and combating trafficking and by providing victims with needed legal, moral, and physical support. The UN rule evolved when alarming indicators appeared as to the magnitude of the crime. Studies and surveys were carried out by UNODC (the United Nations office on Drugs and Crime) in its headquarters in Vienna and at its regional and national offices. UNICEF (the United Nations Children's Fund) and UNHCR (the United Nations Office of the High Commissioner for Refugees) were also quite involved, as well as UNWomen, which is the youngest of the agencies of the UN agencies.

IOM (the International Organization for Migration), on the one hand, is not a part of the UN system but is working in collaboration with the system and, on the other hand, has played a leading role in reflecting the true dimension of the phenomena and in providing assistance to countries in their fight against a sweeping score. Really, IOM is helping a lot and is of great support to us in Egypt.

Needless to say, as Madam Chairperson highlighted, women and children constitute the group most affected by the consequence of trafficking because they are a group at high risk. Human rights mechanisms have been very alert to this danger. In fact, the Council of Human Rights, which is dealing with trafficking, has appointed a special reporter. She is from Nigeria. During an exercise, the Universal Periodic Review (UPR), along with the Council of Human Rights, began tackling the issue of trafficking. The Council of Human Rights has given special attention to trafficking by using it as one of the important factors in assessing the human rights situation in any country.

The role of the General Assembly is becoming more visible in regard to trafficking through mechanisms such as high-level meetings, formation of the

voluntary fund for victim protection, the adoption of an international strategy on combating trafficking, UN GIFT (United Nations Global Initiative to Combat Trafficking), and a number of other important resolutions. UN treaty-monitoring bodies, among them the CEDAW Committee, of course, have supported those efforts, thereby urging state parties (a) to abide by the legally binding commitments emanating from an adherence to the various human rights treaties and (b) to combat trafficking in all its forms while addressing the root causes of the phenomenon.

CEDAW has been at the forefront, laying the foundation for combating trafficking in women and their exploitation for the purpose of prostitution in its Article 6, the famous Article 6 we are going to tackle this afternoon, which asks state parties to report periodically on the implementation of the article. A quick review of the Committee's concluding observations highlights the growing interest on the part of its members as well as state parties in issues pertaining to trafficking. As experts, we are keen to be informed about (a) the existence of national laws in state parties; (b) the adherence to international instruments, namely, the Palermo Protocol; (c) the data collection process; (d) the statutes or national mechanisms, for instance, coordinating committees; (e) the implementation of national activities; (d) the drafting of a national plan or national strategy; (f) the number of convictions; (g) the activities dealing with the protection of victims; (h) the existence of shelters, of course, for victims' protection; (i) the measures to address the root cause of trafficking; and (j) the level of awareness-raising activities within society at large and among state officials, in particular officials working in the field of administration of justice.

The CEDAW Committee, while discussing reports, is receiving information on trafficking from various UN agencies and the IOM. The committee is also strongly interactive with civil society to reach a thorough understanding of trafficking situations in state parties and to explore ways and means to help the countries and their concentration. Our aim from the interaction is not naming and shaming; it is not to put the country into a difficult situation, but to discuss the issue and to give our advice to the country and its concentration. Accordingly, the Committee is issuing recommendations that can constitute a road map for the state parties while helping their authorities to address—in a quick and effective manner—the challenges of trafficking.

So, to conclude, I am happy to see members of various NGOs (nongovernmental organizations) attending our meeting today, and I want to thank Dr. Mohamed Mattar of The Protection Project out of Johns Hopkins University and his colleagues who have contributed actively in the organization of this forum. Dr. Mattar has always been of great support to my

work, especially in my capacity as head of the Egyptian National Coordinating Committee on Preventing and Combating Trafficking in Human Beings. He is an asset to our regional work within the League of Arab States and has helped in the drafting of a model law and in preparing an Arab strategy as well as in establishing regional mechanisms such as the unit of trafficking within the organization of the League of Arab States. I have the honor to introduce Dr. Mattar, who will also act as our moderator.

*The following are remarks by Professor Mohamed Mattar, Executive Director of The Protection Project at the Johns Hopkins University, School of Advanced International Studies (moderator).*

**Mohamed Mattar:** Madam Chair, I am honored, pleased, and privileged to be here today in the headquarters of the United Nations. Allow me to thank every member of the CEDAW Committee for all this good work on issues related to women's rights, including the rights of victims of trafficking. I would like to thank Ambassador Naela Gabr, who precipitated this event, and my special thanks, of course, to the Madam Chair and Chancellor—she is a law professor like me who is, as I just learned, paying special attention to the issue of human trafficking. Also, I wish to express appreciation to every member of the committee; thank you.

The purpose of this meeting is very limited. It is basically to provide an interpretation of the text of the shortest article of CEDAW—only 23 words. Article 6 basically is very significant in our area of combating human trafficking—reporting on the status of human trafficking. Article 6 of CEDAW is the only reporting mechanism available to us under international law. As you all know and will recall about the UN, the Palermo Protocol was silent as to any enforcement mechanism regarding trafficking. We do not have a reporting mechanism under the Palermo Protocol, and we do not have an individual complaint mechanism under the Palermo Protocol. That is why Article 6, to me, is most important in our area when we want to go after countries and ask them, “Are you doing something to combat human trafficking?” “Are you enforcing the laws that are there to combat human trafficking?” “Are you implementing the international obligations including those that are referred to in the Palermo Protocol itself?” And those questions explain the simple reason I think this session is really important. Article 6 is simple.

*Article 6: State parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution.*

To me, there are two key words in Article 6: the words “forms” and “measures.” By forms, I mean that it is not enough for a state to report on the status of trafficking in women for the purpose of exploitation, of prostitution; it is not enough. Take a look at Recommendation 19 made by the CEDAW Committee, which back in 1992 was concerned with other forms of human trafficking besides trafficking for the purpose of prostitution. Recommendation 19 referred to sex tourism as well as domestic work and organized marriages. And this interpretation of Article 6 is in line with Article 3 of the Palermo Protocol. Article 3 establishes what I call the 20+ Formula of trafficking: 5 acts plus 8 illegal means plus 7 illicit purposes equals 20. So we have to read Article 6 in combination with Article 3 of the Palermo Protocol, and I know the committee members are doing just that when they send concluding observations on the reports that are submitted by the different countries.

If you take a look at comparative legislation, there is an expansion on the concept of trafficking in women that all of us have to be aware of. Take a look at the Israeli law, giving birth to a child and taking the child away; it is the only law in comparative legislation that refers to trafficking for the purpose of child bearing. We want to pay attention to that and to ask countries, “Do you have something called trafficking for the purpose of child bearing?” Take a look at Egypt’s law number 64 (2010): it talks about pornography, begging, and other forms of trafficking that you do not find in the Palermo Protocol.

To continue, I have reference to the laws in the Philippines, which to me are very comprehensive. The bottom line is that when we report under Article 6 on the status of trafficking in women, we should not confine ourselves to trafficking for the purpose of exploitation and prostitution—and there are other forms as well. I am sure that you are all familiar with the European Directive of April 5, 2011, that just came out and that expanded the concept of trafficking to include any type of criminal activity going beyond the Palermo Protocol. That first set of key words is what I want to refer to—report *all forms* of trafficking in women.

Another key word is “measures.” So when we ask countries to report on Article 6, Article 6 requires countries to report on measures including legislation. If you take a look at the reports that were submitted to the Committee in the past 5 of 6 years, you’re going to find out that countries and societies emphasize legislation more than other measures. I want to talk about legislation and other measures. As far as legislation is concerned, it is not enough to address national legislation; we have to ask countries and states if they are a party to the Optional Protocol. Last time I checked, 104 countries

are parties to the Optional Protocol. We want to see the number of parties who have ratified the Optional Protocol increase. To my knowledge, one individual complaint in regard to trafficking in women was submitted under the Optional Protocol. I am referring to number 15 (2007). When a woman from China was trafficked to the Netherlands and she ended up in prostitution, she tried to apply for residency status, which under the Netherlands law is allowed; however, she was denied residency status. I believe that the Optional Protocol is a good tool, not only in the area of trafficking, but also in the area of women's rights as well.

We have to ask countries, "Did you ratify the Palermo Protocol?" but it is not enough. We have regional conventions that cover human trafficking. Both of us are from Egypt, we have the Arab Charter, and we mentioned the model law. The Arab Charter on Human Rights covers human trafficking in two articles: Article 9 and Article 10. Thus, we want to ask countries, "Are you party to regional conventions?" And then there are related conventions. The ILO (International Labour Organization) just adopted the Convention number 189 about decent work for domestic workers, and one of the main forms of trafficking in women, especially in the Gulf States, is domestic work. So when I ask countries about international legislation, we must ask about the ILO as well as other related conventions.

As to national legislation, we have only one question to be concerned about, and that is whether a law of a particular country has adopted a victim-centered approach to combat human trafficking—a victim-centered approach, whether we are talking about prevention or protection or provision or prosecution or participation, which are the five P's of human trafficking. And in those five P's we want to ask countries, "Are you cooperating in regard to the five P's of civil society?" Article 6 declares that state parties shall take appropriate measures. They have to take those appropriate measures in cooperation with civil society. This is what Article 6 of the Trafficking Protocol tells us, and this is also what Article 9 of the Trafficking Protocol tells us: the international obligation among states is to cooperate with the five elements of civil society. "A" stands for academic institutions, "C" stands for corporations, "M" stands for the media, "N" stands for NGOs, and "R" stands for religious institutions.

I have two final points. The first final point is that Article 6 of CEDAW should be held in conjunction with the other articles of the CEDAW. Article 6 should be held in conjunction with Article 1 because Article 1 defines discrimination to include violence and trafficking in women basically as a form of violence against women. So when you report on Article 6, you also have to report on Article 1: "What are we doing in terms of combating violence against

women?” Article 6 should be read in conjunction with Article 2, because Article 2 talks about harmful cultural practices. As you know, many forms of trafficking are basically harmful cultural practices and harmful customary practices. I can think about child marriage and transactional marriage as being the bottom line that we should read Article 6 in accordance with Article 2. We should also read Article 6 in light of Article 3 because equal opportunities for women are really important if we want to combat the causes of vulnerability of women. Equal opportunity in the protocol was very clear; the UN Trafficking Protocol talks about three causes of trafficking: poverty, underdevelopment, and lack of equal opportunity.

Carrying on, Article 11 talks about employment; if women have employment, I don't think they are going to go for alternatives that may lead to exploitation in prostitution. Article 12 talks about health issues, and, as you all know, the prevalence of HIV/AIDS increases among victims of trafficking. Article 14 exists because women in rural areas are more vulnerable to trafficking than are women in cities. And then finally Article 16—my favorite article—exists because it gets the most reservations all over the world; trafficking women constitutes an interference with family relations in violation of international family law.

The second and final point that I want to make is that we have to keep an eye on Article 18 of CEDAW. Article 18 tells countries, “When you report on the status of trafficking in women, you have to refer to factors and difficulties affecting the degree of the fulfillment of your obligations.” When you read the reports, countries tend to say that they have legislation, they have an action plan, they have a task force, and they don't really have any difficulties, but in fact, this interpretation is not what Article 18 is about. Article 18 is telling us that if you have lack of data or a lack of financial resources, or if you have other difficulties, please cite those difficulties when you report on Article 6.

I have to confess that I am not saying anything new. All I am referring to is what the members of the CEDAW Committee do when they write their concluding observations. That is what I saw in the concluding observations, but I thought it is perhaps a good idea to codify the good observations made by the CEDAW Committee and to put those observations into writing. That is what we did, and I hope you find the document useful. Now I am going to stop talking and introduce two very distinguished speakers.



*The following remarks were made by Denise Scotto, Attorney and Policy Adviser, Global Legal Strategies.*

**Denise Scotto:** I am grateful to be part of this presentation today, and I would like to call your attention to the relatively new NGO committee that has been formed: the NGO Committee to Stop Trafficking in Persons. Unlike the CEDAW Committee that has been doing its work for 30 years, the NGO Committee to Stop Trafficking in Persons is little more than 1 year old, so it is still in its infancy. We have a lot of work to do, but we remain ready to assist you in your work.

You have heard about the five P's, and most of us are familiar with the three P's. I think we are getting more and more attention with the framework that deals with remedies and protection for victims and survivors. But what we haven't given a lot of attention to—and what there is a growing awareness of—is the responsibility of the private sector, which is the focus of my discussion with you today about human trafficking. I think that the groundwork was laid back in the 1990s and early 2000s when we talk about business with social responsibility—corporate social responsibility. A lot of good practices have come to our attention as the result of some litigation as well as through some industry standards. We know a lot about fair trade now, we know a lot about labor codes of conduct, and we do know about supply chain traceability. So we do have some existing tools; in fact, the UN system and various other partners have gotten together in regard to business and corporate social responsibility for human trafficking.

Some of you may be familiar with the Athens Ethical Principles and Luxor Implementing Guidelines. You may also be familiar with the relatively new report from Professor John Ruggie and with the way the Human Rights Council really adopted those guidelines. Again we are dealing with the guiding principles on business and human rights and with implementing the UN's "Protect, Respect, and Remedy" Framework. Following that framework has been a whole initiative by UNICEF, UN Global Compact, and Save the Children dealing with children's rights and business principles. So the time is right now for the Committee to turn its attention to government and to ask the government to start including the private sector in combating human trafficking, particularly when we talk about sex trafficking in women and children.

I want to talk a little bit about how—in our economic times today with the economic distress we are facing around the globe—we have more and more consumers and investors who are becoming interested and informed about the issue of human trafficking. I also want to talk about the issue of corporate

management. Given this situation, businesses themselves can't feign ignorance of human trafficking and what goes on in their businesses. Therefore, we should recognize the fact that businesses have access to resources, sometimes greater than the GDP of some member states here at the United Nations. Furthermore—and increasingly at the invitation of businesses—I think it's a good idea to seriously focus on corporate responsibility.

I want to talk now about some practices that could be applicable for the Committee to use when we think about this topic. Let's look at the sex tour companies, the travel agencies, the media outlets that advertise, and the advertisers themselves. Many of you know the good, long-standing work of Equality Now and how members of that group, together with the Coalition against Trafficking in Women, have gotten together to really press the Attorney General in New York to close a sex tourism agency. And they were successful in actually closing a lot of the advertising that went around the sex tourism that was taking place. We are talking about sex tours, advertisers, and ads geared for adult "entertainment," so again there has been action by those organizations about widely used and known media outlets (newspaper and Internet), and they have been doing a lot of work to have the adult advertisements removed from print and web pages.

There has been success. Many of us know that Craigslist has agreed to have anti-trafficking policies, and there are other areas—El-Universal, the *Washington Post*, Newsquest—from around the world. Could they be better? Of course, but at least it's a start in the right direction. That change gives hope for others to follow suit.

Related on this issue is something that came up earlier, mail-order brides. I want to talk about how the United States, in part of its reauthorization of the TVPA (Trafficking Victims Protection Act), had a special legislative component dealing with the International Marriage Broker Regulation Act that was really geared toward making sure that the businesses that perform the function of brokers are subjected to criminal background, sex registry, and marriage history checks of all respective husbands. This verification is very significant. Not only does it give us a little example to use going further in this area, but also it broadens the discussion when we talk about Article 11 (employment) and about how employment affects human trafficking for forced labor and other forms of human trafficking.

As another aspect of tourism and travel, there's the recently developed Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. This code was jointly funded by the Swiss government

and the private sector, and some of the advisory staff members are UNICEF and the UN travel organization. The implementing partner is ECPAT (End Child Prostitution, Child Pornography, and Trafficking in Children for Sexual Purposes), as many of you know. Some of the important signatories are the Carlson companies that include Radisson and Wyndham Hotels; Saber Holdings, which is a travel technology company; Activity International, which deals with international exchanges; Delta Airlines; and Real Hospitality Group. So this is significant in that we have a lot of different actors within the travel and tourism industry coming together to have a zero-tolerance policy on trafficking—particularly as it relates to sex trafficking.

Airline Ambassadors International, an accredited NGO, has created a training program for flight attendants to identify potential suspects and victims during a flight, and the attendants are able to contact officials on the ground so that they can arrange for suspects to be met by certain officials when a plane lands. This is a very key initiative in terms of prevention. The organization has also started to do training at large airports, such as this past summer in San Francisco.

I want to bring another example of a good corporate citizen, The Body Shop. It has been recognized as a leader in combating sex trafficking of youngsters, and it has received the Business Leaders Award, which is an initiative of the UN Global Compact, UN GIFT, and Chopard. Interestingly, Chopard is the one who designed the award, and it is quite elegant if you look at it on the website. The Body Shop has developed a special product, and the proceeds of the sale of that product go to anti-trafficking efforts in the country in which the product is sold. The company has also created a web campaign that incorporates personal stories of survivors and that includes a corporate policy that covers training of employees, so that company has done a significant amount.

Another dimension of trafficking of girls for sexual exploitation revolves around large-scale sporting events and activities such as the Olympics, the World Cup, and the Super Bowl—all of which really bring the subject to our fore. My colleague, Julie Tanner, is going to discuss this aspect in greater detail. However, I do want to say that the subcommittee on business and ethics of the NGO Committee to Stop Trafficking in Persons has been involved in the efforts, and we are very grateful that we can have this kind of close collaboration on this particular subject.

There are some recommendations for the CEDAW Committee and others who are here that really address things that have already been done and that shed light on some new aspects. Some of those recommendations include

a national action plan for human trafficking, which covers sex trafficking, but it also includes calling attention to ministries of sport and tourism and engagement with the UN World Tourism Organization. At the very least, if there is not a human trafficking plan, then it should be included as a specific provision within a country's national action plan for women. Keep in mind, we are asking for concrete details for implementing a plan that covers all forms of human trafficking and that gives goals and objectives of the plan with timelines in which to implement the details. To have a plan is great, but to really implement it is what's important.

Again, national laws on human trafficking are urgently needed, and some of those laws have provisions that don't criminalize victims or survivors—what we call here in the United States “safe harbor laws” that protect such victims from criminal prosecution for prostitution. Such a provision is very significant. And again, laws that deal against sex tourism specifically, with effective remedies, and with a full range of services from legal, medical, education, and housing to training—we know how important those services are. Remedies must include (a) attention to prevention and the underlying causes of human trafficking; (b) addressing the demand side and training for law enforcement, prosecutors, and judges; (c) public service announcements and public service training or education; and (d) registration of births because this Committee is well aware of establishing legal identity of a person, which is key in this regard. Moreover, the provisions must include private sector accountability such as (a) encouraging the formation of anti-trafficking policies and implementing guidelines for business, (b) providing training for management and employees, (c) addressing prevention, and (d) having tax benefits to provide incentive for better behavior. When we talk about having business in one's country, we know it's about having benefits, but it's also about having obligations to help community involvement, and this is a huge way of doing so. Finally, one of the key issues that my colleague is going to discuss is supply chain traceability.

*The following remarks were made by Julie Tanner, Assistant Director of Socially Responsible Investing at Christian Brothers Investment Services.*

**Julie Tanner:** I assess leaders and laggards on the premise that companies that perform better on ESG (environmental, social, and corporate governance) issues will not only help people on the planet but also be better financial performers. In our view, high standards of corporate citizenship will better position companies for long-term success in proving their potential as long-term investments.

I wanted to talk today about why investors and companies should care about trafficking. One of the main reasons is about risk. The only obvious moral mandate is that noncompliance on human rights issues, including human trafficking, can carry a host of risks to companies including legal, legislative, and reputational risks, all of which could negatively affect shareholder value. This is a key concern for companies, so when we talk to them, this is a lot of the language that we use. Given the complexity of supply chains and the multitude of contractors, recruiters, and suppliers used throughout a production process, there can be great human trafficking risks to companies. An awareness of this risk and knowledge of the way traffickers may use a company's products, services, or workplaces can help eradicate egregious human rights abuses. Recent stories that we have all seen in the press highlight such risks. For example, take Apple, which in its latest supplier responsibility report disclosed its efforts to stop unscrupulous labor brokers from charging exorbitant fees for workers. As a result of audits for production suppliers in Asia, Apple had to reimburse poor farm workers \$3.4 million in recruitment fees.

Some of you may have seen Wyndham, as discussed earlier and which has signed the Code of Conduct as a result of the discovery of a child sex-trafficking ring run out of a Wyndham hotel in San Diego. That discovery resulted in the arrest of 29 people in an 18-month, multiagency investigation where it was found that gang members conspired with the owners of the hotel and used the Internet to prostitute underage girls. Wyndham disclosed this case on nationwide TV and announced that it was signing the child exploitation code.

I've mentioned several companies, but these are not unique situations. Companies with complex supply chains, with large recruited work forces, and with a vast number of premises will face risks such as these. The critical aspect is what companies are doing to address the risks and whether companies are disclosing their findings. As a result, a key request of investors is for companies to proactively develop human rights policies that specifically address human trafficking and to request that the policies are clearly integrated into business plans. This is something that countries can ask of companies that are based in their locale. We are also asking companies to publicly disclose what they are doing about human trafficking. Such disclosure can help companies and can demonstrate to investors the sound governance that can help build trust among the company and its stakeholders and can consequently build value.

I've been mentioning investors. Among the investors that are working the most on this issue—and I will name a few—is the Interfaith Center on Corporate Responsibility, which is based in New York and is a coalition of

275 faith-based organizations with \$110 billion under asset management. That figure includes state pension funds such as the New York City and Connecticut pension funds, and it includes retail firms and asset managers. I can see that our members have been working with close to 100 companies on this issue of human trafficking over the past 3 years. Other investors in the United Kingdom include the Ecumenical Council for Corporate Responsibility, the European Sustainable Investment Forum, and the U.S. Forum for Sustainable and Responsible Investment; they would all look forward to working with you to hold companies in their portfolios accountable on human trafficking.

Some of the ways that those investors have been working with companies include, for example, the Responsible Sourcing Network that organized 50 major brands and retailers to sign a pledge to get major companies, such as Gap, Macy's, Marks & Spencer, and close to 60 others, to agree not to purchase cotton from Uzbekistan because of forced child labor issues.

And we've also mentioned the Olympics. Recently, Christian Brothers led a coalition of 37 U.S.- and U.K.-based children's rights and investor-focused organizations, as well as socially responsible investors, representing \$58 billion under asset management. The coalition called attention to human trafficking in advance of the Olympics, where an estimated 5 million visitors are expected in the next few weeks. We sent letters to major companies, including major London area hotels and key sponsors such as GE, Adidas, McDonald's, Coke, and BMW. We asked them about issues and about what they were doing regarding human trafficking. Hotel chains were encouraged to sign the Code of Conduct, and Olympic sponsors were encouraged to take immediate and transparent actions (a) to train staff members and buyers to recognize and avoid the trafficking of workers into slavery, (b) to monitor their supply chains, and (c) to examine hiring and improvement practices.

We will be issuing a report later in the month. On a positive note, 11 of 13 hospitality companies that we contacted and that are based in London said that they will be training staff members to identify child sexual exploitation at their premises, which is great news. Some of my examples demonstrate what a lot of the companies are doing, but there is not enough information out there.

