

Human Trafficking and the New Slavery

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Abstract

Human trafficking is an issue that has grabbed the attention of the world over the past 15 years. But meaningful progress and research are still held back by a number of debates between academics, policy makers, and activists. Agreeing upon a consistent definition and methods of measuring trafficking presents a challenge, as does the continued focus on the sex trafficking of women into prostitution to the exclusion of other types of trafficking and genders. Debates over what type of crime trafficking is and what drives it (organized crime, human rights, migration policies) have also had important impacts on the way that the phenomenon is conceptualized and dealt with at the national and international levels. This article outlines these debates and suggests directions for future research that can reveal the complexities of the phenomenon but also clarify our understandings of the lived experiences of people involved and the processes that drive it.

INTRODUCTION

Over the past 15 years, human trafficking has become an international cause célèbre. Celebrities such as Angelina Jolie, Ashley Judd, Ricky Martin, and Mira Sorvino have advocated for anti-trafficking programs (Haynes 2014), and MTV and CNN have both started projects to educate the public about it. Storylines featuring trafficking have appeared in movies, television shows, and popular literature. Investigative journalists and activists have also worked hard to expose the reality of human trafficking with attention-grabbing titles like *A Crime So Monstrous* (Skinner 2008), *Not for Sale* (Batstone 2010) and *The Slave Next Door* (Bales & Soodalter 2009). As of 2005, more than 900 international and nongovernment organizations have taken on trafficking as a priority area of concern or have been established to deal with it (Kempadoo 2012).

Alongside this increase in the public's knowledge and exposure, academic work on the topic has proliferated. Trafficking discourse operates at the intersection of a number of large and controversial issues. It is at once an issue of border security, transnational organized crime, poverty, migration, public health, women's rights, and human rights. Whereas initial research and publication on trafficking was largely undertaken by advocacy groups, academics from multiple disciplines have increasingly applied advanced social science methods to important questions like the size and extent of the problem, the economics of trafficking, and the implementation of anti-trafficking policies. These go hand in hand with ethnographic and interview-based, usually single-country, explorations of the microfoundations of human trafficking and the lived experiences of those involved.

In 2008, Gozdziaik & Bump (2008) undertook a survey of the academic literature and located almost 750 research-based books, reports, and articles published on human trafficking. They found that the trafficking literature suffered from a lack of empirical basis, limited methodological scope (mostly qualitative convenience samples), and a predominant focus on women and trafficking for sexual exploitation. This finding was echoed a year later by Zhang (2009, p. 185) who suggested that “imagination seems to have taken the place of sound empirical studies.” Five years later, many of these criticisms remain valid. Sex trafficking of women for prostitution remains the focus. There is still almost no academic work on labor trafficking, trafficking of men and boys, or other types of exploitation. Although I include examples from a broad swath of countries here, empirical work still primarily focuses on the United States, Europe, and Asia, with very little on Latin America, Africa, and the Middle East.¹

Several recent books describe and analyze the wide range of trafficking activities by looking at global (Aronowitz 2009, Kara 2008), regional (Shelley 2010, Wylie & McRedmond 2010), and national (Hepburn & Simon 2013) patterns. Instead of reprising their findings, this article instead focuses on five areas of debate that pose challenges for scholars studying human trafficking but also reveal opportunities for future research that can better delineate the contours of the phenomenon (Hebert 2011, Jahic & Finckenaue 2005, Lee 2011). They are (a) the lack of clarity in definitions and measurement, (b) a focus on sex trafficking to the exclusion of other types of trafficking, (c) navigating the blurry lines between “trafficking victim” and agency, (d) the framing of the trafficking problem as one of organized crime versus one of human rights, and (e) how human trafficking policies have been adopted and implemented.

¹In Latin America, research has been mostly on sex work or the exploitation of children in the sex industry (Zhang et al. 2012); in Africa, limited research has been done on child trafficking for labor and warfare. The Middle East discourse has largely been about forced labor in the domestic service sector.