This is where I think a lot of the tools that exist can be used by government in a far more effective way. For example, in the United States—and specifically in California—a law was passed that went into effect in January (SB 657). That law, the Transparency in Supply Chains Act, forces major retailers and manufacturers that have more than \$100 million in worldwide receipts to disclose the steps they are taking to address human trafficking. Now that the

law is in effect, companies can “Google themselves.” If you want to know about your favorite retailer or manufacturer, you can go onto their website and can look to see if that company has signed California’s supply chain transparency law. A new law that has just been proposed by Carolyn Maloney from New York (HR 2759) would ask, not just retailers and manufacturers, but all companies to disclose to the SEC (Securities and Exchange Commission) what steps they are taking to address human trafficking.

Denise mentioned the UN framework on business and human rights and the guiding principles; those principles establish a global norm for companies to respect human rights and to implement a due diligence process concerning human rights. This is another thing that countries could be asking all companies in their countries to report on, as well as asking them to report on what they are doing about human trafficking. So these are just a few of the instances I wanted to mention. Our website, <http://www.cbisonline.com>, has more information, and I look forward to sharing that with you. Thank you so much.

## Interview

**Q: How does one become a Committee member? How long can a Committee member serve? Is membership renewable?**

**A: (Naela Mohamed Gabr)** The Committee is composed of 23 members; there is only one gentleman. We need to have more gentlemen on board. The mandate is 3 years; it is renewable. I am the most senior member, I have to admit; I have been reelected since 1998.

**Q: How does the CEDAW Committee process reports submitted by countries? How can we encourage countries to participate in the CEDAW evaluation process according to the Committee’s schedule?**

**A:** Normally countries submit periodic reports, an initial report first, then within a time frame of 4 years. They are written according to guidelines. Translations are in six languages.

**Q: How effective are the CEDAW Committee’s concluding observations at influencing the policies of countries?**

**A: (Ayse Feride Acar)** We spoke in the concluding observations about how they are extremely important. Those observations will enable a country when it

asks for funding for new projects, for new draft laws, et cetera, and as it creates awareness.

Concluding observations are extremely important in my opinion. They are the road maps that assess the situation and advise about improving the situation of women's rights in the country. They encourage and give recommendations on what the country should do.

Effectiveness—I think they are very effective not only in terms of motivating new laws and new legislative actions but also in terms of the constructive dialogue that this committee has with the state parties.

Those observations help in changing mindsets around the world, especially Article 6 changes mindsets. But this change has not been done by the committee or the convention itself. It can be done only by cooperation such as we have in this room—with civil society and especially academia that help to transport this dialogue and take it to the outside world. The concluding observations are only as effective as the NGOs that take them and make them known around the world.

**Q: In the reports submitted by countries to the CEDAW Committee, emphasis is often given to legislation over nonlegislative measures. How can we encourage countries to report on compliance with both legislative and nonlegislative measures?**

**A:** Nonlegislative measures—Article 2, which is one of core articles, addresses the obligations of state parties to take all appropriate measures. This means also nonlegislative measures. We try to emphasize this importance in our concluding observations. It is a tendency of state parties to focus on legislation, and once legislation is set in place, parties tend to give less attention to measures that may be taken other than legislative measures, such as advocacy and service provision. We need to focus on those other measures too.

**Q: Traditional civil society is defined to include NGOs, but in many cases of trafficking, a corporation is complicit in forced labor, trafficking, discrimination against women in the workplace, or other forms of discriminatory practices. How should countries address corporate social responsibility (CSR)?**

**A:** CSR—Until quite recently, in connection with many areas of violation of human rights, the private sector has been considered a taboo. National legislation itself is still not addressing the complexity of the phenomenon of the private sector. Our Convention is a very complex international instrument. It does address violations with respect to perpetrators coming from the private sector. All forms of discrimination must be addressed, not only with respect to the state party, but also



all forms. We need due diligence of the state party with regard to the private sector and perpetrators coming from the private sector while simultaneously assessing action and nonaction with regard to phenomenon of trafficking.

**A: (Norma Ramos from Coalition Against the Trafficking in Women)** We have been making corporations, particularly Craigslist and Backpage, responsible for their actions. We agree that Article 6 is eloquent and politically rich. There must be reporting on both trafficking and the exploitation of prostitution because prostitution is the endpoint of sexual exploitation. We must take more political action. The demand for prostitution is at the heart of Article 6. Male privilege is the problem here. The Nordic model, which arrests men who buy sex, is a key solution in the world. This model is addressing demand, and we must do more of that.

**Q: Article 6 addresses both exploitation of prostitution and human trafficking. When countries report on Article 6, to what extent do they exclusively report on trafficking or prostitution, and which efforts are given more weight in evaluation—those to combat exploitation of prostitution or trafficking in women?**

**A: (Victoria Popescu)** We look at Article 6 in conjunction with other articles and with the Palermo Protocol. It is a very important article, and I can assure you that the Committee has diverted more and more attention to this article and to its interpretation. We do not restrict it to exploitation of prostitution but also to slavery and forced labor.

We pay attention to the five P's that you mentioned.

**Q: How can a government in transition, when facing so many administrative challenges, ensure that it maintains its capacity to monitor and report on the human rights of its female populace, especially when trafficking and advancing women's rights may not be among the highest of government priorities?**

**A: (Naela Mohamed Gabr)** Governments in transition can continue working on human rights if you have the will. If you have a young generation assisting you, you can do a lot. Egypt has been continuing to implement its National Plan of Action against Human Trafficking (NAP) without financial resources, without contributions from donors, but with a good legislative basis and support from civil society. Slowly, donors are coming, and Egypt manages. We hope a new NAP will be finalized by the end of the year.

**Q: Religion is not mentioned in many of the reports submitted by countries to CEDAW, yet faith-based institutions are an integral component of civil society. How could religion or faith-based institutions cooperate with government to combat human trafficking?**

**A: (Ruth Halperin-Kaddari)** Congratulations on attending this important panel. Your presence here is part of the answer to questions. Academia is important, plus education, and specifically the presence of men. Mostly, it is women and women's organizations that deal with these issues, but we need men.

Religion—It is related to how the articles of the convention are interrelated. Article 16 is about family relations, which not only is the most reserved article in the Convention on the Elimination of Discrimination Against Women but also is throughout the regulation framework. Religion provides many reservations in many countries so we have to work together with many religious organizations to advance women's rights. I saw a good example here today of how we can work with religious organizations and how they can improve women's rights.



# Ending Demand: An Annotated List of Books, Articles, Organizations, and Projects Addressing the Demand Side of Human Trafficking

*Compiled by Laura J. Lederer\**

This chapter provides an annotated review of books, articles, laws, law enforcement actions, codes of conduct, organizations, and projects that focus on addressing demand for commercial sex services, forced labor, and human organs and tissue. In human trafficking, there is a triangle of activity consisting of supply, demand, and distribution. In the past 10 years, the focus of anti-trafficking activity has been on victim rescue, rehabilitation, and restoration (supply). In addition, law enforcement activity has focused on investigation, arrest, prosecution, and successful conviction of traffickers (distribution). Very little attention and few programs have attended to the demand side of human trafficking. This article serves to highlight those efforts.

## I. Nongovernmental and Faith-Based Organizations Focused on Demand

### *Coalition for the Removal of Pimping (CROP)*

34 York Rd.  
Leeds, UK LS9 8TA  
Tel: +44 (0)11-3240-3040  
Email: [info@cropuk.org.uk](mailto:info@cropuk.org.uk)  
Website: <http://www.cropuk.org.uk>

Founded in 1996, CROP operates in the United Kingdom and specializes in working with parents, caretakers, and extended families of child sexual exploitation victims. CROP raises awareness about the negative effects of demand for sex on society. CROP sponsors conferences, seminars, and workshops to

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\* *Laura J. Lederer is a former Senior Adviser on Human Trafficking at the U.S. Department of State and is currently an Adjunct Professor at Georgetown University Law. She is also President of Global Centurion, a nongovernmental organization that fights trafficking by focusing on demand.*

bring public awareness and understanding of the modus operandi of perpetrators who target children, including their grooming processes and their trafficking within and between cities. The organization also works with the government and other agencies to create more effective legislation, as well as to enforce existing legislation combating sexual exploitation and to bring about stricter penalties against the perpetrators who exploit children for sexual purposes.

### ***Demand Change!***

c/o Eaves Housing  
2nd Floor, Lincoln House  
1–3 Brixton Rd.  
London, UK SW9 6DE  
Tel: +44 (0)20-7840-7108  
Email: [nisan.kesete@eavehousing.co.uk](mailto:nisan.kesete@eavehousing.co.uk)  
Websites: <http://www.demandchange.org.uk>, <http://www.eaves4women.co.uk>,  
<http://www.object.org.uk>

Demand Change! is a joint campaign between Eaves (a London-based charity that provides housing to vulnerable women) and OBJECT (a London-based human rights organization that challenges the objectification of women, specifically through men's magazines, lap dancing, and advertisements). The program aims to promote an increased understanding of the myths and realities surrounding prostitution, and it calls for prostitution to be seen as violence against women. Demand Change! raises awareness about the issue by lobbying, campaigning, and collaborating with other organizations to end the increased sexualization of women. The campaign lobbies the British government to address the domestic and international demand for prostitution, and it urges the government to follow the "Nordic model," which decriminalizes those who sell sex acts and criminalizes those who purchase them.

### ***ECPAT (Ending Child Prostitution and Trafficking) International***

328/1 Phayathai Rd.  
Ratchathewi, Bangkok, Thailand 10400  
Tel: 662-215-3388  
Fax: 662-215-8272  
Website: <http://www.ecpat.net/ei/index.asp>  
ECPAT-USA  
157 Montague St.  
Brooklyn, NY 11201  
Tel: 718-935-9192  
Email: [ecpat@ecpatusa.org](mailto:ecpat@ecpatusa.org)

Website: <http://ecpatusa.org>

ECPAT International is a nonprofit organization with headquarters in Thailand. It focuses on ending demand for child prostitution and child pornography and on ending the trafficking of children for sexual purposes. ECPAT International's projects include a communications campaign in France that involves television, video, print and radio ads, and Internet banners to raise awareness about the problem of trafficking. ECPAT International works to educate the public about laws that punish those who sexually exploit children. ECPAT International is also involved in a global Stop Sex Trafficking of Children and Young People Campaign, which raises awareness and collects signatures for a petition calling on governments to reform their trafficking and prostitution policies.

In addition, ECPAT International has in place the ECPAT Island: Second Life virtual forum, which allows people to learn about the commercial sexual exploitation of children as well as watch videos and read publications about why the demand is taking place and what are effective means to stop the trafficking of children. ECPAT-USA is a chapter of ECPAT International that conducts research, develops policy, promotes education, and spreads awareness to end demand in states across the United States. One demand reduction project is legislation to help victims and refocus criminalization from the prostituted children to their male purchasers.

### ***Global Centurion Foundation***

1100 G Street NW, Suite 1030  
Washington, DC 20004  
Tel: 703-919-6828  
Email: [info@globalcenturion.org](mailto:info@globalcenturion.org)  
Website: <https://www.globalcenturion.org>

Global Centurion is a nonprofit organization dedicated to eliminating child sex slavery by focusing on investigation, arrest, prosecution, and conviction of the predators and perpetrators. Founded in 2008, this demand-centered approach is the link that has been missing in the fight to abolish human trafficking and modern-day slavery. Global Centurion has a three-pronged approach to combating demand including (a) research and development; (b) education, awareness, and advocacy on demand-related issues; and (c) operations. Some initial research on the demographic of exploiters and predators has been completed, but much more needs to be done. Global Centurion is creating an international case law research database to document the global nature and scope of demand for labor, sex, and

organ trafficking and related activities. In addition, the organization is collecting information on the Johns School programs in the United States and Canada to create a comparative analysis of the 50 programs in North America.

Global Centurion also has developed social marketing campaigns and training programs aimed at U.S. troops, private contractors, United Nations (UN) personnel, international organizations, and others who can fuel the demand for sex- and labor-trafficking reform. Finally, Global Centurion hosts the annual Norma Hotaling Awards, where one of the three award categories is the Innovative Demand Reduction Award.

### ***Men against the Trafficking of Others (MATTOO)***

Maple Grove, MN

Email: [contact@MATTOO.org](mailto:contact@MATTOO.org)

Website: <http://mattoo.org>

MATTOO is an international nonprofit organization that exists to decrease the demand for commercial sex by building a global stigma around buying sex. MATTOO works to decrease the demand of human trafficking through educational forums and public events, microfinance and business development initiatives, and research and public policy. MATTOO's approach is to educate and involve men in the movement to stop sex trafficking. MATTOO strives to raise international public awareness about the issue. MATTOO employs the power of innovative business, research, and collaboration to advance sustainable and transformational human trafficking public policy and cultural changes globally.

### ***Stop Child Trafficking Now (SCTNow)***

414 W. 51st St.

Lower Level

New York, NY 10019

Tel: 212-333-7286

Email: [info@SCTNow.org](mailto:info@SCTNow.org)

Website: <http://sctnow.org>

SCTNow is a nonprofit organization targeting the demand side of child sex slavery through awareness, advocacy, and action. SCTNow has a yearly national walk campaign that raises funds to support special investigative teams trained to infiltrate, investigate, and identify predators victimizing children. SCTNow also supports a few qualified organizations that work to prevent trafficking and prostitution.

### ***Stop Demand Foundation***

PO Box 41-400, St. Lukes  
Auckland, New Zealand 1346  
Tel: 64-9-846-4693  
Fax: 64-9-846-7614  
Email: [action@stopdemand.org](mailto:action@stopdemand.org)  
Website: <http://www.stopdemand.org/wawcs016272/In-home.html>

The Stop Demand Foundation is a nonprofit, incorporated charitable trust that promotes a world free of the sexual exploitation of children. Stop Demand focuses on challenging the demand for sex with children and works to raise awareness about the extent of all forms of sexual violence against children. Stop Demand also works with government, intergovernmental, and nongovernmental agencies to stop violence against children and to campaign in the community, particularly in the male community, to stop the demand of sex with children.

### ***Texas Sex Trafficking Obliteration Project (TSTOP)***

Concerned Women for America  
1014 15th St. N.W., Suite 1100  
Washington, DC 20005  
Tel: 202-488-7000  
Email: [tstop@cwfa.org](mailto:tstop@cwfa.org)  
Face Book Cause: [www.causes.com/tstop](http://www.causes.com/tstop)  
Websites: <http://tstop.cwfa.org> and <http://states.cwfa.org>

TSTOP's mission is to stop sex trafficking in the state of Texas by ending the demand for commercial sex. The project is a multipronged statewide effort. Working in conjunction with the Houston Rescue and Restore Coalition, TSTOP educates groups that play an integral part in demand reduction and the elimination of sex trafficking in Texas. TSTOP has targeted churches, schools, hotels, truck stops, and other places where men and boys can be reached. TSTOP's goal is to distribute 4,000 educational brochures about sex trafficking to men in 100 Texas churches. In addition, TSTOP has an outreach project targeting regional truck terminals and truck drivers who are buyers of commercial sex (often from children) along the Interstate 10 Corridor in Texas, which is a primary trafficking route. TSTOP also focuses on Texas colleges to reach and educate young men in school. In addition, TSTOP has identified men's organizations in Texas to educate the members about trafficking and about what they can do to make a difference. Finally, TSTOP has engaged more than 720 volunteers to write letters to five hotel



chains (Starwood, Hilton, Hyatt, Marriott, and Ritz-Carlton) urging them to adopt ECPAT International's code of conduct. TSTOP also aims to implement a statewide first-offender program with a johns school in every city in Texas.

### **Umoja: Johns' Offender Program**

Salt Lake City, UT

Confidential Voicemail: 801-891-1344

Email: [april@umojatraining.com](mailto:april@umojatraining.com) and [debra@umojatraining.com](mailto:debra@umojatraining.com)

Website: <http://umojatraining.com/services.html>

Since 2000, Umoja has provided a 10-week class to reduce recidivism among men caught soliciting sex. Umoja's curriculum helps class participants evaluate their behavior and its sources, as well as identify appropriate changes. Classes are interactive, with participants encouraged to share perspectives on how the topics relate to them personally. Participants complete homework assignments each week, which they discuss at the beginning of every class to encourage introspection and change. Each class begins with a "feelings check-in," which helps participants to assess their reactions to life events, to understand how those feelings affect their behavior, and to develop skills to communicate their reactions and feelings appropriately to others. Six hundred men have completed the program and their recidivism rate is approximately 10 percent.

### ***Verité***

44 Belchertown Rd.

Amherst, MA 01002

Tel: 413-253-9227

Fax: 413-256-8960

Website: <http://www.verite.org>

According to Verité, workers around the world make the products we buy and harvest the food we eat. Almost all of the products enjoyed by resource-rich countries—clothes, shoes, computers, toys, furniture, and food—involve a supply chain that employs migrant workers. Workers go to great lengths to obtain promising jobs, no matter where they are located. Workers leave home for jobs that can help them achieve a better life or allow them to feed their families. Often, they become indebted to an intermediary—labor brokers and moneylenders—whose practices can be exploitative, illegal, or corrupt. In some cases, workers pay exorbitant fees to recruiters simply to be considered for a job in another country.

Once workers arrive in the new country, they find that the job does not pay what the broker promised.

The recruiters charge compound interest on their debt, which increases every month; there are illegal wage deductions and unexpected fees; the workers' passports may be taken away so that they cannot complain or flee; and their work visas tie them to their employer, thereby giving them no other way to dig themselves out of debt. As a result, the migrant workers end up in slavery-like conditions for months or sometimes years. In this analysis, consumers of inexpensive products are creating the demand for forced or slave labor. To address this problem, Verité has created several products to help remedy inequities in the supply chain.

### ***Fair Hiring Toolkit***

Verité's Fair Hiring Toolkit is a new resource for brands, suppliers, governments, investors, anti-slavery or labor rights organizations, social auditors, verifiers, and all others involved in the global market. The Fair Hiring Toolkit focuses on identifying the path workers take to obtain a job in the global economy. Then, the toolkit offers employers and other organizations in the global supply chain tools, guidance, and approaches to support the responsible recruitment and hiring of migrant workers. The Fair Hiring Toolkit provides a framework for action for each entity in the supply chain that includes the following:

- Improving codes of conduct
- Raising awareness and building capacity
- Strengthening assessments and social audits
- Screening and evaluating recruiters and brokers
- Establishing ethical recruitment practices
- Creating effective grievance procedures
- Reporting and transparency

The toolkit gives businesses and corporations practical and effective information to assist them in developing fair labor practices.

### ***Washington Engage***

PO Box 4101

Olympia, WA 98501

Email: [info@waengage.com](mailto:info@waengage.com)

Website: <http://waengage.com>

Washington Engage seeks to eradicate sex and labor trafficking in Washington State by providing knowledge and tools that empower government, businesses, and grassroots leaders to take action against human trafficking. Washington Engage collaborates with grassroots advocates to implement laws and policies in local communities, promotes research-based anti-trafficking legislation and policies in the state, and helps state-based businesses recognize and prevent trafficking within their operations. Washington Engage offers a business initiative that provides tools for companies to implement in their management systems, to train employees, and to audit contractors and subcontractors to mitigate the risks to their businesses. Washington Engage helped to pass eight anti-trafficking bills into state law within a two-year period.

## **II. Organizations with Projects or Programs Addressing Demand**

### *Anti-Slavery International*

Thomas Clarkson House

The Stableyard

Broomgrove Rd.

London, UK SW9 9TL

Tel: +44 (0)20-7501-8920

Fax: +44 (0)20-7738-4110

Email: [info@antislavery.org](mailto:info@antislavery.org)

Websites: <http://www.antislavery.org/english>, <http://productsofslavery.org/>

Anti-Slavery International, founded in 1839, is the world's oldest international human rights organization and the only charity in the United Kingdom to work exclusively against slavery. The organization works at local, national, and international levels to eliminate all forms of slavery around the world, including debt bondage, forced labor, forced marriage, child slavery, human trafficking, and descent-based slavery. Anti-Slavery International raises public awareness by campaigning, conducting educational work with schools, engaging with the media, and lobbying national governments to eradicate behavior that creates an atmosphere of enslavement. One of its projects, Products of Slavery, focuses on the demand for forced labor and child labor. The Products of Slavery project is part of Anti-Slavery International's What We Buy Campaign, which aims to educate society on the products that consumers buy and the manner in which those products were made. The website shows consumers where products are made and whether forced labor or child labor was employed. The website also allows consumers and

companies an opportunity to demand that the products they purchase and create are not produced through the enslavement of others.

### ***Apne Aap***

Peck Slip Station

PO Box 916

New York, NY 10272

Email: [contact@apneaap.org](mailto:contact@apneaap.org)

Website: <http://apneaap.org/index.php>

Apne Aap works with women and girls at risk or affected by trafficking across India. Apne Aap also works to educate the public about the systemic realities of human trafficking and advocates for the need to stem the demand side of sex trafficking.

### ***Cool Men Don't Buy Sex Campaign***

The Cool Men Don't Buy Sex campaign highlights the role that men play in fostering the sex industry and enlists men and women to put pressure on the Indian government to enact the proposed Section 5C of the Immoral Traffic Prevention Act. This amendment would shift the burden of criminalization from the women and the girls in prostitution to the men who buy sex and the pimps who profit from its sale. The campaign uses multimedia, including podcasts and video series featuring male leaders who take a stand against sex trafficking. Community outreach includes radio jingles and street plays written by survivors that target populations that are likely to engage in the sex trade. Students participate to help create awareness by selling wristbands with the message, "Cool Men Don't Buy Sex."

### ***Breaking Free***

PO Box 4366

St. Paul, MN 55104

Tel: 651-645-6557

Websites: <http://www.breakingfree.net/default.aspx>,

<http://www.demandchangeproject.org/home.html>

### ***Demand Change Project***

Produced by Breaking Free and MATTOO, the Demand Change Project is the first-ever event for the purpose of ending the demand for the buying and selling of human beings for any purpose. The international two-day event took place on May 13–14, 2011 in St. Paul, Minnesota, with simultaneous awareness events in Mijas,

Spain. The event included the release of groundbreaking research, discussion panels with survivors, police, the Federal Bureau of Investigation, lawmakers, and legislators, and it also included a men's walk leading to a rally at the Minnesota State Capitol.

### ***Buy Sex, Buy Rape Campaign***

A Project of Hope for Justice  
117 E. Louisiana St. #544  
Seattle, WA 98102  
Website: <http://hopeforjustice.org>

Buy Sex, Buy Rape is an international campaign to prevent sex trafficking, commercial sexual exploitation, and prostitution. It targets young men, 17 to 25 years old, with informative and appalling messages and images about the consequences of purchasing sex. The campaign aims to collaborate with anti-trafficking nongovernmental organizations (NGOs) to broaden its campaign reach and to communicate through websites, posters, videos, billboards, and public service announcements to reach young men with the campaign's abolitionist message.

### ***Captive Daughters***

PO Box 34682  
Los Angeles, CA 90034-5696  
Fax: 310-815-9197  
Email: [mail@captive daughters.org](mailto:mail@captive daughters.org)  
Website: <http://www.captive daughters.org/index.html>

Captive Daughters is an anti-trafficking group in California dedicated to ending the sexual bondage of women and children. The organization believes that, by understanding the dynamics of demand, legal and political approaches necessary to control and end this practice can be developed. Captive Daughters disseminates information to the public about demand through its website and through social media, thereby participating in national and international forums, media outreach, and legislative outreach. The organization encourages the television, film, publishing, and artistic communities to focus on the ills of sex trafficking in their work. Captive Daughters has convened two successful conferences on demand: *Demand Dynamics: The Forces of Demand in International Sex Trafficking*, 2003, and *Pornography: Driving the Demand for International Sex Trafficking*, 2005.

### ***Coalition against Trafficking in Women—International (CATW)***

Norma Ramos, executive director  
Coalition against Trafficking in Women—International  
PO Box 7427  
Jaf Station  
New York, NY 10116  
Fax: 212-643-9896  
Email: [info@catwinternational.org](mailto:info@catwinternational.org)  
Website: <http://www.catwinternational.org/>

The Coalition against Trafficking in Women—International (CATW) is an NGO that promotes women's human rights by working internationally to combat sexual exploitation in all forms. CATW has a held panel discussion titled, "A Conversation among Men about Sex Trafficking." CATW runs a project to curb male demand for prostitution that focuses on educating boys and men about issues relating to prostitution and trafficking, as well as supporting the enforcement of laws penalizing the buyers. The project operates in multiple countries on various continents, including the following:

#### ***Baltic Countries***

In the nine Baltic states, CATW is strengthening existing networks working against sex trafficking and is promoting the Swedish model of legislation. This model decriminalizes prostitution and criminalizes the purchase of sexual services. The Swedish model considers prostitution a form of male violence against women. CATW conducts media trainings and public awareness campaigns in the Baltic states and works with journalists who are writing articles on harmful consequences of promoting prostitution as a form of work. Additionally, CATW is developing and implementing creative new strategies to confront male buyers of women in prostitution.

#### ***Mexico and India***

CATW is working to educate legislators, NGOs, and others about the Swedish model of legislation, which prohibits the purchase of sexual services and recognizes prostitution as a form of male violence against women. CATW also trains local criminal justice practitioners, NGOs, and others to implement policies and programs that penalize demand.

### ***The Philippines and Mexico***

CATW conducts educational programs in the Philippines and Mexico that target young boys in communities where prostitution flourishes. The programs seek to discourage the demand for commercial sex and sexual exploitation and to address male sexual attitudes, stereotypes, and practices. CATW employs various educational tools, including flyers, flipcharts, and comic books to portray the stories of women trafficked into prostitution, including the role of male buyers. CATW also has a video titled “First Time,” which critiques the male rite of passage using women in prostitution to initiate young men into sex. Lastly, CATW organizes workshops and boys’ camps in selected regions to educate young boys and men about the harms of prostitution and trafficking, about men’s role in perpetuating sexual exploitation, and about men’s potential role in being catalysts for change.

### ***Churches Alert to Sex Trafficking across Europe (CHASTE)***

Tel: +44 (0)84-5456-9335 or +44 (0)78-7962-2925

Website: <http://www.chaste.org.uk>

CHASTE works with victims of human trafficking and advocates against the demand for trafficking. CHASTE has led multiple Not for Sale campaigns seeking to define and eradicate trafficking. CHASTE initiated a round table discussion on demand to deal with the issue of why trafficking has a market in the United Kingdom. In 2008, CHASTE held a conference in London to address the issue of demand, including ways to curb demand and thereby restrict the market. Speakers at the conference included Vernon Coaker, member of Parliament.

### ***Demi and Ashton Foundation (DNA)***

Facebook: <http://www.facebook.com/dnafoundation>

Website: <http://demiandashton.org>

### ***Real Men Campaign***

The Real Men Campaign targets men with the message that “Real Men Don’t Buy Girls.” More than 2 million people have participated in the campaign, with the goal to create a cultural shift in the implicit societal acceptance of child prostitution. The campaign uses the Internet, social media, and celebrity involvement, and it lobbies governments to address the demand and sexual exploitation of children. DNA launched the DNA Tech Task Force in March of 2010 to develop innovative ways to effectively disrupt the selling and purchasing of children online.

***Hunt Alternatives Fund***

625 Mt. Auburn St.

Cambridge, MA 02138

Tel: 617-995-1900

Fax: 617-995-1982

Email: [information@hunteralternatives.org](mailto:information@hunteralternatives.org)

Website: <http://www.huntalternatives.org/index.cfm>

Website: <http://www.demandabolition.org/>

***Demand Abolition Program***

Demand Abolition supports the movement to end modern-day slavery by combating the demand for sex trafficking. Demand Abolition is developing a multiyear, multistakeholder national strategy to eliminate the demand for illegal commercial sex in the United States. Initially, the program will focus on criminal justice system efforts by conducting, collecting, and disseminating research on the best practices of demand reduction. The program will bring together key actors of the modern abolitionist movement to energize allies and focus attention on the buyers of sex. The program will also educate policy makers about the links between sex trafficking and prostitution and encourage the implementation of laws, policies, and programs that curb demand for commercial sex.

***RedLight Children***

Exigen c/o RLC

75 Rockefeller Plaza, 17th Floor

New York, NY 10019

Email: [admin@redlightchildren.org](mailto:admin@redlightchildren.org)

Website: <http://redlightchildren.org>

RedLight Children believes that, to effectively decrease and end demand, countries need proper legislation, enforcement, and access to the appropriate resources dedicated to combating the problem. With the help of participating NGOs, pro-bono lawyers, law firms, corporate partners, and volunteers, RedLight Children is researching the laws relating to child and sex trafficking and exploitation in the United States to determine the current state of the laws. They have developed a Civil Litigation Pilot Project that targets the demand side of child sexual exploitation by suing to recover civil damages from consumers of child sexual services. The pilot project, including pleadings templates, legal research on key issues, litigation resources, and strategic guidance, will be replicated across the United States and made available to other law firms helping to eradicate child sexual exploitation.



***Shared Hope International***

PO Box 65337  
Vancouver, WA 98665  
Tel: 866-HER-LIFE (866-437-5433)  
Email: [savelives@sharedhope.org](mailto:savelives@sharedhope.org)  
Website: <http://www.sharedhope.org>

Shared Hope International is a nonprofit organization, and its purpose is to rescue and restore women and children in crisis. Shared Hope International's goal is to prevent and eradicate sex trafficking and slavery through education and public awareness. One project, The Defenders USA, addresses the demand side of child sex trafficking in the United States. Founded in June 2006, Defenders USA is a campaign by men, to men, and for men that promotes male opposition to all forms of commercialized sex. Defenders believes that pornography, prostitution, escort services, strip clubs, peep shows, and erotic massage parlors all contribute to the commercial sex industry, which is a market that produces nearly 100,000–300,000 exploited victims a year—the majority of whom are women and children. The objective of this campaign is to end the demand for sexually explicit material by educating and equipping men to speak out against this destructive trade.

***Truckers against Trafficking (TAT)***

Email: [tat.truckers@gmail.com](mailto:tat.truckers@gmail.com)  
Website: <http://www.truckersagainstrafficking.com>

The trucking industry and individual truckers are invaluable in the fight against the crime of sex trafficking. This site has been established to inform truckers and other travelers of the basic issues involved in human trafficking and to summarize ways to help. TAT has created a trucking industry–specific training DVD on human trafficking and the role of the trucking industry. The DVD is available, free of charge, with the aim of making it a part of orientation for all truck stop and travel plaza employees, as well as all students at truck-driving schools.

The organization creates wallet cards and other materials in English, Spanish, and French Canadian for truckers and travel plaza employees with the national hotline number for human trafficking victims. The organization also has posters to hang in restrooms, break rooms, restaurants, truck stops, and rest areas to bring awareness to the issue of sex trafficking. The organization runs a blog and a blog radio called “On the Grid” where they discuss human trafficking and its relation to the trucking industry. TAT also works directly with law enforcement to facilitate the investigation and reporting of incidents of human trafficking. As of January

2012, the California Trucking Association (CTA) is joining forces with TAT to combat human trafficking. CTA will distribute informational DVDs for its member companies to use for training and will distribute wallet cards with information about how to recognize trafficking and what to do when it is suspected.

### ***World Vision***

34834 Weyerhaeuser Way S.  
Federal Way, WA 98001  
Mailing Address:  
PO Box 9716  
Federal, WA 98063-9716  
Tel: 888-511-6548  
Email: [stopchildtourism@worldvision.org](mailto:stopchildtourism@worldvision.org)  
Website: <http://www.worldvision.org/content.nsf/learn/globalissues-stp>

World Vision is a Christian humanitarian charity organization dedicated to working with children, families, and their communities worldwide to reach their full potential by tackling the causes of poverty and injustice.

### ***The Child Sex Tourism Prevention Project***

As part of World Vision's commitment to protecting children, it has joined forces with national governments, law enforcement agencies, and other organizations to combat child sex tourism through the Child Sex Tourism Prevention Project. World Vision has implemented this project in Cambodia, Thailand, Costa Rica, Mexico, Brazil, and the United States. Its three-pronged strategy includes (a) a deterrent message, developing a targeted media campaign to deter would-be sex tourists; (b) law enforcement assistance, working with the U.S. Immigration and Customs Enforcement to help identify child sex tourists; and (c) prevention programs, preventing children from being drawn into the commercial sex trade through interventions like education, advocacy, and the creation of other means to make a living. As of 2011, World Vision supports this project in Cambodia and Thailand, with funding for the program coming from World Vision's office in Australia.

### ***YouthSpark (formerly Juvenile Justice Fund)***

395 Pryor St. SW, Suite 2117  
Atlanta, GA 30312  
Website: <http://www.youth-spark.org>

### ***A Future, Not a Past***

A Future, Not a Past is a statewide campaign by Youthspark, formerly the Juvenile Justice Fund, to stop the prostitution of girls through research, prevention, intervention, and education. The campaign also works to disable demand through advocacy, policy, and legal reforms focused on prosecution of both pimps and johns. For example, the 2007 Anti-Human Trafficking Act in Georgia, SB 69 (which was signed into law in May of 2009), amended current criminal law to allow for any person, rather than just parents or a caretaker, to be found guilty of facilitating a child to engage in prostitution or sexual explicit conduct. Legislation HB200 increases penalties against human traffickers of minors.

### ***Young Women's Christian Association (YWCA)***

One Salem Square

Worcester, MA 01608

Tel: 508-791-3181

Website: <http://www.ywcentralmass.org/domestic-violence/victim-services>

### ***Community Approach to Reduce Demand (CARD)***

CARD is a collaborative project of the YWCA, the Worcester District Court Probation Department, the Worcester District Attorney, and numerous community stakeholders. This six-hour program aims to reduce recidivism by purchasers and the to reduce demand for commercial sex. A state-ordered program, CARD educates purchasers of sex about the risks involved in the activity and addresses the economic and social problems of prostitution in relation to the buyer, the prostituted individual, and the community. Former prostituted persons and police officers speak to buyers about the harmful consequences of prostitution. The program is voluntary for individuals found guilty of purchasing sex as part of probation and for those who are given a continuance without a finding in court. The offender must pay a \$200 fee, which makes the program self-sustaining.

## **III. Sports Demand Reduction Programs**

### ***Florida Coalition against Human Trafficking Super Bowl Effort—2009***

Operation Tackle the Traffickers, sponsored by the Florida Coalition against Human Trafficking worked in coordination with the KlaasKids Foundation to target hotels, restaurants, gas stations, and other businesses in Tampa, St. Petersburg, and Clearwater, Florida, during the Super Bowl weekend. The group handed out anti-trafficking literature and trained staff members at those establishments to identify

sex trafficking. The coalition also assisted the local police officers by pointing them toward potential prostitution rings.

### ***Indianapolis Super Bowl Host Committee—2012***

To prepare for the Super Bowl in February 2012, more than 700 cab drivers in Indianapolis, Indiana, took part in the Super Service hospitality training offered by the Indianapolis Super Bowl Host Committee, which included a session on sex trafficking and the legislation addressing sex trafficking and its demand. The drivers were given the human-trafficking hotline number to program into their cell phones. Cab drivers, hotels, restaurants, and other service providers were asked to be aware and report potential victims of human trafficking during the event.

### ***Salvation Army World Cup Campaign—2010***

The Salvation Army handed out red cards against human trafficking to those attending the Fédération Internationale de Football Association World Cup in South Africa. The campaign included anti-trafficking messages on water bottles, red cards, footballs, and vuvuzelas.

### ***Traffick911 Super Bowl Effort—2011***

Traffick911 hosted town hall meetings with the community to discuss human trafficking and train community members to look for signs of trafficking in preparation for the Super Bowl in Arlington, Texas. A tailgate rally took place to raise awareness about human trafficking and its demand. Texas officials created a task force of federal, state, and city agencies to combat child trafficking in Arlington during the Super Bowl.

## **IV. Books, Articles, and Papers about Demand**

***Anderson, Bridget. "A Very Private Business: Exploring the Demand for Migrant Domestic Workers." *European Journal of Women's Studies* 14, no. 3 (2007): 247–64.***

Anderson analyzes the demand in the United Kingdom for migrant domestic workers. She notes that their perceived "foreignness" and other similar factors affect their desirability as employees. Anderson writes that domestic workers are defined as low-skilled workers, and the demand for domestic workers has "been satisfied by cobbling together a range of immigration statuses, as well as ... by illegal employment." For these reasons, private households are not constrained by

the laws that protect British citizens, giving them freedom to abuse foreign national workers. Her study shows that employers of domestic workers often feel like they are doing the worker a favor by providing them with an opportunity and that the domestic workers need the opportunity and would appreciate the opportunity more than a U.K. national would. Anderson also notes that racial and ethnic stereotyping plays a role in employer demand for workers.

**Anderson, Bridget, and Julia O’Connell Davidson. *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot*. IOM Migration Research Series No. 15. Geneva: International Organization for Migration, 2003.**

Anderson and O’Connell Davidson research the employer demand for domestic workers in private households and the demand for commercial sexual services in selected European and Asian countries. Their research indicates that there are three related factors that are key to the exploitive conditions of human trafficking. First, those markets lack effective regulation, which make it profitable to use forced labor. Second, a continuous supply of exploitable labor exists. Third, the malleability of social norms regulating the behavior of employers and clients contributes to the problem. The report analyzes the conceptual and political problems of the demand side of human trafficking, stating that consumer demand is a factor contributing to human trafficking, but there is no automatic relationship between consumer demand and a specific form of employment in the sex industry.

The authors led a pilot research study where they interviewed male purchasers of prostituted women from six countries and found that 75 percent of men interviewed wanted women under the age of 25, and 22 percent of the interviewees preferred women aged 18 or younger. The study also found that a little less than 50 percent of the men purchased sex from a foreign woman in prostitution either at home or abroad. Finally, the study noted that racial discrimination and stereotypes influenced men’s purchasing of women. The pilot study also interviewed individuals from four countries about their demand for domestic workers.

**Anderson, Bridget, and Julia O’Connell Davidson. *Trafficking—A Demand Led Problem? A Multi-Country Pilot Study*. Stockholm: Save the Children Sweden, 2002.**

Anderson and O’Connell Davidson research the demand side of human trafficking and examine some of the politics surrounding the trafficking problem. The researchers explore prostitution, consumer demand for sexual services, third-party exploitation, and the role of the state in the commercial sex trade. The researchers also discuss domestic work, including paid domestic work and the

demand for domestic services in private households. They differentiate between demand of employers and demand fueled by consumers and argue that trafficking is not solely demand driven, because supply and demand are interrelated and help to shape one another.

**Anderson, Bridget, and Ben Rogaly. “Forced Labour and Migration to the UK.” Briefing document, Trades Union Congress, London, February 3, 2005.**

This study notes that migrant workers are found in significant numbers in all sectors of employment in the United Kingdom, but they are disproportionately represented in sectors where cheap or exploitive labor (long hours, long work weeks, little or no pay) is found. The study found that within certain sectors there are no visas for the labor, so labor turnover is high. Subcontracting passes the risk down from the main contracting agencies and facilitates exploitation of the workers.

The authors found that some employers and recruiters use violence and intimidation to control migrants and force them into labor apart from their contract. Threats and violence included beatings, threats of deportation, withholding food or giving dog food, intimidation using weapons, and sexual assault. Debt bondage was used to keep the migrants and trafficked persons from escaping the forced labor and their identity documents were stolen. The authors recommend using such tools as (a) the United Kingdom’s anti-trafficking legislation to curb trafficking and forced labor; (b) a deterrent to prevent forced labor through raising employers’ awareness and ensuring that they have full knowledge of current legislation; and (c) a tool for monitoring recruiting agencies and legal migration schemes that exploit the vulnerabilities of migrant workers.

**Bales, Kevin. *Understanding Global Slavery: A Reader*. Berkley, CA: University of California Press, 2005. See esp. chap 8, “Understanding the Demand behind Human Trafficking.”**

In *Understanding the Demand behind Human Trafficking*, Bales examines human trafficking from a marketing perspective. He begins by reviewing characteristics of trafficking and factors that predict trafficking before moving to a discussion of why people traffic other human beings. Bales highlights the “moral economy” traffickers ascribe to that allows them to view trafficking victims as persons without rights and that allows consumers to accept this status. Bales then analyzes the “Unique Selling Point” (USP) of trafficked people—these USPs include their low cost, malleability, approximation to the “real thing,” exoticism, and enjoyment of power over a person. He suggests that to extinguish demand, we

must counter the moral economy of traffickers and consumers by raising public awareness and privileging the victim's understanding of the situation. Bales also advocates for the reduction of USP factors by decreasing the malleability and gullibility on the part of victims and by increasing legal possibilities for emigration to work. He also determines that changes in the cost and benefit structure will force traffickers to reevaluate the cost of using trafficked people. Finally, he notes that better research along the "product chain" and about how buyers and sellers find each other is necessary.

**Biddulph, S., and S. Cook. "Kidnapping and Selling Women and Children: The State's Construction and Response." *Violence Against Women* 5, no. 12 (1999): 1437–68.**

Biddulph and Cook analyze the growth of the kidnapping and selling of women and girls in China since the 1970s. The authors note that the increase in kidnapping and selling is due to a greater demand for women and girls for marriage, prostitution, and other related activities. This, in turn, is due to the gender imbalance in Chinese society, where men outnumber women. According to the article, this rise in demand for women has led to a rise in international organized crime. Moreover, whereas, before, most kidnapping victims were poor, uneducated women, traffickers are now beginning to target wealthier, educated women and schoolchildren. Biddulph and Cook lists the ways the Chinese government has attempted to respond to this problem, one of which has been to outlaw the purchase of kidnapped women and children.

**Budiani-Saberi, D. A., and F. L. Delmonico. "Organ Trafficking and Transplant Tourism: A Commentary on the Global Realities." *The American Society of Transplantation and the American Society of Transplant Surgeons* 8, no. 5 (2008): 925–29.**

Authors Budiani-Saberi and Delmonico discuss the extent of organ trafficking and organ sales from living donors worldwide. The authors report that the living donors are mainly the poor and vulnerable in the developing world, for whom selling an organ is often their sole means of providing for themselves and their families. The majority of organ recipients are wealthy people from developed countries who turn to the organ market to avoid the two- to three-year wait for a donor organ from their own countries. The organ in greatest demand is the kidney. The authors argue that countries themselves are driving demand. Pakistan and the Philippines, for example, seem to view organ trafficking as an economic boon. Developed countries, too, are guilty of fueling demand. Insurance companies in the United States and abroad have promoted transplant tourism as an inexpensive

way to solve a health problem, without addressing the differences between legal and illegal organ transplants.

The study notes that some countries are addressing the problem through legislation. For instance, in 2007, China adopted the Human Transplantation Act, which banned commercialism of organs. Subsequently, the number of transplants to foreign patients decreased by 50 percent. The authors make several recommendations: (a) each country should establish a system of deceased organ donation to help eliminate the demand for live organ donors, (b) countries in which the buying and selling of organs is outlawed should not permit their citizens to travel to destination countries and then return for insured health care in the client country, and (c) insurance companies must not encourage or tolerate illegal practices.

**Busch, Noël Bridget, Holly Bell, Norma Hotaling, and Martin A. Monto. "Male Customers of Prostituted Women: Exploiting Perceptions of Entitlement to Power and Control and Implications for Violent Behavior Toward Women." *Violence Against Women* 8, no. 9 (2002): 1093–112.**

Busch et al. collected questionnaires from 1,342 men in first offender programs who were arrested for trying to hire a prostituted woman on the street. The questionnaire found that the average age of the men surveyed was 39 years old. Slightly more than half of the men were Caucasian and one-fifth were Latino, with other ethnicities being underrepresented. The majority of the men were married. Eighty-eight percent had a high school diploma or higher education.

The study found that men with lower levels of education who thought about sex less often, who watched pornographic video more frequently, who felt guilty about sex, who were sexually conservative, who first started seeing prostitutes at a younger age, and who were physically hurt by an adult as a child were more likely to endorse power and control factors. Those men who used violence to get sex were more likely to have more sexual partners, had a higher prostitution use, viewed more pornographic videos, were more likely to have been abused by an adult as a child, had served in the military, and had different levels of sexual desire from their regular partner. The study also found that three of the eight concepts addressed in the questionnaire (violence against women, violent sexual practices, and violent physical behavior to gain sex), which all dealt with aggression, were connected and may be characterized by an overarching power and control construct.



**Connell, Lisa Mary, and James Doughney. "Human-Trafficking: Responsibility for Demand and Moral Responsibility." Paper presented at the 9th Annual International Globalization for the Common Good Conference School of Business, Center for Leadership and Values, California Lutheran University, Thousand Oaks, California, June 6–10, 2010.**

Authors Connell and Doughney consider demand as central to the human trafficking phenomena and see it as key to inform counter-trafficking strategies. Demand is defined as the combination of factors that constitute and influence "pull" factors for human trafficking, including silent actors such as governments, businesses, and others who create an environment in which services of trafficked victims are demanded.

The authors argue that the world has a moral responsibility to challenge exploitation and that those who have a moral causal responsibility (traffickers, pimps, buyers, employers, government, business, and so on) must be identified and confronted to reduce human trafficking. They further argue that neoliberal policies with regard to economic, migration, and border control; labor; criminal justice; and counter-trafficking foster an environment in which demand for services of human trafficking victims exists. Finally, the authors argue that demand is fueled by sexual advertising, pornography, and developed economies because sex tourism makes developing nations dependent on developed nations' demand.