DEFINITIONS AND MEASUREMENT

One of the biggest challenges in studying human trafficking is definitional. Although multiple definitions exist, there is still very little agreement on what the phenomenon is, much less how it can and should be measured (Ali 2010, Aromaa 2007, Guinn 2008, Savona & Stefanizzi 2007). This not only creates obvious empirical challenges for researchers but also has important impacts on policy making and implementation. Advocacy campaigns have used large estimates of trafficking prevalence as rallying cries to raise awareness and encourage governments to act, but research has shown that most of the estimates have little solid empirical data behind them (Feingold 2010, Goodey 2008, Jahic & Finckenauer 2005, Warren 2010, Zhang 2009). In one oft-cited example, the US government's estimate of 600,000–800,000 people trafficked internationally per year was later debunked in a GAO report that revealed its shaky methodological grounding (GAO 2006).

The current internationally accepted definition of human trafficking comes from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Palermo Protocol), which is an optional protocol to the UN Convention against Transnational Organized Crime and has been signed by 117 countries. Human trafficking is defined as “recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation,” with exploitation defined widely to include “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UN Protocol 2000). As states have criminalized human trafficking domestically, many have included elements beyond the requirements of the Palermo Protocol.² For example, Qatar prohibits trafficking for the purpose of pornography, and Israel prohibits trafficking for the purpose of surrogacy (Mattar 2013). The United States defines trafficking to include inducing any commercial sex act of a minor (i.e., someone under the age of 18). Many, but not all, national laws apply to both internal and cross-border trafficking. The multiple definitions of human trafficking mean that when states do report how many instances of trafficking they have encountered, the numbers are not comparable cross-nationally. Nor are they likely accurate. State authorities consistently fail to identify victims as victims, often seeing them as illegal immigrants and deporting them (Laczko 2007).

Scholars doing cross-national quantitative research on human trafficking have several data sources to choose from to construct their dependent variables of trafficking prevalence, but each

²A number of regional and subregional agreements, treaties, and declarations on human trafficking add to the obligations of member nations, mostly in the realm of victim protection and prevention measures. In Europe, states can sign on to the Council of Europe Convention on Action against Trafficking in Human Beings, which went into effect in 2008 and now has 41 signatories. In 2003, the Organization for Security and Co-operation in Europe (OSCE) issued its Action Plan to Combat Trafficking in Human Beings, which creates a framework for member states to follow. More binding is the 2011 EU directive on criminalizing human trafficking, which went into direct effect in all EU countries starting in April 2013 (Bressan 2012). In Asia, the Association of Southeast Asian Nations's (ASEAN) 2004 Declaration Against Trafficking in Persons Particularly Women and Children encourages member states to combat trafficking. The Organization of American States has had an Anti-Trafficking in Persons section since 2004 and, in 2009, appointed an anti-trafficking coordinator to help member states coordinate their efforts on trafficking. As of 2009, the African Union has begun a campaign against human trafficking to help implement the 2006 Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children. At the subregional level, the UN Inter-Agency Project on Human Trafficking and the Coordinated Mekong Ministerial Initiative Against Trafficking have both focused on the countries in the Mekong subregion. The Commonwealth of Independent States, which includes all former Soviet countries except Georgia, also has several region-wide agreements on trafficking and has created a model draft law for its members. In the United States, trafficking is criminalized in all 50 states and federally.

measures different things, making it difficult to compare results across studies. Two cross-national data sets are based on the Palermo Protocol's definition of human trafficking: the International Organization for Migration (IOM)'s Counter Trafficking Module (CTM) and the UN Office on Drugs and Crime (UNODC)'s Global Database on Trafficking Trends. The CTM, which is in operation at almost all of the IOM's national offices, collects data on victim characteristics to understand patterns of trafficking and victimization. The data collection, however, is limited to trafficking victims who were found and referred for assistance or who sought out assistance themselves. As users of the CTM readily admit, this likely captures only a certain type of victim, one who is willing to accept the victim label and the assistance that comes with it (Brunovskis & Surtees 2007, 2010; Surtees & Craggs 2010). The other primary data set used by researchers is the UNODC's Global Database on Trafficking Trends, which aggregates reported instances of trafficking received by international and nongovernment organizations, research institutions, government institutions, and the media (Kangaspunta 2007). These data also suffer from reporting bias—most reports come from developed countries—and a bias toward sex trafficking because that has been the primary focus of anti-trafficking activism and policy (Rao & Presenti 2012) and as such is most likely to register with reporting entities.