**Department of Justice (DOJ), Northern Ireland. "Research Paper Investigating the Issues for Women in Northern Ireland Involved in Prostitution and Exploring Best Practice Elsewhere." DOJ, Belfast, Northern Ireland, January, 2011. [http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/final\\_research\\_paper\\_-\\_women\\_in\\_northern\\_ireland\\_involved\\_in\\_prostitution.pdf](http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/final_research_paper_-_women_in_northern_ireland_involved_in_prostitution.pdf).**

The paper finds that it was hard to obtain an exact figure of the number of women involved in prostitution because of its covert nature, and the paper finds that street prostitution has declined while indoor prostitution has increased. The Department of Justice recommends that the government tackle the demand issue and develop a plan that would address demand without driving the activity underground. For example, educating men about the laws and penalties for soliciting prostituted persons (1,000 euros and a criminal record) is important in reducing demand. The paper suggests enacting laws such as Britain's Policing and Crime Act of 2009. That act made it illegal to purchase sex from someone who has been forced into prostitution, and it allows for the prosecution of men the first time that they

are apprehended for soliciting a prostituted person. The paper also commends Northern Ireland's Blue Blindfold Campaign, which works to reduce demand for prostitution by making men aware of the exploitation that trafficked women face.

**Durchslag, Rachel, and Samir Goswami. *Deconstructing the Demand for Prostitution: Preliminary Insights from Interviews with Chicago Men Who Purchase Sex*. Chicago: Chicago Alliance Against Sexual Slavery, 2008, <http://www.sapromise.org/pdfs/deconstructing.pdf>.**

Durchslag and Goswami deliver preliminary findings from interviews conducted in 2006–07 with men who buy sex from an advertisement on Craigslist. Interviews took place in public locations for the safety of interviewers and to assure participants that they were not involved in a police sting. These findings include data on the men's average age (which was 39 years old), race, education, income, age when men first bought sex (which was, on average, 21 years old), and frequency of buying sex, among many other data. The data cover many other factors, including information on whether the men had a regular sex partner. Respondents used Craigslist more than any other website to solicit sexual services. Durchslag and Goswami's preliminary recommendations include creating a prevention curriculum for youth, educating community residents on how to deter demand in their neighborhoods and on social networks, and creating effective intervention initiatives for men already buying sex.

**Ekberg, G. "The Swedish Law That Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings." *Violence Against Women* 10, no.10 (2004): 1187–218.**

Ekberg argues that, although prostitution has been normalized over the years, some individuals and countries are resisting this repressive political agenda and see prostitution as a form of exploitation of women by men. The Swedish government is one such country. On January 1, 1999, Sweden criminalized the purchase of sex to counteract the damaging effects of prostitution. At the same time, the selling of sex remains legal, the argument being that the seller (the woman in prostitution) is in a weakened and exploited state. Ekberg writes that this new legislation rejects the idea that women and children are commodities that can be bought, sold, and sexually exploited by men. Sweden recognizes that without men's demand for women and without the use of women and girls for sexual exploitation, prostitution and trafficking would not be able to flourish and expand. Sweden is also preparing a National Action Plan to Combat Prostitution and Trafficking in Human Beings, which builds on the new law by laying out policies and programs to prevent prostitution and trafficking.

**Farley, Melissa, Julie Bindel, and Jaqueline M. Golding. *Men Who Buy Sex: Who They Buy and What They Know*. London: Eaves, 2009.** <http://i1.cmsfiles.com/eaves/2012/04/MenWhoBuySex-89396b.pdf>.

Farley, Bindel, and Golding's study examined 103 men in London. Their average age was 38, they were from diverse ethnic backgrounds, and 54 percent were in relationships at the time of the interview. The men interviewed had many sex partners, with 77 percent reporting more than 10 sex partners and 28 percent reporting more than 50 sex partners, while also engaged in frequent pornography use. The men purchased sex through the Internet; 96 percent purchased sex indoors (brothels, massage parlors, escort agencies, saunas, strip clubs, bars, private parties), 36 percent purchased sex on the street or in cars, and 70 percent purchased sex in more than one location. Forty-nine percent of the men purchased sex outside of the United Kingdom, having traveled to 42 countries on six continents between them, specifically mentioning countries where prostitution is legal.

The study found that the more the men accepted prostitution, the more likely they were to accept rape myths and engage in hostile masculinity. The study found that 54 percent of the men believed prostitution reduced rape. It also found that the majority of men noticed or believed there to be rampant underage prostitution and exploitation (90 percent believed underage girls to be in strip clubs they visited) and abuse of the women before entry into prostitution (35 percent thought 50–90 percent of prostitutes were abused) and psychological damage resulting from prostitution (49 percent). The majority of the men were aware of pimping or trafficking taking place with women they purchased, but purchased sex nonetheless.

Men gave various reasons for purchasing sex, including their biological imperative, its convenience, or their basic rights as consumers to buy sex. The men stated that they would be deterred from purchasing sex if they were added to a sex offender registry (85 percent), had their pictures or names on a billboard (85 percent), were sentenced to time in prison (84 percent), had their pictures or names in the local newspaper (83 percent) or on the Internet (83 percent), had to pay a higher monetary fine (80 percent), had a letter sent to family members (79 percent), had their driver's licenses suspended (78 percent), faced a greater criminal penalty (77 percent), or had their car impounded (76percent).

**Farley, Melissa, Jan Macleod, Lynn Anderson, and Jacqueline M. Golding. "Attitudes and Social Characteristics of Men Who Buy Sex in Scotland." *Psychological Trauma: Theory, Research, Practice, and Policy* 3, no. 4 (December 2011): 369–83.**

Farley et al. examines the attitudes and behavior of 110 men who purchased sex in Scotland. The male participants averaged 37 years old, and half of the men were in relationships during the time of the interview. The men were recruited

for the study through an ad in a local Glasgow newspaper asking if they had ever purchased sex. The men were asked a wide range of questions including the age at which they first purchased sex, their first experience with purchasing sex, their awareness of pimping, the locations they purchased sex, and their attitudes toward prostitution. Among the men, 28 percent were aware that they had purchased sex from a woman under the control of a pimp, 42 percent said they had observed a prostituted woman on the street who was under the control of a pimp, and half stated that prostituted women are victimized by pimps. Of the men, 71 percent purchased sex in more than one location, 20 percent were in the armed forces, and 56 percent purchased sex outside of the United Kingdom while traveling to 40 different countries on six continents. Some of the men acknowledged purchasing children for sex.

Men who purchased sex more often had committed sexually aggressive acts against nonprostituted partners. Among the study participants, 41 percent subscribed to the belief that there is an inverse relationship between prostitution and rape. We found a strong association between the men's belief in prostitution's function as rape prevention, on the one hand, and their acceptance of rape myths, on the other hand.

The study found that those who used pornography purchased sex more often and that men dehumanized the women or children to disassociate from their behavior. Half of the men admitted that prostitution probably had a negative emotional effect on the women being purchased and that they buy sex to assert their dominance and power. A fascinating part of the study addresses deterrence: Men stated that they would be deterred from purchasing sex if they (a) were added to the sex offender registry (89 percent), (b) had their pictures or names on a billboard (86 percent), (c) had their pictures or names in the local newspaper (84 percent), (d) had to spend time in jail (79 percent), (e) had their picture or name posted on the Internet (78 percent), (f) knew letters were sent to their families saying that they were arrested for soliciting a woman in prostitution (77 percent), (g) faced greater criminal penalty (72 percent), (h) had their cars impounded (70 percent), (i) were forced to pay a higher monetary fine (69 percent), and (j) were required to attend an education program for men who buy prostitutes (56 percent).

**Farley, Melissa, Emily Schuckman, Jacqueline M. Golding, Kristen Houser, Laura Jarrett, Peter Qualliotine, and Michele Decker.**  
*Comparing Sex Buyers with Men Who Don't Buy Sex.* San Francisco, CA: Prostitution Research and Education, 2011.

In this study, Farley et al. compared 101 men who buy sex with 100 men who did not buy sex in Boston, Massachusetts, and matched the groups in terms of

age, ethnicity, and education. The authors found that sex buyers shared attitudes, life experiences, and behavioral tendencies distinguishing them from nonbuying males. Male sex buyers had more sexual partners and were significantly more likely to have engaged in criminal activity, including felonies, misdemeanors, assaults, crimes related to violence against women, or substance abuse–related crimes.

Sex buyers reported committing significantly more sexually coercive acts against women (nonprostituting as well as prostituting women); had little empathy for prostituted women; acknowledged fewer harmful effects of prostitution than nonbuying men; and expressed no ambivalence, guilt, or negative thinking about buying sex. Male sex buyers expressed an interest in power and a lack of emotional connection to the women. Male sex buyers masturbated to pornography more often, imitated pornography with partners more often, and reported that, with greater pornography and prostitution use their preferences changed toward more violent sex acts. When purchasing sex, male buyers purchased most often in a bar, strip club, private party, hotel, escort agency, or lap dance club. Both groups of men acknowledged that a majority of women were lured, tricked, or trafficked into prostitution.

The study finds that male sex buyers have extensive knowledge about pimps, coercion, trafficking, and the harms of prostitution to the women in it. Farley et al. recommend mandatory DNA testing for sex buyers, as well as enforcement of current solicitation and other laws prohibiting the purchase of sex. The authors encourage education programs for sex buyers to be implemented *subsequent* to sentencing.

***Global Centurion. “First Offender Prostitution Programs (“Johns Schools”) Comparative Review Analysis.” Unpublished article available from [info@globalcenturion.org](mailto:info@globalcenturion.org).***

Currently, there are 38 documented first offender prostitution programs—johns schools—in the United States and 6 in Canada. In an effort to better understand the nature and scope of the programs, as well as their efficacy, Global Centurion conducted a survey of the schools to obtain a general overview of their offerings. The survey documented a wide variety of schools with a broad range of educational components, including legal, health, societal, community, and personal safety components. These programs also have a broad range of administrative infrastructure. Some programs are run by law enforcement officials, some are run by NGOs, some charge for the program and use the fees to support services for exploited women and girls, and some programs are free. This project surveyed the 42 schools for information on substantive programming and internal administration and prepared a comparative analysis of the programs.

**Gupta, Ruchira, ed. *Confronting Demand in Sex Trafficking: A Handbook for Law Enforcement*. New York: Apne Aap International, 2007.**

This handbook focuses on the demand side of sex trafficking in India. It reports that, currently, victims of trafficking are arrested, whereas perpetrators go unpunished. The study calls for a more gender-sensitive approach to sex trafficking, including a full examination and rehabilitation of the criminal justice system. The handbook argues that new laws should be passed and that police officers, prosecutors, and judges should be trained to fix legal responsibility on buyers of prostituted sex and entrepreneurs—traffickers, procurers, pimps, brothel owners and managers, plantation and factory owners, and money lenders—who profit from trading in women, girls, boys, and men.

**Gustafsson, Daniel. *Human Trafficking and Prostitution: The Effect of Two Different Prostitution Regimes*.**

In *Human Trafficking and Prostitution: The Effect of Two Different Prostitution Regimes*, Gustafsson discusses factors that drive trafficking, as well as the scarcity of information on demand factors and the operations of organized crime organizations. Gustafsson addresses the controversy concerning prostitution and trafficking—whether all prostitution is sexual slavery or whether it can be legitimate sex work. He writes that current research has been hindered by this question, as well as by relying on secondary data and relatively few studies. He hypothesizes that he will find that the higher cost of operating a human trafficking organization in Sweden will mean a lower level of criminal involvement and a lower number of victims, while higher demand and lower risk in Denmark will lead to a higher level of involvement from organized crime and a higher number of illegal bordellos and victims.

**Handlos, Daniel. “Review of Demand in Japan.” Unpublished article. Available from Global Centurion, [info@globalcenturionorg](mailto:info@globalcenturionorg).**

Handlos analyzes the current trends of the sex industry throughout Japan in a detailed report that includes specific locations that are known for high levels of commercial sexual activity. The report discusses trends of the commercial sex market in Japan, which include sex clubs, teahouses, love booths, Soaplands, gay clubs, escort services, and compensated dating. All of those various forms of promoting sexual services are linked to the sex industry and trafficking. Traffickers rely on lucrative advertising and recruitment, especially of foreigners from Thailand, the Philippines, Cambodia, Europe, and America, to perpetuate this crime. Often, women are brought into Japan through a six-month entertainment

visa or a fraudulent marriage. Japan's cultural acceptance of the sex industry leads to an open sex market with love hotels and sex clubs in heavily populated areas, often woven in with local attractions such as a movie theatre. This report details the profile of the victim, the buyer, and the common methods used in the Japanese sex industry.

**Home Office. *Tackling the Demand for Prostitution: A Review*. London: United Kingdom Government, 2008.**

The United Kingdom Home Office issued a report with the conclusions and recommendations of a recent six-month study on how to reduce the demand for prostitution. The report concluded that there was enough evidence to support the development of a new offense to criminalize those found to be purchasing sex from a person who is being controlled against his or her wishes, whether the buyer knew of the control or not. It recommends that the government (a) run a marketing campaign aimed at sex buyers to raise awareness about trafficking for sexual exploitation, (b) rerun a national "anti-kerb crawling" campaign to reduce street prostitution, and (c) allow prosecution for "kerb crawling" after a first offense. The report calls for new regulations that would allow the police to restrict access to premises linked to sexual exploitation for up to three months. These legislative changes require the collaboration of the U.K. government, the police department, and the nonprofit and private sectors to develop a comprehensive guide for enforcement and partnerships.

**Hughes, Donna. "Best Practices to Address the Demand Side of Human Trafficking." Report, Women's Studies Program, University of Rhode Island, 2004. [http://www.uri.edu/artsci/wms/hughes/demand\\_sex\\_trafficking.pdf](http://www.uri.edu/artsci/wms/hughes/demand_sex_trafficking.pdf)**

Hughes sheds light on the demand side of this global issue by addressing a wide range of buyer attitudes and behaviors, as well as introducing various strategies to combat the demand. Using new studies, she presents the men's motivation for purchase of sex acts, including a lack of interest or inability to establish an intimate, long-term relationship with a woman; the purchase of sex as a symbol of masculinity; and the ability to control women in prostitution by viewing them as commodities. Hughes also explores false beliefs about prostitution among the buyers, including that (a) women voluntarily become prostitutes, and, therefore, it is not wrong and does not hurt anyone; (b) women do not have a pimp and work by themselves; and (c) women enjoy having sex with men for money. In conclusion, Hughes notes that, although there have been many programs and legal frameworks established that focus on the demand side (such as car confiscation programs), on

the Swedish law that exclusively criminalizes the buyers, on johns schools and on community-based and faith-based educational programs, a comprehensive approach is needed to address buyers of commercial sex.

**Hughes, Donna. “Combating Sex Trafficking: A Perpetrator-Focused Approach.” *University of St. Thomas Law Journal* 6, no. 1 (2009): 28–53.**

Hughes argues that a perpetrator-focused approach starts with analyzing the demand for victims by the perpetrators and that global sex trafficking of women and girls is based on a supply and demand model. Countries and cities that tolerate prostitution are the receiving sites, whereas countries and areas where traffickers can easily recruit because of poverty, war, and political and economic instability are the sending regions. Hughes defined four components that make up demand: (a) men who buy commercial sex acts; (b) exploiters who run the sex industry; (c) laws, policies, and tolerance of the sex industry in destination countries or cities; (d) cultures that legitimize prostitution and pimping. She argues that, whereas the victims of prostitution and trafficking are scrutinized, the male purchasers of sex are a nameless, faceless, and uncharacterized set of individuals whose demand supports a billion dollar global industry.

Hughes identifies the sex industry to include individual perpetrators, organized crime networks, and corrupt officials who involve themselves in trafficking, pimping, pornography, strip clubs, or brothels. She notes that secondary profiteers include hotels, restaurants, taxi companies, and other services with vested interests, minimal risks, and high-profit margins. Finally, she states that when the city, state, or government sanctions or tolerates prostitution, it contributes to the demand for victims. In Hughes’s view, a “perpetrator-focused approach” includes (a) acting against the demand for victims; (b) expanding the definition of sex trafficking to include all commercial sex acts; (c) researching, analyzing, and investigating the activities and operations of pimps and sex traffickers; (d) shifting the burden of prosecuting sex traffickers and pimps from the testimony of the victim to the criminal activities of the perpetrators; (e) researching and analyzing men’s behavior and motivation to buy sex acts; and (f) creating ways to challenge the culture that normalizes prostitution and pimping. She argues that men should be held accountable for their actions and their behavior should be included in discussions and analyses of prostitution and sex trafficking and that purchasers should be charged with felonies, such as child sexual abuse, sexual assault, or statutory rape. She also argues that state and local law and policies need to be reformed and modernized to hold perpetrators accountable.



**Hughes, Donna. “The Demand for Victims of Sex Trafficking.” Report, Women’s Studies Program, University of Rhode Island, 2005. [http://www.uri.edu/artsci/wms/hughes/demand\\_for\\_victims.pdf](http://www.uri.edu/artsci/wms/hughes/demand_for_victims.pdf)**

Hughes defines sex trafficking, specifically looking at what constitutes demand, to include the men, the exploiters, the state, and the culture. Hughes breaks down the business of trafficking and prostitution by exploring a transnational business model of sex trafficking, the income gained from transnational and domestic sex trafficking, and the prosecution of domestic sex trafficking. She also explores the domestic sex traffickers, which include pimps, madams, mama sans, and more. In addition, she outlines the markets in which the victims are sought, examining various kinds of commercial sex markets, such as sexually explicit performances (nude dancing and stripping), live Internet feeds, pornography, and prostitution.

Hughes also details demand for specific groups, such as racial, ethnic, or language capabilities; migrant workers; virgins; young girls; and older women. Hughes explains how to put exploiters out of business, specifically looking at shutting down the sex markets in the Republic of Korea, destroying the market in Sweden, and closing establishments in Nassau County, New York, as well as stopping the street trade. She also addresses the role of the state in addressing prostitution and the effect of state policies, including visa policies in Canada, Germany, Japan, Cyprus, and Taiwan. Hughes concludes with recommendations to combat the demand for victims of transnational sex trafficking.

**Hughes, Donna M., Katherine Y. Chon, and Derek P. Ellerman. “Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women.” *Violence Against Women* 13, no. 9 (2007): 901–22.**

In this study, Hughes, Chon, and Ellerman report that U.S. military bases in the Republic of Korea have formed an international hub for trafficking of women for prostitution. Traffickers recruited and trafficked women to meet a demand largely created by U.S. military personnel. The three types of trafficking connected to the U.S. military bases were (a) domestic trafficking of Korean women to clubs around the military bases in South Korea, (b) transnational trafficking of women to clubs around military bases in South Korea, and (c) transnational trafficking of women from South Korea to massage parlors in the United States.

During the time of the study, the United States had 100 military bases and 37,000 troops in South Korea. The authors note that as economic conditions improved for South Korean women, foreign women were trafficked from the Philippines, Russia, Bolivia, Peru, China, Bangladesh, Uzbekistan, Mongolia, and Kyrgyzstan, again to meet the demand of male U.S. military members. The study reports that

military personnel knew they were purchasing trafficked women and that the military sanctioned their behavior by allowing military police to protect the clubs where military personnel were purchasing trafficked women. According to the authors, the response by the Korean and U.S. governments has been indifference and tolerance, which fuels the demand for women.

***International Labour Office (ILO). “Fighting Human Trafficking: The Forced Labor Dimensions.” Background paper prepared for the Vienna Forum to Fight Human Trafficking, Vienna, February 13–15, 2008.***

The ILO’s background paper, “Fighting Human Trafficking: The Forced Labor Dimensions,” presented at the Vienna Forum to Fight Human Trafficking in 2008, begins by reviewing the concept and current knowledge of forced labor. It examines demand factors that drive forced labor and asks how consumer behavior can be taken into account when formulating policy. It then presents recommendations on how to prevent forced labor, including corporate social responsibility programs and similar initiatives and initiatives that ask both workers’ and employers’ organizations to incorporate discussion of human trafficking into their agendas. The paper calls for effective legislation and law enforcement efforts to support private sector action against forced labor. The paper also outlines new programs to train labor inspectors and law enforcement agencies to identify and prevent forced labor.

***Ilvi Jõe-Cannon, ed., and Coalition Against Trafficking in Women (CATW). Primer on the Male Demand for Prostitution. Amherst, MA: CATW, 2006.***

The primer was developed by Ilvi Jõe-Cannon to assist European anti-trafficking projects in challenging the legalization and decriminalization of prostitution industries in European countries. The primer calls, instead, for a focus on demand. The authors outline demand for prostitution as one of the main factors driving human trafficking, because the greatest number of victims are women and children trafficked for the purpose of prostitution. They write that legalizing prostitution would have the effect of supporting the sex industry and expanding the problem of human trafficking.

***Jafar, T. H. “Organ Trafficking: Global Solutions for a Global Problem.” American Journal of Kidney Diseases 54, no. 6 (2009): 1145–57.***

Jafar states that organ trafficking is on the rise and that it exploits the disadvantaged and the poor, who sell their organs for as little as \$1,000 to support their families. These unregulated operations consist of a questionable surgery procedure, with no

long-term medical follow-up, and have been reported to lead to the transmission of diseases, including HIV and hepatitis. Depression, psychosomatic disorder, and mortality have also been observed after selling a kidney. Wealthy tourists—organ seekers from around the globe—pay lump sums for organs and use the Internet, brokers, surgeons, clergy, and hospitals to facilitate these illegal purchases. The author discusses the growing demand for organs, which he postulates is due to a worldwide increase in organ (particularly kidney) failure. In the United States, where 16,905 kidney transplant surgeries were performed in 2004, 74,000 patients are awaiting a kidney. Those patients constitute the market and drive the growing demand for kidneys. The author also notes that, in 2004, all kidney transplant patients were from developed countries, and many of them traveled to poor or developing nations to buy organs. He recommends attacking demand by passing legislation banning organ trade, thereby (a) clearly defining codes of conduct for health care facilities and professionals, (b) allowing individuals to donate their organs after their death, (c) creating government donor registries that require compensation and transplant care for interested citizens, and (d) encouraging a genetically related donor system (versus a system of nonrelated donors) to help curb demand and prevent the trafficking of organs from exploited populations.

***Lim, Lin Lean. "Trafficking, Demand, and the Sex Market." Paper presented at the International Symposium on Gender at the Heart of Globalization, March 12, 2007. <http://lastradainternational.org/lisidocs/334%20Lin%20Lean%20Lim%20TraffickingDemand%20Sex%20market.pdf>.***

In "Trafficking, Demand, and the Sex Market," Lim argues that a prohibitionist or abolitionist approach to ending demand in the sex market is not a viable solution. Lim identifies three levels of demand recognized by the ILO: consumer demand, employer demand, and third parties involved in the process. Lim writes about the many sectors in the sex market, including the Internet, tourism, escort agencies, massage parlors, the street, hotels, nightclubs, bars, discos, karaoke venues, private homes, golf courses, and restaurants. She argues that "it flourishes because it is protected and supported by corrupt politicians, police, armed forces and civil servants, who receive bribes, demand sexual favors, and are themselves customers of the sex establishments or may even be partners or owners of the establishments."

The effects of sociocultural institutions on demand and the sex market are also examined. Lim argues that simply curbing demand will not work because making the sex market illegal for buyers will drive it underground and will make victims more difficult to access. Lim opposes criminalization of prostitution because,

she argues, it would prevent victims from seeking help and anti-prostitution laws violate a person's ability to freely choose an "occupation." She notes that curbing demand will not solve the economic and social bases of prostitution, and she concludes that root causes of demand and supply have to be addressed by anti-trafficking measures if we are to be successful in curbing human trafficking.

***Månsson, Sven-Axel. "The Practices of Male 'Clients' of Prostitution: Influences and Orientations for Social Work." Paper, Gothenburg University, Gothenburg, Sweden, 2003.***

Månsson analyzes research from Scandinavian countries about the clients of prostitutes and compares them with studies from other countries. He addresses four main concerns: who the clientele of prostitutes are, what they are motivated by, how to interpret their motivations contextually, and how masculine practices in prostitution affect social work. A little more than 1 out of 10 men in Scandinavian countries has paid for sex at some point, while 4 out of 10 Spanish men have bought sex, thereby making the Spanish the most frequent buyers of sex in Europe.

A Swedish study revealed that men who pay for sex have had numerous sexual partners, contradicting the assumption that clients are motivated by loneliness and sexual need. Nearly 70 percent of Swedish sex buyers reported their last paid sex encounter took place abroad. Motivations for buying sex include fulfilling the fantasy of a "dirty whore," obtaining another type of sex, finding no other women available, acting as a consumer of sex (sex as a saleable product), and expressing strong antifeminist notions. Månsson writes that men must participate in making changes to reduce the demand for prostitution to truly produce societal change.

***Malarek, Victor. The Johns: Sex for Sale and the Men Who Buy It. New York: Arcade Publishing, 2009.***

In *The Johns: Sex for Sale and the Men Who Buy It*, journalist and author Victor Malarek explores the life of the johns, or the group of men commonly identified as sex purchasers. At the very heart of demand, the johns are the mass of men involved in the purchase of female victims as though they are commodities, putting a price on their sexual worth. Malarek explores the worldwide sex market, including the organizations and customers that propel sex trafficking in countries in America, Europe, South America, Central America, and Southeast Asia. Malarek's work adds to demand-focused research by exploring the very consumer that supports this illegal industry.

**Mattar, Mohamed Y. “The Appropriate Legal Responses to the Issue of Demand: A Comparative Legal Analysis.” Lecture presented at the Conference on Demand Dynamics: The Forces of Demand in Global Sex Trafficking, Chicago, IL, October 16–17, 2003.**

Mattar discusses legislative measures to discourage demand for human trafficking. He outlines laws that criminalize the buying of sex, laws that criminalize both buying *and* selling sex, and the Protect Act, which prohibits U.S. citizens and residents who travel abroad to engage in sex tourism. Mattar also raises the issue of misconduct of UN peacekeepers and their immunity from local prosecution as a problem for discouraging demand. He discusses matchmaking organizations, which can be a part of the demand for commercial sex and argues that such organizations should be criminally liable for trafficking-related activities. He encourages maximizing the legal approach to stripping, massage parlors, and escort services, thereby making operators of entertainment sex liable for involvement in trafficking, while taking care not to define these activities as “labor.”

**National Board of Health and Welfare. *Prostitution in Sweden 2007*. Stockholm: Socialstyrelsen, 2008.**

The National Board of Health and Welfare conducted interviews, questionnaire surveys, and follow-up interviews with representatives of Swedish municipalities and police authorities and conducted a systematic web study. The national board found that men were purchasing sex in street settings, casinos, pubs and restaurants, hotels, massage parlors, apartment-based bordellos, and over the Internet. The board noted that gateways for entry into prostitution are growing because of the Internet and the advent of webcams, chat rooms, and cell phones for advertising and contact. The survey also showed that ethnicity and youth are key factors in demand for and advertising of sexual services.

The board also found that buyers of sex were adult men from all backgrounds and of all economic incomes who expressed a desire for less conventional relationships. Police and municipal leaders cited a lack of resources and the need for more personnel and funding to confront the growing demand for commercial sex. In addition, police reported that they need to know how to fight prostitution—how to detect prostitution, how to conduct interventions, and especially how to combat Internet prostitution.

**Niemi, J. “What We Talk about When We Talk about Buying Sex.” *Violence Against Women* 16, no. 2 (2010): 159–72.**

Niemi argues that the terminology used to discuss prostitution and trafficking defines the context in which society views the subject. Specifically, she looks at

the language of prostitution and examines the shift in view from prostitution as exploitation against women toward sex as a commodity and leisurely activity. Niemi examines legal reforms in Sweden and Finland and finds that the shift in focus of those laws from arrest of women to arrest of men is positive but that the language still tends to minimize the abuse involved in prostitution and to de-gender the buyer. For example, the legislation mentions the “the buyer,” but the buyer is rarely specified as being male.

As another example, the Finnish legislation does not document the harms of prostitution; rather, it speaks of prostitution in the passive form. Niemi contrasts liberal or libertarian ideology that neutralizes and commercializes the buying of sex versus a conservative or feminist approach that identifies the gendered parties and delineates the harm. She also discusses some international treaties that define trafficking as “forced” and “nonconsensual,” which imply a nonforced and voluntary form of trafficking, thus creating the impression of voluntary prostitution as commerce.

Niemi concludes that language is not innocent. It can neutralize the activity of the traffickers and the buyers of sex to such a degree that obvious sexual exploitation can go unrecognized. The author believes that a shift in language is needed and that, in achieving one, the world will be equipped to look critically at buyers and reform laws to punish their behavior.

**Ohio Trafficking in Persons Study Commission Demand Reduction Sub-Committee. *Report on Prevention and Intervention to Address Human Trafficking in Ohio.* Columbus, OH: Ohio Attorney General’s Office, 2010. <http://www.ohioattorneygeneral.gov/OhioAttorneyGeneral/files/88/88aaf2bd-b7f3-44b5-9595-e92179225ef7.pdf>.**

The primary task of the Demand Reduction Sub-Committee of the Trafficking in Persons Study Commission is to make recommendations that will lead to the elimination of demand for forced labor and compelled commercial sexual activity. The report offers short-term and long-term recommendations and solutions, including suggesting that (a) the Ohio Attorney General collaborate with the Ohio Department of Commerce’s Bureau of Labor and Workers Safety to enforce labor laws and hold employers accountable, (b) city prosecutor offices support the establishment of johns schools for first time offenders, (c) law enforcement efforts focus on buyers of sex, and (d) communities build relationships with law enforcement officers to address demand.

**Pearson, Elaine. *The Mekong Challenge—Human Trafficking: Redefining Demand*. Geneva: International Labour Organization, 2005.**

Peterson discusses the demand for labor trafficking in the Greater Mekong Subregion in Southeast Asia. The report examines the trends of employers and third-party entities in Cambodia, China, Laos, Thailand, and Vietnam. Pearson notes that little is known about the demand for forced labor in this region, and she examines employer demand for cheap labor, consumer demand for cheap goods, and third parties who recruit, transport, and traffic the victims.

The author argues that addressing demand means addressing both demand and the environment that creates or influences demand, including economic, social, legal, and policy factors. For example, the report recommends that the Thailand Government set clear standards for acceptable working conditions for all workers, including days off, written contracts, minimum wage, maximum working hours, sick and maternity leave, and so forth. It recommends that employers petition the government for long-term migrant workers rather than short-term registrations of undocumented workers where exploitation occurs frequently. It also recommends that employers' associations speak out publicly about trafficking and forced labor in their sector and take steps to prevent such abuses from occurring.

**Peixoto, J. "Migrants Trafficking and Individual Strategies: The Formation of Dynamic Channels in International Migration." *Migration Letters: An International Journal of Migration Studies* 3, no. 1 (2006): 1–9.**

Peixoto argues that the combination of individual aspiration to migrate, severe migration policies, and organized intermediary agents leads to a surge of dynamic modalities in channeling flows of human beings across borders. He examines the overlap between trafficking of human beings and smuggling of migrants and argues that they exist in a continuum of dynamic situations. Noting that agents in the process include migrants and their families, state officials, smugglers and traffickers, and employers, Peixoto argues that understanding the institutional framework and intermediary agents' strategies will lead to a better understanding of trafficking in general.

**Piper, N. “Feminization of Labor Migration as Violence Against Women: International, Regional, and Local Nongovernmental Organization Responses in Asia.” *Violence Against Women* 9, no. 6 (2003): 723–45.**

Piper addresses the growth of female labor migration and the increase in violence associated with the migration process in Asia. Piper shows that employment for women is typically reduced to low-skilled or unskilled jobs in domestic service or sexual services, where abuse ranges from a violation of rights to rape by employers and other physical and psychological abuses or exploitative or inhumane working conditions.

Piper notes that domestic service exploitation can be particularly hard to address because it has no policy oversight. The author argues that the state itself is responsible for creating the demand in both countries of origin and countries of destination. States lack legislation creating an environment where migrants can be successful instead of exploited by the state, the employers, and individual citizens. The international community has built foreign labor into its structural economy, Piper argues, and the problem of female labor migration, trafficking, and violence will continue until governments enact, implement, and enforce legislation that curbs and controls the demand for migration labor. Piper concludes that this is a complex problem requiring international and local government and NGOs to address the demand for forced labor and commercial sex.

***Poinier, Gisèle, and Willy Fautré. Trafficking in Human Beings and Sexual Exploitation: Research on the Reduction of the Demand. Brussels: Human Rights Without Frontiers, 2010.***

Authors Poinier and Fautré note that most experts concur that a direct link between prostitution, human trafficking, and sexual exploitation of women exists. In the European Union, the issue has been tackled from several angles by member states. However, despite numerous reports, action plans, and international conferences on combating human trafficking and sexual exploitation, the sex trade and organized criminal rings continue to flourish. Reducing the demand for sexual services is a new approach that some international organizations and states are exploring.

This paper looks at statistics on the demand for commercial sex in a number of regions and examines international and regional conventions on sex trafficking, including the Swedish approach. It concludes that, in spite of rhetoric about demand reduction, most prevention efforts have not actually prioritized discouraging demand. Instead, intervention efforts have largely been characterized by a soft approach through information, education, and communication campaigns



targeting trafficking victims' countries of origin. The paper suggests that a new and complementary approach is needed, shifting the focus from the victims' countries to countries where men consume the sexual services of trafficked women.

**Rosenberg, Ruth. *Tackling the Demand That Fosters Human Trafficking: Final Report*. Washington, DC: U.S. Agency for International Development, 2011.**

This report argues that, without demand for commercial sex and items produced through forced labor, the ability of persons to make vast amounts of money by enslaving others would decrease. Despite the importance of reducing demand to combat trafficking in persons, there is a dearth of information on good practices in demand reduction. This report analyzes available information from the Europe and the Eurasia regions regarding demand for prostitution and forced labor. It examines good practices in addressing the issue and offers practical ideas and tools for policy makers, practitioners, and others interested in reducing demand, including analysis of legislation and its effect, education programs for youth, guiding principles and handbooks for businesses, product standards, certification, voluntary cooperation, codes of conduct, and information on trade unions and NGO activities.

**Schapiro Group. *Men Who Buy Sex with Adolescent Girls: A Scientific Research Study*. Atlanta, GA: Schapiro Group, 2010.**

The Schapiro Group conducted a study that yielded 218 surveys from men who exploit and purchase sex with adolescent females in Georgia. Men in the study were responding to advertisements for young females. The average age of the men was 33. Sixty-five percent of the men were from suburban metro Atlanta, and 9 percent were located in urban Atlanta near the airport. Among men in the study, 60 percent reported that this was their first attempt to purchase sex. The study found that 48 percent of the men preferred young women, 6 percent preferred an adolescent female, 12 percent preferred "young with no age caveat," and 30 percent preferred "young with legal caveat." After three verbal warnings that the young female being solicited was under 18 years of age, 65 percent of the male buyers still pursued purchasing sex with the underage female.

The study recommends that local, state, and national lawmakers be made aware of the magnitude of the demand for commercial sexual exploitation of children, as well as the nature of that demand. The study also recommends educational campaigns to raise awareness in the general public about the prevalence of demand for young girls from those who purchase sex.

**<<bhd>>Shared Hope International (SHI). *Demand: A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States.* Vancouver, WA: SHI, 2007.**

This study analyzes the demand created by sex tourism and its effect on human trafficking in four countries. The study argues that sex trafficking and sex tourism are inextricably linked and that a culture of tolerance for commercial sex exists in each country researched. Jamaica relies on the tourism industry to support its weak economy. The Netherlands, which has legalized prostitution, has experienced an increased demand for commercial sex, sex trafficking, and sex tourism. Japan, which has legalized all sexual services except vaginal sex and has cultural gender norms that normalize a male's "need" for sex, allows for easy access to commercial sex. The United States' popular culture glamorizes pimping and prostitution, thereby reducing the moral barriers to accessing commercial sex and leading to an increase in demand.

Instead of identifying and punishing those who create and feed the demand for sex, these governments criminalize victims of sex trafficking. Moreover, cities, states, and countries count the revenues from commercial sex acts in their gross domestic product, because their businesses benefit from tolerating prostitution and trafficking (revenue from hotels, taxi drivers, and, more recently, the Internet, which has steadily increased profit margins through advertisement of prostituted and trafficked persons).

**Shively, Michael, Karen McLaughlin, Rachel Durchslag, Hugh McDonough, Dana Hunt, Kristina Kliorys, Caroline Nobo, Lauren Olsho, Stephanie Davis, Sara Collins, Cathy Houlihan, SAGE, Rebecca Pfeffer, Jessica Corsi, Danna Mauch. *Developing a National Action Plan for Eliminating Sex Trafficking: Final Report.* Cambridge, MA: ABT Associates, Inc., 2010.**

As of 2010, the nature and scope of sex trafficking is still not fully understood. Even so, progress is being made in addressing trafficking, including the passage of the federal Trafficking Victims Protection Act (2000) and 45 state anti-trafficking laws. The authors argue for a national action plan. This plan needs to be a comprehensive initiative designed to eradicate sexual exploitation and sex trafficking in the United States. The plan would focus on demand and, among other things, would do the following:

- Provide a new infusion of resources to combat demand.
- Provide additional support for existing programs, practices, and strategies and insert an anti-demand message into those programs.

- Create a national dialogue that condemns sexual exploitation.
- Increase pressure on lawmakers and public policy leaders to strengthen laws against prostitution and sex trafficking, establish prevention programs targeting demand, and better enforce current criminal laws.

***Swedish Ministry of Justice. "Evaluation of the Ban of Purchase of Sexual Services." News release, July 2, 2010. <http://www.sweden.gov.se/sb/d/13358/a/149231>.***

In 1999, Sweden became the first country to introduce a law penalizing the purchase of sex. A report by the government of Sweden evaluating the first 10 years of this approach found that street prostitution had been reduced by 50 percent. In addition, there was no evidence that the reduction in street prostitution led to an increase in prostitution elsewhere, whether indoors or on the Internet. Furthermore, the government found that fewer men stated they purchased sexual services and that the law discouraged traffickers, who subsequently found Sweden to be an unattractive market for the selling of women and children for sex.

**<<bhd>>Thomas, Frederic and Leigh Mathews. *Who Are the Child Sex Tourists in Cambodia?* Victoria, Australia: Child Wise, 2006.**

Because of the increasing problem of sex trafficking in Cambodia, Frederic Thomas and Leigh Mathews, together with Child Wise, conducted research on the demand of sex trafficking in Cambodia, specifically in Phnom Penh, Siem Reap, Sihanoukville, and Poipet. Research was conducted through interviews and focus groups in Phnom Penh, Siem Reap, and Sihanoukville. Researchers interviewed employees of a local NGO that works with street children in Poipet.

Findings indicated three types of child sex tourists in Cambodia: the pedophile, the virginity-seeker (a common attribute of the Chinese males visitors), and situational offenders (those who do not necessarily look for children but, when offered the chance, engage in sex with children). The methods most often used by sex tourists are two-fold: first, approaching children on the street, and, second, using networks that lead to access to children. Researchers found boys were commonly found on the street, and girls were located through networks. Child Wise worked in collaboration with the Cambodian government and local NGOs to produce recommendations, including raising awareness about sex tourism through educational and social marketing campaigns and a strong relationship between the Cambodian Ministry of Tourism and private tourism companies. The authors also recommend further research.

**Torrey, Morrison, ed. *Demand Dynamics: The Forces of Demand in Global Sex Trafficking Conference Report*. Chicago: International Human Rights Law Institute, DePaul University College of Law, 2004.**

Demand Dynamics: The Forces of Demand in Global Sex Trafficking was a conference held in 2003 in Chicago, Illinois, and it was organized by the Captive Daughters and the International Human Rights Law Institute of DePaul University College of Law. Panels covered numerous topics, including the following: (a) What do we know about the people who make up the demand side of sex trafficking? (b) How do consumers of sex trafficking find their “supply,” and how is demand manipulated and maintained? (c) What governmental policies or practices enable the actions of those who create demand? (d) What can be done to interfere with and ultimately eliminate demand?

**Troshynski, E. I. and Blank, J.K. “Sex trafficking: An Exploratory Study Interviewing Traffickers.” *Trends in Organized Crime* 11, no. 1 (2008): 30–41.**

Troshynski and Blank present the methodology used in an exploratory study interviewing human traffickers. They discuss the difficulty involved in conducting interviews with human traffickers and the new complexities caused by increasingly sophisticated trafficking networks. They write that little is known about the people who participate in these networks, their motivations, and the structure of trafficking. The interviews were conducted with minimal structure, with several thematic questions throughout the interview process, thereby allowing the researcher to follow up on answers and ask questions that had not been prepared in advance. The main question asked was “How do human traffickers make sense of their positions in the illegal market of trafficking in women for prostitution?” Other thematic categories were intended to discover the participants’ motivations and justifications for being involved in human trafficking and their perceptions of the individuals they trafficked.

**Willoughby, Michelle. *Demand Deterrence Strategies: International Initiatives to Eliminate Demand for the Sex Trade*. Chicago: Chicago Alliance Against Sexual Exploitation, 2008.**

Willoughby highlights the often forgotten fact that prostitution exists because there is demand for it. The first part of this report gives a description of various demand deterrence strategies used worldwide, and the second part focuses, in greater detail, on the most successful of those strategies. This report also lists specific strategies that have been implemented domestically by states in an effort to punish those that purchase sex, also known as the “johns.”

## V. Law Reviews

**Abrams, J. S. “‘The Kids Aren’t Alright’: Using a Comprehensive Anti-Trafficking Program to Combat the Restavek System in Haiti.” *Temple International and Comparative Law Journal* 24 (2010): 443.**

Abrams argues that the impoverished conditions in Haiti have exacerbated since Haiti’s 2010 earthquake. As a result, perpetual poverty in Haiti has given rise to child labor and child commercial sexual. A study in 2007 estimated there were between 90,000 and 300,000 restaveks (children who go to live with someone else and must do whatever the person they are living with wants) in Haiti, with the majority being females between the ages of 6 and 14. Abrams analyzes the economic and social causes of the restavek system, noting that the system exists because of poverty, recruitment, internal trafficking, and cultural acceptance of the practice. To address presence and demand of the system, Abrams argues that poverty and access to education must be addressed.

To address the demand of child labor, the government must first be concerned with the economic value placed on children and the acceptance of child labor that perpetuates a system of enslavement. To create steps to abolish this system, Abrams argues that cooperation is needed between NGOs, UN agencies, and others to create a program that attacks the root causes of the restavek system, while simultaneously implementing measures to protect current victims. NGOs need to raise awareness about this system and educate the public about the demands and its harms.

Abrams believes that anti-trafficking programs are necessary, but legislation such as the U.S. Trafficking Victims Protection Act of 2000 would not be effective at this point because the Haitian government has little power and resources to enact and enforce such legislation. She believes that Haiti can look to some of Africa’s anti-trafficking programs that involve NGOs and the UN working together to create interim care centers for vulnerable children, monitor the re-integration of restavek children with their families, and use advertising to educate the public about trafficking. For the long term, she advises the Haitian government to develop statutory penalties against trafficking and effective law enforcement to encourage compliance with Haiti’s labor laws.

**Brown, C. M. “Quit Messing Around: Department of Defense Anti-Prostitution Policies Do Not Eliminate U.S.-Made Trafficking Demand.” *ILSA Journal of International and Comparative Law* 17 (2010): 169.**

Brown analyzes U.S. military policy on prostitution and human trafficking with regard to its bases in the Republic of Korea. Brown, who was stationed in South Korea between 2005 and 2006, reports that around the military bases in South Korea, trafficked persons could be found in barbershops, massage parlors, and bars. Those establishments create the illusion of a legitimate business while exploiting people behind closed doors.

Although the United States and the military have taken steps to address prostitution and trafficking with the Trafficking Victims Protection Act of 2000, the National Security Presidential Directive Twenty-Two of 2002, and the amended Uniformed Code of Military Justice of 2005, Brown insists that not enough has been done. He argues that a number of viable options remain to eliminate troop involvement with trafficking in persons. Those options include (a) the Filipino government can deny promoter requests to recruit Filipina women, who make up the majority of prostituted and trafficked persons, to South Korean bases; (b) the U.S. Department of Defense (DOD) can work with source countries to decrease supply; (c) the DOD can promote entertainment and business models that do not contribute to or attract demand for trafficked women; (d) the DOD can work with current businesses to restructure their current business model; and (e) the DOD can put every business establishment that engages in trafficking off limits so no personnel can attend.

Brown further argues that off-limit policies should apply not only to sex trafficking, but also to labor trafficking, and Brown argues that a change in military education policy is necessary to accomplish these goals.

**Chandis, V. “Comment: Addressing a Dire Situation: A Multi-Faceted Approach to the Kidney Shortage.” *University of Pennsylvania Journal of International Economic Law* 27 (2006): 205.**

Chandis examines three of the most prominent suggestions for addressing the ever-growing demand for human kidneys: an open market, a futures market, and presumed consent. She argues that, for each of these options, the harms outweigh the benefits. An open market is ethically impermissible because, among other things, it would open the door to exploitation of economically underprivileged persons; moreover, it would be nearly impossible to ensure fair pricing and quality control in an open market.

A futures market, which would give people the option to sell the future right to their kidneys, is a better option than open markets, as it would preserve individual autonomy by allowing the seller to retract his decision at any time. Presumed consent, however, would both create confusion and result in a loss of autonomy, because, if a person forgets to object during her lifetime, she will lose her right once she passes away.

Chandis concludes that, because none of these options are ideal, the government should strive to increase altruistic donations by raising awareness through (a) changing the rhetoric of awareness campaigns to create a sense of duty (“Do the right thing: Donate a kidney” vs. “Be a hero, donate a kidney”), (b) mandating that schools teach about kidney donation, (c) creating a centralized database for willing kidney donors, and (d) offering weak economic incentives to organ donors (tax deductions, limited reimbursement for medical expenses, life insurance discounts, and funeral expense reimbursements).