Other scholars have used the change in a country's tier ranking on the annual US "Trafficking in Persons Report" (TIP Report).³ The methodology of this report is still quite opaque, so it is difficult to know what causes movement in tier ranking from one year to the next and whether that corresponds to a *de facto* decrease in the incidence of trafficking or simply a better *de jure* policy response by a particular government (Gallagher 2011). Two other studies, both in Eastern Europe, have relied on their own nationally representative data collection efforts to estimate the prevalence of trafficking (Mahmoud & Trebesch 2010, Pennington et al. 2009), but this type of research is more the exception than the rule. Overall, the clandestine nature of the crime and the reluctance of victims to come forward due to fear or shame make it difficult to estimate the dark figure—the difference between the number of cases reported and the actual instance of trafficking (Datta & Bales 2013).

Researchers using qualitative methods have taken an expansive view of what should be included under the auspices of trafficking. In addition to forced prostitution, there is a wide range of other activities that have been classified as human trafficking, at least under some conditions, including Indonesian and Filipina domestic workers in the United Arab Emirates and Saudi Arabia (Mahdavi 2013, Vlieger 2012); children working in fish processing in Bangladesh (Jensen 2013); transnational marriages between Westerners and Thai or Russian women (Tyldum 2013); organ trafficking from Sudanese refugees in Egypt (Budiani-Saberi et al. 2011) and in the Balkans (OSCE 2013); men trafficked for agricultural labor into the United States from Latin America (Barrick et al. 2014) and into Russia from Central Asia (Kelly 2005), Ukraine, and Belarus (Surtees 2008); children forced into begging on the streets in South Eastern Europe and Asia (Cherneva 2011); and forced labor in the mining and logging industries (US Dep. State 2014). With this wide of a range of activities counting as trafficking, it can be difficult to draw clear definitional parameters.

Additionally, in practice, human trafficking has been difficult to separate from other similar violations, such as migrant smuggling, forced labor, and slavery, each considered to be a separate

³Countries are grouped into one of four levels. Tier 1, the highest ranking, indicates that the country's government fully complies with the US government's minimum standards. Tier 2 indicates countries whose governments do not fully comply but are making significant efforts to do so. In the 2004 TIP report, a tier 2 watch list was added. Countries on the watch list, like all other tier 2 countries, have governments that do not fully comply but are making efforts to do so. However, the watch list countries also have significant trafficking problems (based on number of victims), have failed to provide evidence that they are increasing their efforts to combat trafficking, or have not yet taken steps to combat trafficking over the next year despite committing to do so. Finally, tier 3 countries do not fully comply with the Trafficking Victims Protection Act's minimum standards and are not making significant efforts to do so (US Dep. State 2013).

phenomenon in international law. Migrant smuggling occurs when the smuggler has been paid to facilitate the journey of the person being smuggled and therefore both parties are in violation of the law. It differs from trafficking in that any exploitation that does happen in the process of moving migrants ends as soon as they get to the border. But in reality, many “smuggled” migrants are still indebted to their facilitators at the end of the journey and continue to pay off their debts in exploitative situations in which they have little choice over the work to be performed and its conditions (Kyle & Koslowski 2001).