**Flowe, M. “The International Market for Trafficking in Persons for the Purpose of Sexual Exploitation: Analyzing Current Treatment of Supply and Demand.” *North Carolina Journal of International Law and Commercial Regulation* 35 (2010): 669.**

Flowe argues that, because of a lack of information about traffickers (recruiters, pimps, madams, and brother operators), trafficking chains, and trafficker hierarchies, sex trafficking is able to flourish and generate an estimated profit of 217.8 billion dollars annually. According to Flowe, addressing demand is the key to eradicating this multibillion dollar business. He notes that the International Labour Organization found that demand for sex trafficking victims was higher in countries that were more open to globalization and have higher incidences of prostitution. He then analyzes a series of legal instruments, including The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children and the Trafficking Victims Protection Act of 2000, as well as the Council of Europe’s Convention Against Trafficking in Human Beings, for provisions addressing both supply and demand.

The author finds that the Convention includes provisions to decrease the demand for trafficked victims. For example, it instructs states to adopt legislation that would criminalize patronizing trafficked persons and extend liability to corporations that benefit from trafficking in persons. The author also explores other methods to address both supply and demand, such as educational, social, or cultural measures to discourage all forms of exploitation.

**Fredette, K. “International Legislative Efforts to Combat Child Sex Tourism: Evaluating the Council of Europe Convention on Commercial Child Sexual Exploitation.” *Boston College International and Comparative Law Review* 32, no. 1 (2009).**

Fredette analyzes the international problem of sexual tourism and commercial sexual exploitation against children and argues that it not only claims child victims, but also ruptures families, causes cultural disintegration, and endangers public health. The number of perpetrators is uncertain because of its illegal and global nature, and addressing the demand created by the perpetrators requires comprehensive legislation at both the national, state, and international level. She notes the need for increased international cooperation to motivate destination states to prosecute perpetrators, including traffickers, sex tour operators, and buyers.

Tourism is the single largest global industry, and sex tourism generates billions of dollars globally. Some states have a financial stake in criminal forms of tourism; therefore, they allow exploitation of their own impoverished citizens. She argues the wide economic gap between developing and developed nations means sex tourists have large disposable incomes, which generate demand in destination states. The author argues that destination states need stronger criminal laws prohibiting child sexual exploitation and child sexual tourism and that, even when countries have such laws, those countries are hesitant to enforce the laws for fear of endangering economic revenue. In addition, current prostitution laws in many countries punish the prostituted person, not the purchaser of prostitution.

One legislative tool is to enact extraterritorial legislation, which provides states with the jurisdiction to conduct prosecutorial proceedings about certain persons for offenses committed abroad. Domestic legislation can also include inchoate crimes, sex tour operator prosecutions, and incentive-based aid and sanctions. Information campaigns within the tourism industry explaining the exploitative nature of child prostitution, as well as the health and legal risks associated with child sex tourism offenses, may act as effective deterrents for some offenders. Finally, all state officials who tolerate sexual exploitation of children must be held accountable.

**Goodwin, M. “Altruism’s Limits: Law, Capacity, and Organ Commodification.” *Rutgers Law Review* 56 (2007): 305.**

Goodwin discusses ways to address the burgeoning demand for human organs, particularly kidneys. She argues that the current practice of relying on altruistic organ donations has resulted in a dearth of supply. This scarcity is particularly harmful to the African-American population, which has the greatest demand for kidneys, yet waits the longest on transplantation lists because of racial profiling and social valuing in the physician referral process. The author lists three alternatives



to the altruistic model: (a) presumed consent, which permits involuntary donations absent overt refusal; (b) directed donations, which would allow African-American donors to stipulate that their organs go to other African Americans; and (c) commodification, or the legalization and regulation of organ selling.

According to Goodwin, commodification is the most attractive option. It would not only increase supply by offering incentives for more people to donate their organs, but also allow for the regulation of existing processes for obtaining organs that currently occur “in the shadow of the law.” Moreover, it would divert those with greater resources to access the organ supply through other institutions, thereby increasing economically disenfranchised patients’ access to altruistically donated organs. She debunks the argument that commodification of African-American organs is reminiscent of slavery, noting that, unlike slavery, legalizing commercial organ transactions is based on consent and compensation. She recognizes that many people will object to commodification on moral, ethical, and religious grounds, but she argues that, as a practical matter, the potential benefits outweigh the detriments.

**Gustafson, J. “Bronze, Silver, or Gold: Does the International Olympic Committee Deserve a Medal for Combating Human Trafficking in Connection with the Olympic Games?” *California Western International Law Journal* 41 (2011): 433.**

The Olympics, along with other major international sporting events, can create a hub for human trafficking in a host country in three ways. It can (a) create a spike in demand for commercial sexual exploitation around the event’s locale; (b) cause an increase in demand for forced labor to build the necessary stadium infrastructure; and (c) facilitate entry of trafficking victims, disguised as “visitors,” into the host country.

Gustafson argues that host countries can prevent human trafficking by focusing on demand for commercial sex and using information campaigns to spread awareness. These would include countertrafficking messages on posters and shirts, public service announcements, and other educational approaches aimed at purchasers of prostituted individuals. In addition, effective law enforcement can reduce trafficking by focusing on purchasers of sex. For example, in Germany in 2006, the government combated human trafficking by raiding brothels and sex clubs, by passing out information to hotels and other tourism businesses, by monitoring Internet and newspaper advertisements, and by conducting undercover police investigations as potential clients. Moreover, she writes that the International Olympic Committee (IOC) may combat human trafficking by creating a standardized process to select the host country, which favors countries with appropriate legislation, prosecution, victim protection, and a specific Olympic Games human trafficking prevention

plan. She details a variety of other countertrafficking approaches, concluding that human trafficking offends the Fundamental Principles of Olympism that the IOC is to uphold. Thus, the IOC must broaden its role to encompass greater social responsibilities, including preventing human trafficking.

**Hanna, C. “Symposium on Sexual Slavery: The Trafficking of Women and Girls into the United States for Sexual Exploitation: An Introduction.” *Hastings Women’s Law Journal* 13, no. 1 (2002),**

Hanna references the Trafficking Victims Protection Act of 2000, which made the United States the first nation to enact comprehensive legislation to prevent trafficking, protect its victims, and punish both traffickers and governments who fail to take appropriate action. Hanna suggests that we must understand the social, cultural, and economic factors that contribute to trafficking to create successful legal responses to it. She addresses new approaches to address demand, including (a) legislation targeting the use of technology to facilitate sex trafficking, (b) first offender prostitution programs designed to educate first-time prostitution solicitors about the harms of prostitution, (c) law enforcement efforts targeting the purchasers of prostitution, (d) programs addressing the inequality between men and women (which facilitates purchase power for men who want commercial sex) in developing countries, and (e) national and international law reform efforts to address the demand that fuels the market for commercial sex.

**Harrington, A. R. “Prostituting Peace: The Impact of Sending State’s Legal Regimes on U.N. Peacekeeper Behavior and Suggestions to Protect the Populations Peacekeepers Guard.” *Journal of Transnational Law and Policy* 17 (2008): 217.**

Harrington’s article addresses the problem of UN peacekeepers who rape and use for commercial sexual purposes the women they are sent to protect. Abuse allegations against the peacekeepers include rape, sex in exchange for necessities, sex in exchange for status and protection, spread of HIV/AIDS, other forms of sexual abuse such as sex tourism and pedophilia, sex and human trafficking, theft and embezzlement, and fathering children without acknowledging them. Those allegations have been made against peacekeeping contingents from Austria, Bangladesh, Benin, Brazil, Bulgaria, Canada, Ethiopia, France, Ghana, Guinea, India, Indonesia, Ireland, Italy, Jordan, Morocco, Nepal, the Netherlands, Niger, Nigeria, Pakistan, Russia, Senegal, Sri Lanka, South Africa, Togo, Ukraine, the United States, and Uruguay.

Harrington notes that the UN claims it has a zero-tolerance policy toward sexual misconduct, but it also distributes condoms weekly to deployed peacekeepers.

As more sexual misconduct allegations have surfaced, the UN has responded by banning sexual relations between peacekeepers and anyone 18 years or younger in the affected area, by promoting gender equality, and by using gender-friendly units with more female peacekeepers. In 2007, however, the Special Rapporteur for the UN found that the UN did not properly screen peacekeeping troops. Harrington makes several recommendations. First, he suggests that the UN create a screening body for “sending states” before deployment of their troops. This screening body would evaluate the military and legal structures of each potential sending state to ensure that adequate legal provisions exist (in each country’s military law) to punish offending peacekeepers. Second, states with errant peacekeepers should be suspended from sending more peacekeepers for three years. Finally, the UN should require HIV/AIDS testing before deployment.

**Heiges, M. “From the Inside Out: Reforming State and Local Prostitution Enforcement to Combat Sex Trafficking in the United States and Abroad.” *Minnesota Law Review* 94 (2009): 428.**

Heiges notes that, since the passage of the Trafficking Victims Protection Act of 2000, federal law prioritizes protecting victims and deterring traffickers. State enforcement efforts, conversely, target persons in prostitution, largely to the exclusion of those who engage in, promote, and profit from trafficking. Heiges argues that, because of this focus, state police, prosecutors, and courts have viewed pimps and purchasers as trivial or derivative offenders. The Trafficking Victims Protection Reauthorization Act of 2008 addresses state prostitution enforcement but fails to implement reforms that would bring prostitution enforcement into alignment with anti-trafficking goals, and it does not address the overlap between trafficking and prostitution.

Heiges contends that prostitution at the state level must be addressed because it is the main nexus of victimization for more serious sex trafficking crimes and that the state has the primary interest in regulating prostitution for the maintenance of public order and morality. A lax law enforcement approach to the demand side of prostitution fails to break the supply and demand chain that allows trafficking to flourish. Local law enforcement agencies must re-categorize and re-prioritize prostitution and related activities in light of modern trafficking realities. Law enforcement officials must enforce pimping, pandering, procuring, and promoting prostitution laws because these crimes are easier to prosecute and could serve as a means to deter traffickers. The federal government must promote demand-centered enforcement activities at the state level. Both federal and state government should educate the public and deter future offenders, using a variety of means, including seizing vehicles of purchasers, instituting johns schools, and promoting public

education on the harms of prostitution. Heiges concludes that if the United States can implement a model that reduces the market for prostitution and its harms, American legitimacy and leadership in anti-trafficking efforts abroad will increase markedly.

**Hotaling, N. and L. Levitas-Martin. “Increased Demand Resulting in the Flourishing Recruitment and Trafficking of Women and Girls: Related Child Sexual Abuse and Violence Against Women.” *Hastings Women’s Law Journal* 13 (2002): 117.**

Hotaling and Levitas-Martin examine the relationship between supply and demand of women and girls in the sex industry as well as the child sexual abuse involved. The authors find that the demand for trafficked women and girls increased because of a variety of factors, including (a) accessibility to and promotion of the multibillion dollar sex industry; (b) relaxed social norms concerning the sex industry; (c) profitability for individuals, organized groups, and governments; (d) increased tourism and military personnel stationed in Europe, Asia, and Latin America; (e) non-existent, weak, or unenforced legal interventions combating trafficking; (f) criminal justice systems that focus on arresting and prosecuting women and girls involved in prostitution rather than male customers; (g) educational systems that lack interventions promoting equality between girls and women and boys and men; (h) learned exploitation and violence; (i) lack of adequate sex education in schools; and (j) collusion with and among exploiters.

The authors suggest that one way to address demand for commercial sex is through first offender prostitution programs (The SAGE Project’s program is the example one). The first offender prostitution programs educate first-time male offenders about the harms of prostitution. The programs collect data on customers and has found first-time male offenders are from all races, cultures, and socioeconomic backgrounds; are high sexual risk takers, uneducated concerning diseases, unaware of health risks for themselves and their families; and are unconcerned about harm to women and children trafficked into or trapped in prostitution. Prostitution, whether legal or illegal, is deemed an arena whereby abusers can evade laws, rules, and social mores that constrain sex with minors. The authors conclude that there is no room for debate on the issue of violence against women or children created by men’s demand.

**Hotaling, N., K. Miller, and E. Trudeau. “Sex for Sale: The Commercial Sexual Exploitation of Women and Girls. A Survivor Service Provider’s Perspective.” *Yale Journal of Law and Feminism* 18 (2006): 181.**

Hotaling, the principle author, describes her history in prostitution and the eventual founding of the Stand Against Global Exploitation (SAGE) Project. Hotaling’s experience in prostitution and in working with prostituted persons has allowed her an intimate knowledge of the methods of recruitment and ways to address demand. According to the authors, pimps target runaways, girls exhibiting acting-out behavior associated with trauma, and girls from abusive backgrounds.

Over time, society’s perception of prostitution has shifted from seeing children as criminals to understanding them to be victims who have been exploited by an adult male perpetrator—a perpetrator who must be arrested, prosecuted, and incarcerated. This change in perception, the authors argue, has come through education and awareness programs. With a better and more accurate understanding of the problem, governments can implement more effective policies and legislation to address the demand and exploitation. One such law, passed in the State of California, is Assembly Bill 3042—Child Protection, Enhancement Penalties for Children Exploited Through Prostitution. The bill increases penalties for adults convicted of engaging in sexual acts with minors.

Hotaling, Miller, and Trudeau conclude that legislative, investigative, and prosecutorial practices must be reformed to address the demand for prostitution and sex trafficking. Finally, they call for enforcement of existing child sexual abuse and statutory rape laws, prosecution of perpetrators, stricter sentencing of those convicted, and registration as sex offenders for those who purchase sex from minors. In conclusion, the authors write, it is necessary to begin with the process of socializing and educating men and boys to eradicate the belief that it is acceptable to purchase women and children.

**Kirby, K. M. and C. D’estree. “Peacekeepers, the Military and Human Trafficking: Protecting Whom?” *University of St. Thomas Law Journal* 6 (2008): 221.**

Kirby and D’estree argue that, if slavery and human trafficking are synonymous, the practice of either slavery or human trafficking is a violation of human rights, and states have the responsibility to prevent human rights violations. The authors argue that it is also the responsibility of the state to train all military personnel in the importance of human trafficking and their provisions in conflict zones. The authors argue that, because the International Criminal Court defines rape, sexual

slavery, and enforced prostitution as crimes against humanity, the military must change its treatment of prostitution as a necessary and acceptable part of warfare.

The authors highlight that peacekeeping troops have been accused of human rights abuses in their solicitation of commercial sex in vulnerable communities. Conflict and postconflict areas are environments conducive to human trafficking, and the authors found that UN peacekeeping operations often create a boom to the local prostitution market. The authors argue that engaging in the use of commercial sex services in these circumstances carries the risk of becoming complicit in sexual slavery, that states must address the behaviors of their troops, and that the UN must educate peacekeeping troops about how their demand for commercial sex perpetuates harm on the individuals and community being served. The authors argue that the military culture of prostitution use must be addressed in all countries, and the military must see every commercial sex encounter as possible forced prostitution and human trafficking. Kirby and D'estree conclude that more effective training materials are needed to train peacekeeping troops, and global participation is needed to address soldiers' demand for commercial sex by changing military culture and training military forces on human trafficking.

**Lederer, Laura J. "Addressing Demand: Why and How Policymakers Should Utilize Law and Law Enforcement to Target Customers of Commercial Sexual Exploitation." *Regent University Law Review* 22 (2010): 297.**

Lederer suggests a four-point program for addressing demand: (a) draft laws that penalize patronizing and target customers and consumers of commercial sex; (b) create first-offender programs, colloquially known as johns schools, to educate first offenders about the deleterious effects of commercial sexual exploitation; (c) run sting and reverse-sting operations to identify, arrest, and prosecute buyers; and (d) develop social marketing campaigns to target exploiters and impress upon the general public the message of no tolerance for their actions.

Lederer argues that, although most states in the United States have gender-neutral soliciting laws (which could be used to arrest purchasers of sex), arrest records show that prostituted persons are arrested at a much higher rate than the men purchasing them. She notes that some states are addressing the demand for commercial sex by making it more difficult for men to make that purchase. For example, massage parlors and escort agencies, often fronts for prostitution, can be regulated through health codes or licensing, thus distinguishing legitimate businesses from those hiding illegal activities.

Lederer also suggests social marketing campaigns, aimed primarily at young men and boys, that teach why it is harmful to purchase sex, and she uses the

example of successful social marketing campaigns combating smoking to illustrate how this can be accomplished.

**MacKinnon, C. A. “Trafficking, Prostitution, and Inequality.”**  
*Harvard Civil Rights-Civil Liberties Law Review* 46 (2011): 271.

MacKinnon evaluates and argues against the notion that legalization of prostitution benefits the safety or position of women in society. She argues that those in prostitution are overwhelmingly poor, socially disadvantaged, and female, and they are entering at younger and younger ages. MacKinnon highlights the Swedish model that criminalizes buyers and demand for prostituted persons. Regarding demand, MacKinnon reports that women she interviewed in Kolkata, India, were forced to sexually service, on average, 30 men a day, equaling approximately 8,000 men a year, assuming a five-day work week. She argues that the industry exists because of demand and because its anonymity results in little to no fear of criminal consequence.

MacKinnon argues that, where prostitution has been legalized, trafficking has skyrocketed because, once women and children have been trafficked to a legal destination, there is minimal risk to the buyer or seller. She finds the debate on prostitution as “ideological, functioning to make more socially tolerable an industry of viciousness and naked exploitation.” MacKinnon concludes that an adequate policy to promote the human rights of prostituted persons has three parts: (a) decriminalizing and supporting people in prostitution, (b) criminalizing buyers strongly, and (c) effectively criminalizing third-party profiteers—the violators must be penalized and closed down.

**Madden Dempsey, M. “Sex Trafficking and Criminalization: In Defense of Feminist Abolitionism.”**  
*University of Pennsylvania Law Review* 158 (2010): 1729.

Madden Dempsey provides an overview of feminist abolitionism that seeks to end both human trafficking and prostitution by developing new legal and policy responses, including criminalizing the purchase of sex. She makes two assumptions that underpin her argument as to why criminalizing commercial sex would be beneficial: (a) many prostituted people experience substantial harm in prostitution and (b) prostitution is not valuable enough to outweigh those harms. She argues that criminal law can and should be used to target behavior and conduct that causes harm to others, especially prostituted women and girls. Criminalizing the purchase of sex is grounded in the theory of complicit responsibility and responsibility of endangerment, wherein the buyer’s demand creates a market for prostitution,

thereby making him complicit in the harms traffickers and violent pimps commit against prostituted persons.

The author also analyzes the relationship between the harms of patriarchal structural inequality that perpetuates sex discrimination, the harms of misogyny, and the harms of prostitution. The feminist-abolitionist approach to sex trafficking focuses on public education campaigns; through the use of popular media, abolitionists seek to change and combat the social norms that support sex trafficking, thereby encouraging communities to recognize its existence and its harmfulness.

**Monasky, H. “On Comprehensive Prostitution Reform: Criminalizing the Trafficker and the Trick, But Not the Victim—Sweden’s Sexkopslagen in American.” *William Mitchell Law Review* 37 (2011): 1989.**

Monasky focuses on women and children in the heterosexual prostitution market (in which women constitute 80 percent of trafficking victims and children constitute up to 50 percent of trafficking victims) and provides a background and different ideologies regarding human trafficking. She then examines legal responses to prostitution and trafficking, with a specific focus on the Swedish model that criminalizes the purchase of sex and decriminalizes the act of prostituting.

The author states that the debate in Sweden as to how to treat prostitution culminated with a government-appointed commission finding that (a) a legalized sex trade is incompatible with gender equality, (b) prostitution has increased in countries that have legalized it, and (c) the social cost of prostitution in terms of disease and crime damage society as a whole. The Swedish government deemed prostitution violence against women and found it unreasonable to punish one who sells sex because of their being weaker and exploited by men to satisfy sexual drives. The author noted that Swedish prosecutions of purchasers of sex skyrocketed after prosecutions of prostitution and trafficking were prioritized. The legislation also denormalized the purchase of sex.

Monasky argues that Sweden highlighted the link between prostitution and men’s demand for commercial sex, whereas the United States remains muted on this connection, thereby allowing for laws to continue victimizing vulnerable persons. The author suggests tools to deter demand for commercial sex, including establishing johns schools for first-time prostitution offenders, shaming arrested johns publicly, and encouraging prostituted individuals to trust law enforcement to address the underreporting of violence at the hands of pimps and johns. Monasky concludes that the United States should follow Sweden and acknowledge that prostitution thrives on women’s oppression.



**Morrow, K. L. “Soccer, Sex, and Slavery: Human Trafficking in the World Cup.” *Tulane Journal of International and Comparative Law* 17 (2008): 243.**

Morrow examines human trafficking and its supporting legislation from the UN and the United States. Focusing on the World Cup, she notes that, as of 2007, the Fédération Internationale de Football Association’s new slogan, “For the Game, For the World,” recognizes the social responsibility the organization possesses within the community. In 2006, Germany hosted the World Cup and was forced by the international community to respond to human trafficking concerns.

The author found that trafficking concerns were heightened by Germany’s history of being both a destination and transit country for trafficked persons. International pressure pushed the German government to move beyond the legal regime and develop addendum programs, including the World Cup National Security concept. The German Criminal Code was amended and tightened to implement European Union and UN measures to fight human trafficking, and a larger police force and more coordination between the government and NGOs to implement government-funded anti-trafficking campaigns was used.

Morrow disputes the 40,000 figure used by the international community in regard to the number of trafficked victims possibly being brought to the World Cup in Germany. Nevertheless, Morrow concluded that South Africa could use the tools that Germany implemented to curb demand and prevent human trafficking at the World Cup in 2010.

**Nagle, L. E. “Selling Souls: The Effect of Globalization on Human Trafficking and Forced Servitude.” *Wisconsin International Law Journal* 26 (2008): 131.**

Nagle states globalization and regional integration have contributed to the growth of human trafficking in the global sphere, as global conditions create a supply and demand chain conducive to human trafficking. She argues human trafficking exploits vulnerable persons’ aspirations of a better life and is further exacerbated by high demand for cheap labor, weak or no laws against various forms of forced servitude, indifference to social conditions and morality, lack of public awareness, corruption, inconsistent application of public policy, and entrenched organized crime networks. She states that globalization has given criminals new opportunities to competitively create demand to maximize profits. To address human trafficking, Nagle says, we must deprive traffickers of their profits through new institutional frameworks dealing with cross-border migration. Furthermore, law enforcement should focus on small-time transporters and middlemen.

Nagle suggests that, to address labor demand, nations should ratify the ILO conventions on labor standards. She identifies a need for institutional mechanisms that foster consultation, cooperation, and consistency between anti-trafficking groups. She also advocates for mechanisms to survey traffickers' interactions and communications over the Internet, because these portals have allowed them to easily engage in trafficking conspiracies. Nagle calls governments to engage in aggressive campaigns to make consumers aware of the impact their appetite for goods and services has on human trafficking.

**Ndulo, M. "The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers During Peacekeeping Missions." *Berkeley Journal of International Law* 27 (2009): 127.**

With the dramatic increase in United Nations peacekeeping operations, Ndulo sees sexual exploitation and abuse committed by peacekeepers on local populations, in the context of peacekeeping operations, as a major problem. Peacekeepers have been accused of engaging in sex trafficking, soliciting prostitutes, forcing children into prostitution, and having sex with minors. In 2004, 121 allegations of sexual abuse and exploitation were reported with 45 percent of the allegations involving sex with minors and more than 31 percent of the allegations involving prostitution. In 2005, 340 cases were reported, 357 cases were reported in 2006, and, in 2007, 800 peacekeepers in Côte d'Ivoire were suspended on allegations of engaging in sex with minors—the UN acknowledges chronic under-reporting on the issue.

Ndulo notes that the UN now has codes of conduct establishing zero-tolerance for sexual violence for all UN personnel, including peacekeepers. Ndulo suggests increasing prosecutions of perpetrators of sexual exploitation for war crimes, crimes against humanity, and breach of the Geneva Convention. She notes that enforcement must be carried out by the peacekeeper's native country because the UN has no enforcement capability for peacekeepers.

**Orndorf, M. "The Secret World of Child Sex Tourism: Evidentiary and Procedural Hurdles of the PROTECT Act." *Penn State International Law Review* 28 (2010): 789.**

Orndorf examines the sex tourism industry, sex tourists, victims, and laws to combat perpetrators. The author found that most sex tourists are males from industrialized countries, with a significant number from the United States. These sex tourists are categorized in three categories: (a) situational, (b) preferential, and (c) pedophiles. All three categories of sex tourists are criminals in the United

States and abroad under the Protect Act. It is stated that the global commercial sex trade exploits one million children.

Legislation adopted by the United States to curb child sex tourism and its demand includes the Child Sexual Abuse Prevention Act of 1994, the Sex Tourism Prohibition Improvement Act of 2002, the Protect Act of 2003, and the Optional Protocol to the United Nations Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography of 2002. The Protect Act imposes criminal liability on any U.S. citizen who travels to a foreign country with the intent to engage in, or who actually engages in, any illicit sexual conduct with a person younger than 18 years of age in a foreign country, with a maximum penalty of 30 years.

Orndorf concludes that few prosecutions have been obtained because of the evidentiary and procedural hurdles in obtaining evidence in a foreign country. Those hurdles must be addressed to effectively prosecute the perpetrators.

**Richelson, S. “Trafficking and Trade: How Regional Trade Agreements Can Combat The Trafficking of Persons in Brazil.” *Arizona Journal of International and Comparative Law* 25 (2008): 857.**

The author examines trafficking in persons globally, using Brazil as a case study of a country combating human trafficking by changing legal standards, increasing law enforcement efforts, and developing social and psychological support services for victims. According to the author, those efforts have proven insufficient. Instead, an environment has been created in which exploitation of children has flourished. With more than 502,000 children and adolescents in exploitive situations, she suggests that tougher sex-trafficking legislation is needed, along with better enforcement efforts, and that Brazil should supplement current legislation with trade agreements to decrease the demand for trafficked persons.

**Smith, K. N. “Human Trafficking and RICO: A New Prosecutorial Hammer in the War on Modern Day Slavery.” *George Mason Law Review* 18 (2011): 759.**

Smith examines the scope of human trafficking and current legislation and the parallels between human trafficking and other forms of organized crime. She argues that prosecutors should use the Racketeer Influenced and Corrupt Organizations Act (RICO) in conjunction with the Trafficking Victims Protection Act to more successfully eradicate human trafficking enterprises. RICO violators may receive longer prison sentences and may be forced to forfeit assets; moreover, RICO allows victims to bring civil suits against their perpetrators to receive financial restitution.

The author states the first RICO human trafficking indictment was filed in 2009 in the Western District of Missouri on RICO charges related to labor trafficking. Smith argues RICO allows for a framework that prioritizes safety of the victims while simultaneously allowing stricter penalties, a broader conspiracy provision, and greater prosecutorial discretion. She concludes this framework will serve as a deterrent to traffickers, and RICO will set a new precedent for prosecutors to combat modern day slavery.

**Smith, L. and Vardaman, H. “Domestic Human Trafficking Series: A Legislative Framework for Combating Domestic Minor Sex Trafficking.” *Regent University Law Review* 23 (2010/2011): 265,.**

Smith and Vardaman analyze the demand behind the U.S. domestic market for commercial exploitation of minors. The authors find that demand drives the criminal business of sex trafficking. Furthermore, evidence suggests that younger girls are in demand because of buyers’ perceptions that they are healthier and more vulnerable than older females. The authors suggest a culture of tolerance allows high demand for commercial sex with minors to flourish. This article addresses a legislative framework to combat demand for domestic sex trafficking, including (a) criminalization of sex trafficking of domestic minors, (b) criminal provisions for demand, (c) criminal provisions for traffickers, (d) criminal provisions for facilitators, (e) protective provisions for child victims, and (f) law enforcement and criminal justice tools for investigation and prosecutions.

Federal and state law enforcement efforts must increase to counteract the years of 1998–2005, during which federal prosecution of criminal sexual exploitation of children fell by 52 percent. Finally, the authors argue that removing buyer anonymity will decrease the demand for commercial sex from children. Adding purchasers to the child sex offender registry; arresting, prosecuting, and imprisoning men for commercial sexual exploitation of children; coordinating public exposure such as a billboard announcement, newspaper notices, Internet web page lists; and sending letters to family or employers are all methods that can be successfully used to expose this criminal behavior.

**Soto, J. “We’re Here to Protect Democracy. We’re Not Here to Practice It: The U.S. Military’s Involvement in Trafficking in Persons and Suggestions for the Future.” *Cardozo Journal of Law & Gender* 13 (2007): 561.**

Soto states that demand drives severe forms of trafficking in the United States and that the military’s presence overseas has fueled demand for decades. She notes that the U.S. Military has accepted, encouraged, and, at times, even aided some

forms of trafficking. As an example, Soto recounts U.S. military involvement in human trafficking in South Korea, the Philippines, Japan, and Honduras. Until recently, punishing a military member who patronized a prostitute was left to commanders in the field. This led to a haphazard approach, with some prohibiting patronizing and others tolerating it—and even tolerating sex trafficking. In 2002, President George W. Bush issued the National Security Presidential Directive, which implemented a zero-tolerance policy for activities related to trafficking in persons for all government employees and contract personnel. In 2004, the deputy secretary of defense issued a memorandum declaring zero-tolerance for activities related to trafficking in persons. It added a provision to Article 134 of the Uniform Code of Military Justice, which prohibited patronizing a prostitute.

Further legislation to curb the behavior and demand of commercial sex by military members included The Uniform Code of Military Justice and Military Extraterritorial Jurisdiction Act of 2000. New military objectives include (a) educating military personnel regarding the issue of trafficking in persons, (b) tracking clubs and bars that are patronized by military personnel and that appear to traffic in women and children, and (c) creating a system for assessing the military's efforts to confront trafficking in persons. The military implemented an education initiative composed of a 44-page PowerPoint that defines trafficking in person, explains the zero-tolerance policy and the U.S. military's legal policy relating to trafficking in persons. Soto argues that the initiative does not inform military personnel of the legal sanctions against their involvement in trafficking in persons and suggests that all military personnel be required to take a comprehensive exam to ensure comprehension.

**Tavella, A. M. "Sex Trafficking and the 2006 World Cup in Germany: Concerns, Actions and Implications for Future International Sporting Events." *Northwestern University Journal of International Human Rights* 6 (2007): 196.**

Tavella analyzes the approach taken to human trafficking by various countries and political bodies on a macrolevel, whereas she examines trafficking on a microlevel. Tavella analyzes Germany's approach to human trafficking during the 2006 World Cup. In response to the international community calling on Germany to increase trafficking prevention efforts preceding the 2006 World Cup in Germany, the German government announced that it would increase police presence in host cities, develop a prevention plan under a national security concept, and create emergency hotlines with other NGO support. Four major informational campaigns were used to distribute informational materials to garner support to increase prevention and prosecution efforts.

The International Organization for Migration, the MTV Europe Foundation, and the Swedish International Development Cooperation Agency launched a public service announcement before the World Cup to inform fans of women possibly being trafficked. The government's prevention plan, National Security Concept FIFA-WM 2006, coordinated efforts between national and international law agencies and between law enforcement and NGOs to address the demand for trafficked women. The author recommends that countries engaging in international sporting events follow the preventative measures taken by Germany. She also states that countries holding these events should sign and ratify the UN Protocol, pass comprehensive anti-trafficking legislation, compile national statistics on trafficking within their borders, and work with NGOs to build anti-trafficking programs in the country.

**Tiefenbrun, S. "Child Soldiers, Slavery and the Trafficking of Children." *Fordham International Law Journal* 31 (2008): 415.**

Tiefenbrun examines the use and trafficking of children as child soldiers and finds it a form of exploitative labor tantamount to slavery. Analyzing the extent of child soldiering, the author found that the recruitment of children into armed conflict has claimed the lives of more than 2 million children, left more than 6 million children maimed or permanently disabled, and caused 10 million children serious psychological trauma. Children have served in government forces or opposition forces in Colombia, Mexico, Peru, Turkey, Yugoslavia, and 32 other countries. Tiefenbrun lists the abuses performed against the children, including sexual assault among young girls who make up 30–40 percent of the armed ranks in some countries. The child soldiers endure frequent beatings, death threats, and threats of retaliation against their families. The children are also filled with drugs and indoctrinated to become killing machines.

Tiefenbrun identifies social disruptions, failure of government to protect children, changes in family and ethical values, and globalization as reasons for the increase in tolerance and demand of child soldiers. She then analyzes legislation enacted to address the trafficking of children, specifically The Declaration of the Rights of the Child, the United Nations Convention on the Rights of the Child, the U.S. Trafficking Victims Protection Act, and the Protect Act. Tiefenbrun concludes that using child soldiers is likely to increase because the children are economical to warfare and the practice is fueled by the profits of the trafficking of drugs, weapons, and human beings. She finds that any effort to eradicate the use of child soldiers must also address the aforementioned areas of trafficking.

The author proposes solutions, including the following: (a) prevention through public awareness and consciousness raising through education, media, and state

support for NGOs; (b) protection of child victims by strengthening compliance and implementation of international humanitarian laws, human rights norms, and trafficking and slavery conventions; (c) use of birth records to better document children; (d) economic solutions affecting trade and international aid; and (e) prosecution of perpetrators through increased sentencing to serve as a deterrent to employ child soldiers.

**Todres, Jonathan. “Taking Prevention Seriously: Developing a Comprehensive Response to Child Trafficking and Sexual Exploitation.” *Vanderbilt Journal of Transnational Law* 43 (2010): 1.**

Todres argues that international communities fighting against the trafficking and sexual exploitation of children have neglected prevention measures, which Todres sees as the goal. He argues that if governments want to advance criminal law and assist the victims, they must be situated within a comprehensive prevention strategy that addresses the root causes of the problem to end the commercial sexual exploitation of children (CSEC). Critical issues that have been largely ignored in developing responses to CSEC, which include (a) research and data, (b) program design, (c) the dominant principle guiding state responses, (d) stakeholder coordination, and (e) the interrelationship among rights.

Research identifies the scope of the problem and those who are more vulnerable to being exploited. Through research, governments and NGOs can target child trafficking and the male demand that fosters it to effectively create legislation. Todres argues that a multifaceted and case-specific program design that aims at assisting children and preventing victimization is needed. He asserts that vulnerable individuals and communities must be included in the design, development, and implementation of prevention and victim assistance programs. The dominant principle guiding state responses to CSEC has been victim centered, but Todres suggests that the principle be changed to child-centered. This would shift the legal paradigm from a sole focus on victims to seeing all children as potentially vulnerable to exploitation. Todres believes that a law enforcement approach can have deterring effects, but also runs the risk of re-traumatizing victims and does not sufficiently compel governments to address the systemic supply and demand issues.

**Todres, Jonathan. “Widening Our Lens: Incorporating Essential Perspectives in the Fight Against Human Trafficking.” *Michigan Journal of International Law* 33 (2011): 53.**

Todres notes that, although more than a decade has passed since the adoption of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (supplementing the United Nations Convention Against

Transnational Organized Crime), the progress in reducing human trafficking has been slow. The author argues that the lack of substantial progress in reducing human trafficking is due, in part, to the criminal law-based approach that has been used. The criminal law-based approach focuses on prosecuting the traffickers after the harm of trafficking has occurred. Todres points out that demand is often an overlooked element in human trafficking and that, to more effectively fight human trafficking, demand-focused approaches should be taken.

The author also argues that the approach to combating human trafficking must be widened to effectively fight human trafficking. In widening the approaches taken to combating human trafficking, the author argues that there are various approaches to eliminating the supply and demand of human trafficking that would be more effective than the criminal law-based approach. Todres proposes three approaches: (a) a human rights-based approach, (b) a public health based-approach, and (c) a development-based approach. The author concludes that using a widened approach that incorporates a focus on human rights, public health, and development would lead to more effective fighting of human trafficking than the current criminal law-based approach.

**Todres, Jonathan. “The Private Sector’s Pivotal Role in Combating Human Trafficking.” *California Law Review Circuit 3* (2012): 80.**

Demand plays a large part in all forms of human trafficking. In the private sector, demand leads to much labor trafficking. Jonathan Todres argues that the private sector can be and should be used in the fight against trafficking. Todres argues that the private sector reaps economic benefits from human trafficking. The author notes that the private sector has not been called on to play a large role in combating human trafficking and that most of the efforts against human trafficking have been through governments and social service agencies. The author argues that the private sector should be called on to help in the fight against human trafficking because the private sector is able to reduce demand for human trafficking: (a) the private sector is uniquely situated in relation to the stream of commerce, (b) the private sector would be able to bring innovative solutions forward that have not been raised in the fight against human trafficking thus far, and (c) the private sector has many resources to use that governments and social service agencies do not.

Todres provides examples of ways specific industries can reduce the demand for trafficked individuals or for products made by trafficked individuals through education and behavior changes. The author points to the California Transparency Act, which requires businesses to disclose the efforts they are taking to prevent trafficking, and suggests that the California Transparency Act may be an effective



way to engage the private sector in reducing demand that leads to human trafficking and, thus, help fight human trafficking.

**Walker-Rodriguez, A. “The Crime Next Door: An Examination of the Sex Trafficking Epidemic in the United States and How Maryland Is Addressing the Problem.” *The University of Baltimore Law Forum* 41 (2010): 43.**

Walker-Rodriguez examines the macrohistory of sex trafficking with a focus on the United States and then analyzes the state of Maryland specifically and its legislative attempts to combat the demand for sex trafficking. She argues that current federal legislation does little to address the supply and demand of sex trafficking and suggests that Maryland’s approach, addressing supply and demand through laws prohibiting prostitution and related activities, is better.

The Maryland law requires that a person may not knowingly (a) take or cause another to be taken to any place for prostitution; (b) place, cause to be placed, or harbor another person in any place for prostitution; (c) persuade or encourage by threat or promise another person to be taken to or placed in any place for prostitution; (d) unlawfully take or detain another person with the intent to use force, threat, or persuasion to compel him or her to marry the person or a third person or perform a sexual act, sexual contact, or vaginal intercourse; or (e) receive consideration to procure for or place in a house for prostitution or elsewhere another person with the intent of causing the him or her to engage in prostitution or assignation.

Those acts may be punishable by up to 10 years imprisonment, a \$5,000 fine, or both. If the victim is a minor, the offense is a felony with up to 25 years imprisonment, a \$15,000 fine, or both. Unlike the federal law, the legislation does not require that force, fraud, or coercion be used to procure the acts of prostitution. Two bills pending at the time of publication of the article criminalize additional acts of human trafficking, including destroying passports and involuntary detention, as well as forfeiture of property used for human trafficking. The author argues that more must be done to address demand for commercial sex and suggests prosecuting purchasers of commercial sex acts and imposing stricter penalties for offenders of both trafficking and prostitution.

**Waltman, M. “Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law.” *Michigan Journal of International Law* 33 (2011): 133–57.**

Waltman examines the Swedish Prostitution Law that criminalizes those who purchase sex. The law, enacted in 1999, which criminalizes the buying of sex and decriminalizes the selling of sex, is based on an understanding of sexual

exploitation and social inequality, including homelessness, sex discrimination, and racial discrimination. The law maintains that prostitution and violence against women are related and acknowledges that a majority of prostituted persons were sexually abused as children and had deprived childhoods. Waltman notes that sexual exploitation of children is still a significant problem in Sweden and that poverty and discrimination are key factors.

Waltman highlights the abuses and violence in prostitution perpetrated by buyers and pimps and argues that buyers should pay damages for the abuses and that the prostituted person should be recognized as an injured party. She points out that the data confirm that, since the passage of Sweden's law, the number of prostituted persons has dropped significantly, as have the percentage of male buyers. She argues that the experience gained from the new law suggests that any effective approach to combat sex trafficking must also reduce prostitution and the demand for it.

**Yen, I. "Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand through Educational Programs and Abolitionist Legislation." *Northwestern University School of Law Journal of Criminal Law and Criminology* 98 (2008): 653.**

The author begins by defining sex trafficking as the recruitment, transportation, and harboring of persons—primarily women and children—for the purpose of prostitution, pornography, sex tourism, and other commercial sex activities. He argues that sex trafficking is fundamentally an economic problem and that appropriate incentives can influence both the supply and demand drivers—one of poverty for the victims and one of profit for the traffickers. He analyzes key international instruments for demand reduction and notes that, although early legislation such as the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons mention male demand, it was not until the Trafficking Victims Protection Reauthorization Act of 2005 that Congress specifically addressed the critical factor of demand and required the development of programs aimed at reducing male demand by investigating and prosecuting buyers of commercial sex acts.

Yen contends that it is virtually impossible to distinguish commercial sexual services provided by a trafficked person from sexual services provided by one who voluntarily engages in the activity. Therefore, legislation (and NGO action) must decrease male demand for commercial sexual services in general. He addresses societal tolerance of purchasing sex and argues that this tolerance has allowed johns to escape critical examination, censure, and penalties. He contends that demand for commercial sex is a malleable and socialized concept; therefore "re-education" emphasizing the harms of prostitution and promoting positive male

norms can be successful. Along with such re-education programs, he suggests that the United States initiate a nationwide public awareness campaign with age-appropriate discussions of sex trafficking and exploitation in high school sex education curriculums.

## **VI. Federal, State, and Local Efforts to Address Demand**

### **City of Atlanta**

Mayor's Office  
Policy Advisor on Women's Issues  
55 Trinity Ave.  
Atlanta, GA 30303  
Tel: 404-330-6856  
Fax: 404-658-7361

### ***Dear John Campaign***

Dear John was an innovative social marketing campaign in Atlanta, Georgia, and was created to address demand. Atlanta has a significant problem with trafficking of young children into prostitution and other commercial sex industries. Then-Mayor Shirley Franklin spearheaded the campaign with the support of the Juvenile Justice Fund and others in the community.

In November 2006, the city of Atlanta created a public and private partnership with Edelman Public Relations, a leading public relations firm. Together, they produced Dear John to address an increasing epidemic of child prostitution and human trafficking in Atlanta. The campaign was a public letter to all johns from the mayor, warning them that Atlanta would no longer tolerate their crimes. The ad was placed on billboards, television, radio, and the Internet. It was designed to bring awareness to the issue among Atlanta residents, community leaders, legislators, and law enforcement to affect real change. At the same time, Atlanta increased fines against johns from \$50 to \$10,000, raised charges from a misdemeanor to a felony, and mandated minimum sentences for johns found guilty of commercially sexually exploiting children.

In 2007, the Dear John Campaign won a World Leadership Award from the World Leadership Forum in London, England. It won in the Law and Order category, one of 14 awards given to exceptional municipal government programs and presented annually to cities around the globe that demonstrate leadership to address major issues, including healthcare, housing, and the environment.\

## **Illinois**

Chicago Alliance Against Sexual Exploitation  
3304 N. Lincoln Ave., Suite 202  
Chicago, IL 60657  
Tel: 773-244-2230  
Fax: 773-244-2217

### ***End Demand Illinois***

End Demand Illinois is a campaign of the Chicago Alliance Against Sexual Exploitation, which advocates for new tools and resources to encourage law enforcement to shift their attention from arresting prostituted individuals to arresting, charging, and prosecuting pimps, traffickers, and the customers who create the demand for the sex trade. End Demand Illinois works with residents, elected officials, policy makers, and opinion leaders to educate them about the realities of prostitution and trafficking and move them to take action against demand for prostitution and to end sexual exploitation.

The campaign's policy committee led the passage of the Illinois Safe Children Act and the Justice for Victims of Sex Trafficking Crimes Act and helped defeat the proposed "prostitution-free zones" in Chicago. The campaign is seeing signs that law enforcement is refocusing attention on the pimps and traffickers. The End Demand program has been replicated in other areas, including in Scotland in 2009; Rochester, New York, in 2009; Oakland, California, in 2011; and Miami and Dade County, Florida, in 2012.

## **VII. Law Enforcement**

### ***Missouri***

Cynthia Cordes, Asst. U.S. Attorney and Human Trafficking Coordinator  
U.S. Attorney's Office Western District of Missouri  
Charles E. Whittaker Courthouse  
400 E. 9th St.  
Kansas City, MO 64106  
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Led by Assistant U.S. Attorney Cynthia Cordes, the Human Trafficking Rescue Project of the Western District of Missouri has prosecuted more trafficking cases than any other district in the United States. This U.S. Attorney's Office was the first to combine the Trafficking Victims Protection Act (TVPA) with the Racketeering Influenced and Corrupt Organizations (RICO) Act and to use the TVPA to prosecute

intrastate sex trafficking of children. They were also the first to use the TVPA to address the demand side of human trafficking by prosecuting the customers of sex trafficking victims.

Arguing that the word “obtain” in the definition of the TVPA suspect activities applied to the buyers of sex, Cordes successfully convicted purchasers of sex. She was also the first to use part of a federal law governing child pornography to give more prison time to pimps who advertised pictures of young girls over the Internet. In addition, the rescue project of the Western District uses undercover sting operations to arrest purchasers of sex from young girls over the Internet. Cordes has spent considerable time educating law enforcement, social service workers, and the public about human trafficking and has found that it has benefited their efforts, saying that the majority of their tips in a trafficking case now comes from the public.

### ***U.S. Department of Justice***

To learn about efforts of the Criminal Division of the U.S. Department of Justice, see Pornharms: Research, “Summary of Activity of the Child Exploitation and Obscenity Section, USDOJ—1995,” October 30, 2012, at <http://pornharmsresearch.com/summary-of-activity-of-the-child-exploitation-and-obscenity-section-usdoj-1995/>.

## **VIII. Laws**

### ***Croatia***

Croatia criminalizes the buyer of a prostituted person if the buyer had knowledge that the prostituted person has been trafficked.

### ***Finland***

In 2006, Finland approved a bill that made it illegal to purchase sexual services from a prostituted person if the prostituted person was trafficked.

### ***Iceland***

In 2009, Iceland made the purchase of sexual services illegal, with up to one year in prison and two years in the purchasing from a minor. In 2010, Iceland banned all strip clubs for adding to the denigration and selling of women.

### ***Macedonia***

In Macedonia's Art. 41-A of the Criminal Code, the person who uses or enables another's use of sexual service from someone the person knows is a victim of human trafficking will be punished with six months to five years imprisonment.

### ***Norway***

In 2009, Norway made the purchase of sexual services illegal, with up to six months in jail and a fine, and up to three years in jail if purchasing from a minor. The law also criminalizes the purchase of sex abroad.

### ***The Philippines***

In the Philippines' Anti-Trafficking in Persons Act of 2003, any person who buys or engages the services of a trafficked person for prostitution will be penalized by up to six months of community service and a fine of 50,000 pesos on a first offense. On any subsequent offense, the penalty is one year in prison and a fine of 100,000 pesos. If one is found guilty of trafficking or recruiting an individual, or hiring a trafficked person, the penalty is 20 years imprisonment and a fine of no less than 1 million pesos. If someone is found guilty of profiting from trafficked persons, the penalty is 15 years imprisonment and no less than 500,000 pesos. As of 2011, legislation is pending that would further strengthen the criminal penalties against the buyers of sexual services of trafficked and prostituted individuals.

### ***Saudi Arabia, Jordan, Bahrain, and Tunisia***

The listed countries address demand by penalizing both the women in prostitution and the male customer.

### ***Sweden***

#### ***Law That Prohibits the Purchase of Sexual Services, 1998:408***

This law criminalizes the purchase of sexual services with up to six months in prison, while the selling of sexual services remains legal because of the seller's weakened and exploited state. This legislation strengthened the sexual harassment law and made it so that Swedish citizens who committed a crime in another country could be convicted under Swedish law. This law was part of the Act on Violence Against Women, which argues that prostitution and trafficking is male violence against women.

### ***Prostitution and Trafficking in Human Beings 2005***

In 2002, Swedish legislation imposed criminal liability for trafficking in human beings for sexual purposes. In 2004, amendments were made, extending criminalization to all forms of trafficking in persons, including trafficking within national borders. In the Swedish Penal Code (ch. 4, s.1a), criminal liability for trafficking in human beings applies to anyone who through the use of unlawful coercion or deception, by exploiting a person's vulnerability or by any other similar improper means recruits, transports, harbors, receives or takes other similar actions toward a person and thereby gains control over that person. Criminal liability extends to anyone who takes control over a person or hands over control of a person to someone else as well as committing trafficking of persons who have not yet turned 18 years old, even if no improper means have been used. One found guilty of trafficking in persons would be sentenced to jail for a minimum of 2 years and at most 10 years. The Swedish government is now working on a national action plan, focusing on further measures to prevent prostitution and trafficking in persons, including specific initiatives to discourage the demand, as well as measures of protection and support to victims of prostitution and trafficking in persons, working with the justice system, police, and social services. See the Swedish Ministry of Industry, Employment, and Communication, <http://legislationline.org/download/.../ee4eb3cbfa0adeec87ad87067a6f.pdf>.

### ***United Kingdom***

The United Kingdom's Policing and Crime Act of 2009 made it illegal to purchase sex from someone who has been forced into prostitution and allows men to be prosecuted for soliciting a prostituted person the first time that they are apprehended.

### ***United States***

#### ***Federal Obscenity Laws***

To gain current information about all U.S. federal obscenity laws, go to <http://www.waronillegalpornography.com/what-are-the-laws-about-pornography/>.

#### ***Federal***

Trafficking Victims Protection Act of 2000 (TVPA); Trafficking Victims Protection Reauthorization Act of 2003, 2005, and 2008 (TVPRA); The Protect Act

The TVPA of 2000 was the first comprehensive federal law to address human trafficking. The law provided a three-pronged approach: (a) prevention through

public awareness programs overseas and State Department–led monitoring and sanctions programs; (b) protection through new T-visa services for foreign national victims; and (c) prosecution through new federal crimes. The legislation made human trafficking a federal crime with penalties of up to 20 years imprisonment. The law includes new crimes of forced labor; sex trafficking by force, fraud, or coercion; and sex trafficking of children. The legislation also created an Office to Monitor and Combat Trafficking in Persons within the State Department, which reports on and ranks countries’ efforts to combat trafficking. Although the TVPA of 2000 does not mention demand, its reauthorizations do.

The TVPRA of 2003 strengthens the act of 2000 by requiring the U.S. government to terminate contracts with overseas contractors who engage in sex trafficking or commercial sex or who use forced labor. It also creates a federal civil cause of action for trafficking victims to sue their traffickers.

The TVPRA of 2005 addresses sex tourism with prevention programs and expands federal criminal jurisdiction to trafficking offenses committed by U.S. government personnel and contractors while abroad. It also has a specific section on demand entitled Section 104 (2) Demand Reduction as follows:

#### SEC. 104. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

(c) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—Section 108(b) of the Trafficking Victims 21 Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (3), by adding at the end before the period the following: measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country, measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and measures to prevent the use of forced labor or child labor in violation of international standards;

(2) and in the first sentence of paragraph (7), by striking “persons,” and inserting “persons, including nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking.



Finally, the William Wilberforce TVPRA of 2008 requires the Department of Labor to work toward preventing U.S. citizens from using goods produced or extracted with slave labor and sets a deadline for the Department of Labor to provide a list of goods produced by slave labor or child labor. The legislation prevents U.S. military assistance to countries using child soldiers in military forces of government-supported armed groups. The legislation also creates a new crime of fraud in foreign labor contracting, criminalizing the recruitment of foreign workers under false pretenses.

The Protect Act prohibits travel of U.S. citizens and residents who travel abroad to engage in illicit sexual activity with a child and does not require intent to have sex with a child abroad. The penalty is 30 years imprisonment.

### ***Military***

Uniform Code of Military Justice (UCMJ) Article 134 prohibits patronizing a prostitute, and reads as follows:

Effective October 1, 2007, members of the armed forces shall be found guilty of *Patronizing a Prostitute* if the accused (a) had sexual intercourse with another person not the accused's spouse; (b) the accused compelled, induced, enticed, or procured such person to engage in an act of sexual intercourse in exchange for money or other compensation.

The accused shall be found guilty of *Pandering by compelling, inducing, enticing, or procuring an act of prostitution* if the accused (a) compelled, induced, enticed, or procured a certain person to engage in an act of sexual intercourse for hire and reward with a person to be directed to said person by the accused.

The accused shall be found guilty of *Pandering by arranging or receiving consideration for arranging for sexual intercourse or sodomy* if the accused (a) arranged for, or received valuable consideration for arranging for, a certain persons to engage in sexual intercourse or sodomy with another person. These acts are deemed wrongful and were of a nature to bring discredit upon the armed forces. The maximum penalties for *Patronizing a Prostitute* are dishonorable discharge, forfeiture of all pay and allowances, and confinement for one year. For the act of *Pandering*, the maximum penalty is dishonorable discharge, forfeiture of all pay and allowances, and confinement for five years.

### ***State Obscenity Laws***

For information about obscenity laws in each state of the United States, please visit <http://www.waronillegalpornography.com/state-obscenity-laws/>.

## *Colorado*

### **Diversion Program for Persons Who Commit Prostitution-Related Offenses —SB11–085**

Signed into law in June 2011, SB11–085 establishes that first-time offenders of prostituted-related services can participate in a johns school program in lieu of jail time (subject to agreement by the prosecutor). The first-time offender must plead guilty to the prostitution-related charges before entry into the program. In the program, he learns of the unintended consequences and harms of prostitution and its victims. The offender must complete the program for prostitution-related charges to be dismissed. If the offender does not complete the program within two years or does not meet the conditions of the plea bargain agreement, the offender will be sentenced for the offenses to which he or she plead guilty and will be required to pay a fine of \$2,500–\$5,000. The bill also increases the fines on top of existing statutory penalties, of \$5,000–\$10,000 for soliciting, pandering, or patronizing a prostituted person.

## *Georgia*

Signed into law on May 3, 2011, H.B. 200 strengthens the criminal penalties for human traffickers who target minors. If the victim is at least 16 years old, but less than 18 years old, the crime is a felony and punishable by 5–20 years imprisonment and a fine of \$2,500–\$10,000. If the victim is under 16 years old, the crime is a felony and punishable by 10–30 years imprisonment and a fine of up to \$100,000. The legislation also prevents the defense of blood relation as an excuse for exploiting their children or spouse.

## *Hawaii*

### **HB 240 and HB 44; Hawaii Penal Code 712–1202, 712–1203, and 712–1204**

Hawaii's increased penalties for promoting prostitution took effect on July 1, 2011. Promoting prostitution in the first degree is a class A felony, promoting prostitution in the second degree is a Class B felony, habitual solicitation of prostitution is a Class C felony, and promoting travel for prostitution is a Class C felony. The new law also made conducting or engaging in prostitution within 750 feet of a school or public park a misdemeanor.

## *Illinois*

### **Public Act 96-1464: Illinois' Safe Children Act**

In 2010, Illinois passed a law that increases the penalties for purchasing a minor in prostitution and limits the affirmative defenses for those exploiting minors. The penalty for soliciting a sexual act is now a Class A misdemeanor, soliciting sex

from a child under the age of 18 is a Class 4 felony, soliciting for a prostitute is a Class 4 felony, soliciting for a minor engaged in prostitution is a Class 1 felony, keeping a place of prostitution is a Class 4 felony, patronizing a prostitute is a Class 4 felony, patronizing a minor engaged in prostitution is a Class 3 felony, and pimping is a Class 4 felony. A vehicle used in soliciting for a prostituted person will be impounded and entails a payment of a \$1,000 fee to recover the vehicle.

#### **Cook County Public Morals Nuisance Ordinance**

This law increases fines on the individuals who purchase sex from prostituted person.

#### ***Missouri***

##### **Criminal Code: 567.050; 567.030; 567.010; 558.011; 566.103; 568.080; 566.151**

Promoting prostitution in the first degree (defined as someone who promotes prostitution of a person less than 16 years old) is punishable as a class B felony by 5–15 years imprisonment. Patronizing prostitution when the victim is 15–17 years old is punishable as a Class A misdemeanor with up to one year imprisonment. If the victim is 14 years old or younger, conviction is punishable as a Class D felony with up to four years imprisonment. The crime of promoting online sexual solicitation is punishable as a felony by a fine of \$5,000 for each day that the advertisement remains posted on the web-based classified service after 72 hours of the notice being provided. The crime of using a child younger than 17 years of age in a sexual performance is punishable as a Class C felony with up to seven years imprisonment, but, if, in the course of committing the crime, serious emotional injury is inflicted on the child, conviction is punishable as a Class B felony by 5–5 years imprisonment. If a person 21 years of age or older commits the crime of enticement of a child less than 15 years of age through the Internet or any electronic communication, a conviction is punishable as a felony by 5–30 years imprisonment.

#### ***New York***

##### **New York Penal Code 230.03; 230.04; 230.05; 230.15; 230.20; 230.30; 230.32**

In 2007, New York increased the penalties for those patronizing prostituted persons from a Class B misdemeanor (three months in jail and a \$500 fine) to a Class A misdemeanor (one year in jail and a \$1,000 fine). Patronizing a minor younger than age 14 is a Class E felony (patronizing in the second degree) and patronizing a minor younger than age 11 is a Class D felony (patronization in the first degree). Promoting or pimping is illegal under Penal Law Section 230.20/230.15, which is a Class A misdemeanor, with up to one year in jail. Promoting prostitution for

minors comes with increased sentences. Promoting prostitution is a more serious crime than prostituting under New York law.

### ***Texas***

#### **Criminal Code: 20A.02; 43.05 (a)(2); 25.08(a); 33.021(b)-(c)**

Classification of a minor being trafficked has been increased from a felony of the second degree to a felony of the first degree without regard to use of force, fraud, or coercion punishable for no less than five years and possible life in prison, along with a possible fine up to \$10,000. Compelling prostitution of a child under 18 years of age, whether the individuals knew the age or not, is punishable as a felony of the first degree with imprisonment for life or no less than 5 years. The sale or purchase of a child under the age of 18 is punishable as a felony of the second degree by 2–20 years imprisonment and a possible fine of \$10,000. The online solicitation of a minor, where the victim is 14–17 years old, is punishable as a felony of the third degree by 2–10 years imprisonment and a possible fine of \$10,000; if the victim is younger than 14 years old, the crime is punishable as a felony of the second degree by 2–20 years imprisonment and a possible fine of up to \$10,000.

### ***Washington State***

#### **Sex Crimes Involving Minors, ch. 289, 11**

In 2010, Washington passed a law that increased penalties for those who promote commercial sexual abuse of a minor and those who commit sexual abuse of a minor. The crime of promoting commercial sexual abuse of a minor is now a Class A felony in the same class as first degree rape and first degree assault; the crime of buying a minor for sex is now a Class B felony, in the same class as arson. Furthermore, it is not a defense that the defendant did not know that the individual they were procuring was a minor. In addition to the criminal sentence, the law provides for higher fines and punishments. For example, if a car is used in the commission of the crime or if the person arrested owns the vehicle, the vehicle must be impounded, and the fine is \$2,500 to get the car back—a \$2,000 increase from the previous impounding fee.

### ***United Nations***

#### ***Draft Resolution: United Nations Global Plan of Action Against Trafficking in Persons***

The draft resolution acknowledges all previous protocols and resolutions regarding trafficking in persons. The resolution aims to build on the prevention

and deterrence of trafficking in persons, with specific mention of demand-related criteria:

- Promote awareness-raising campaigns aimed at persons at risk of being trafficked and the general public through education and effective involvement of mass media, NGOs, the private sector, and community leaders to discourage the demand that fosters the exploitations of persons, especially women and children, and that leads to trafficking.
- Increase and support prevention efforts in countries of origin, transit, and destination by focusing on the demand that fosters all forms of trafficking and the goods and services produced as a result of trafficking in persons.
- Enhance efforts to investigate alleged cases of trafficking; strengthen means to combat trafficking; prosecute perpetrators, including through more systematic use of freezing assets for the purpose of eventual confiscation; and ensure that penalties are proportionate to the gravity of the crime.
- Investigate, prosecute, and punish corrupt public officials who engage in or facilitate the trafficking of persons, and promote a zero-tolerance policy against those corrupt officials consistent with the United Nations Convention against Corruption and the United Nations Convention against Trafficking and Organized Crime.

***Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime***

Article 9, Section 5, states the following:

States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

***European Union***

***The Council of Europe Convention on Action against Trafficking in Human Beings and Its Explanatory Report, “Warsaw, 16.V.2005”***

Article 6 of the Council of Europe Convention, Measures to Discourage Demand, states the following:

To discourage demand that fosters all forms of sexual exploitation of persons, especially women and children, that leads to trafficking, each Party shall adopt or strengthen legislative, administrative, educational, social, cultural, or other measures including (a) research on best practices, methods, and strategies; (b) raising awareness of the responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking human beings; (c) target information campaigns involving, as appropriate, inter alia, public authorities and policy makers; and (d) preventative measures, including educational programs for boys and girls during their schooling, which stress the unacceptable nature of discrimination based on sex, and its disastrous consequences, the importance of gender equality and the dignity and integrity of every human being.

***European Commission and Council of the Union. “Priorities and Outline of a New EU Policy Framework to Fight Violence against Women,” Sections 2 and 19***

The proposed and ratified measure includes a resolution to draw attention to the increase in human trafficking—a trade that targets women and children in particular—and urges member states to take firm action to combat this illegal practice. It asks member states to ensure (a) the punishment of perpetrators of gender-based violence, including trafficking in persons, in accordance with the gravity of the crime; (b) the creation of partnerships with higher education institutions with a view to providing training courses on gender-based violence for professionals in the relevant fields, especially judges, police officials, health and education professionals, and victim support staff members; and (c) the role of commission and member states in taking appropriate measures on prevention, including awareness-raising campaigns, when relevant and in cooperation with NGOs.

***The European Parliament, “Trafficking in Human Beings 2010”***

The European Parliament’s legislative resolution acknowledges the problem of human trafficking and its demand within the European Union and internationally calls on its member states to stress legislative and nonlegislative measures, including education, social, cultural, and administrative measures to reduce the demand for trafficked persons. It calls on member states and developing countries to (a) engage in information and awareness-raising campaigns, thereby targeting both potential victims of trafficking and potential buyers of services from trafficked persons; (b) implement greater penalties and sanctions for those who profit from trafficking in persons, particularly children; (c) focus prevention and action on the users of services by trafficked persons; and (d) adopt, as soon as possible,

exhaustive and comprehensive legal framework, including policies to counter cybercrime connected to trafficking.

### ***The European Parliament: Committee on Women's Rights and Gender Equality***

The European Parliament Committee on Women's Rights and Gender Equality suggests that the European Union and its member states enact effective trafficking legislation aimed at addressing the victims, the demand, and the criminals involved. The committee recognizes growing consumer demand for both commercial sex and forced labor as a contributing factor in the trade of human beings. To curtail demand, the committee recommends developing education and awareness campaigns among all the population and, in particular, within vulnerable groups, including a European Union anti-trafficking day.

## **IX. Pledges and Petitions**

### **Change.org Petitions**

Change.org's petition campaigns call for asking Craigslist to shut down its adult erotic ads section—a section allowing ads for prostitution and purchase of commercial sex—because they facilitate sex trafficking. The first petition campaign focused on the United States. The second petition asked Craigslist to shut down the same sections outside the United States. After two years of advocacy by leading anti-trafficking organization and 10,000 Change.org members, Craigslist shut down its adult ads section. See

<http://www.change.org/petitions/ask-craigslist-to-stop-advertising-human-trafficking-outside-the-us>,

### **Code of Conduct for Men in the 21st Century**

The Code of Conduct for Men in the 21st Century is a 15-point code written by Brian Iselin in 2009. The code calls for men to sign a statement saying that they will reject the purchase of sex with women and children, and the code recognizes that prostitution is harmful to women. It also calls on men to reject buying pornography or any products that exploit women, to not visit clubs or bars that exploit women through exotic dancing, and to reject unconditionally all violence against women and children. See <http://www.tsamtk.org/Contents/Details/2135>.

## **The Defenders Pledge**

The Defenders Pledge, created in part by Shared Hope International, asks men to make a commitment to being a better man and pledging to the following: (a) they will not purchase or participate in pornography, prostitution, or any form of the commercial sex industry; (b) they will hold their friends accountable for their actions toward women and children; and (c) they will protect those whom they love from the commercial sex market. Indiana State Attorney General Greg Zoeller signed this pledge on January 27, 2012. See <https://www.sharedhope.org/thedefenders/TakeAction/TheDefendersPledge.aspx>.

## **ECPAT Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism**

Website: <http://www.thecode.org>

Website: [http://www.ecpat.net/ei/Publications/CST/Code\\_of\\_Conduct\\_ENG.pdf](http://www.ecpat.net/ei/Publications/CST/Code_of_Conduct_ENG.pdf)

The ECPAT code is written for suppliers of tourism services to adopt and implement to protect children from sexual exploitation in travel and tourism. The criteria includes the following: training personnel in the country of origin and travel destinations about child sexual exploitation and about what to look for; introducing a clause in contracts with suppliers stating a common repudiation of the commercial sexual exploitation of children; and providing information to travelers by means of catalogues, brochures, in-flight films, ticket-slips, Internet home pages, and so forth.

## **Washington BEST Principles**

The Washington BEST Principles serves as the anti-trafficking standard for small- to medium-size businesses in Washington state. Businesses that sign the code of conduct pledge to take a zero-tolerance stance on human trafficking for the purpose of labor or sexual exploitation. They will comply with relevant laws and regulations; will train employees to comply and report suspected exploitation; will align human resource employment and travel policies with a zero-tolerance stance; and will provide notice to employees and business partners, including suppliers, contractors, and subcontractors. See <http://waengage.com/code-of-conduct>.

## **X. First Offender Programs**

Many communities are experimenting with rehabilitation programs—colloquially called johns schools—for men who have been arrested for soliciting for prostitution. These schools were the brainchild of the late Norma Hotaling, who founded the advocacy and victim's services organization, SAGE. Shortly after she began outreach to women on the streets in San Francisco, California, she



realized that, unless she addressed the problem of demand for commercial sex, the supply of women and children trafficked into and trapped in prostitution would continue unabated.

In 1995, Hotaling partnered with the San Francisco District Attorney's Office to cofound the first-of-its-kind class for men who purchased sex, the First Offender Prostitution Program (FOPP). San Francisco's FOPP is a collaboration between law enforcement, public health, and private agencies that is created to shift local government's approach to commercial sexual exploitation away from the arrest of women and children and toward the arrest and education of men who buy sex. Since then, the program has been replicated in 40 cities in the United States, 6 cities in Canada, and more than 12 cities worldwide. The johns schools operate much like other diversion programs for first time offenders. They offer men who have been arrested for soliciting an adult woman in prostitution the opportunity to go to school to learn why what they are doing is wrong. In most (but not all) johns schools, an offender who attends the program can have charges dropped from his record. In johns' school, men hear from victims of trafficking, they examine their own motivations for buying sex, and they learn about the nature and scope and harm of trafficking.

The original FOPP in San Francisco is an eight-hour class for a fee of \$1,000. The fees fund intervention services for women and girls. Sex trafficking experts, health educators, prosecutors, police officers, and neighborhood activists teach the class. A 2008 Department of Justice study found that men who attended the FOPP were less likely to be rearrested for soliciting than men who did not attend such a program. In 1998, SAGE's FOPP won the Innovations in American Government Award, which is offered jointly by The Ford Foundation, Harvard University's John F. Kennedy School of Government, and the Council for Excellence in Government. Hotaling also received the Oprah's Angel Award for her innovative programs at SAGE.

Here is a list of the cities in the United States that, as of 2011, offer a first offender program. These programs open and close depending on resources, interest, and police arrest activity aimed at buyers:

### ***United States***

Brooklyn, NY  
Buffalo, NY  
Charlotte, NC  
Chicago, IL  
Cincinnati, OH  
Columbus, OH  
Dayton, OH  
Denver, CO

Fife and Tacoma, WA  
Fresno, CA  
Grand Rapids, MI  
Hartford, CT  
Indianapolis, IN  
Kansas City, KS  
Lakewood, WA  
Las Vegas, NV  
Lenexa, KS  
Los Angeles, CA  
Madison, WI  
Minneapolis, MN  
Nashville, TN  
New Hanover, NC  
Norfolk, VA  
Omaha, NE  
Orange County, NY  
Phoenix, AZ  
Pittsburgh, PA  
Portland Oregon  
St. Paul, MN  
Salt Lake City, UT  
San Diego, CA  
San Francisco, CA  
Tucson, AZ  
Waco, TX  
West Palm Beach, FL  
Worcester, MA  
Wyandotte County, KS

Johns schools have been replicated in several other countries, including South Korea and Canada. The following locations have successful Johns' schools running in Canada:

### **Canada**

Edmonton, Alberta  
Hintonburg, Ottawa  
Kitchener, Ontario  
Toronto, Ontario  
Winnipeg, Manitoba  
Vancouver, British Columbia