The difficulty of drawing clear dividing lines between “acceptable” exploitation in the case of migrant smuggling and “unacceptable” exploitation in the case of trafficking has led many to eschew the distinction altogether and instead define trafficking more broadly as slavery (Bales 1999, 2005; Choi-Fitzpatrick 2011; Datta & Bales 2014). This is the tactic of the Walk Free Foundation, which in 2013 released the first Global Slavery Index, estimating that 29.8 million people are enslaved worldwide.⁴ Another solution has been to see trafficking victims as one of many types of people engaged in forced labor, defined by the International Labour Organization (ILO)’s Forced Labour Convention as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” This definition does not distinguish them from smuggled or illegal migrants or require that they have crossed borders (Anderson & O’Connell Davidson 2003). According to the ILO’s (2012) “Global Estimate of Forced Labour” report, 18.7 million people worldwide are being exploited at any one time in the private economy, with 4.5 million in sexual exploitation and 14.2 million in labor (agriculture, construction, domestic work, or manufacturing).⁵ Many of these people cross borders before they are exploited, but even more are exploited within their own countries.⁶

Because of these definitional and measurement complications, many scholars have recommended sticking to qualitative work, at least in the short term, building theory from the ground up and refining existing methods to collect better data while at the same time explicitly acknowledging their limitations (Brunovskis & Surtees 2010, Tyldum 2010, Zhang 2009). However, qualitative research comes with its own set of difficulties including access and ethical issues, especially if it involves interviewing victims, people who are involved in illegal activities, or people whose migration status is irregular (Cwikel & Hoban 2005, Surtees & Craggs 2010, Zhang 2009).

FOCUS ON SEX TRAFFICKING AND PROSTITUTION

Discussions of human trafficking have focused primarily on sex trafficking and have been mired in debates surrounding prostitution (Agustin 2005, Outshoorn 2005). On one side are abolitionists who believe that prostitution is one of the worst types of gendered exploitation that emerges from a

⁴The Walk Free Foundation (2013, p. 11) defines slavery as “the possession and control of a person in such a way as to significantly deprive that person of his or her individual liberty, with the intent of exploiting that person through their use, management, profit, transfer or disposal. Usually this exercise will be achieved through means such as violence or threats of violence, deception and/or coercion,” which includes activities defined under international law as slavery, human trafficking, and forced labor. Also see Datta (2014) for a discussion of the estimation methodology.

⁵Women constitute 98% of the people in forced sexual exploitation, and men constitute 60% of those in forced labor exploitation. An additional 2.2 million people are exploited by states. The ILO’s definition of forced labor encompasses the exploitation envisioned in the internationally accepted definition of human trafficking with the exception of organ removal, adoption, and forced marriage.

⁶Of those in forced sexual exploitation, 74% crossed international borders before they were exploited, with 19% being moved somewhere within their own country and 7% not leaving their area at all. With forced labor exploitation, the patterns are significantly different. Only 18.5% of people being exploited in forced labor have crossed international borders before being exploited, and 15.2% have moved within their own country. The majority, 66.3%, are in forced labor situations right where they live.

patriarchal society and that legalized prostitution facilitates trafficking (Farley 2004, Hughes 2005, Raymond 2002). On the other are those who draw a clear distinction between women who choose to engage in or migrate for work in the sex industry and those who are forced or coerced into prostitution (Kempadoo 2012, Kempadoo & Doezema 1998). This debate comes out of almost a century of international advocacy starting with the first anti-trafficking movement in the early 1900s, which focused on stopping women and girls from being taken abroad for prostitution and resulted in the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Limoncelli 2010).

When trafficking reemerged as an issue in the 1990s, activists continued to draw a close connection between trafficking and prostitution in countries as diverse as the United States (Weitzer 2007), Russia (Johnson 2009), Greece (Papanicolau 2008), and Brazil (Amar 2009, Blanchette et al. 2013). This had a strong influence on the way trafficking was conceptualized and understood by the policy community. In the United States, for example, a well-organized and well-funded anti-trafficking movement brought together religiously conservative and feminist groups both pushing for the abolition of prostitution and helped steer the focus toward equating trafficking with prostitution (DeStefano 2008, Weitzer 2007). The 2000 Trafficking Victims Protection Act not only enshrined this connection in domestic law but also created it as a standard for other countries to follow in the required annual TIP Report. Issued by the US Department of State, the TIP Report, as noted above, assesses each country's compliance with anti-trafficking standards, and the State Department threatens to withhold aid if these goals are not met. At first, this report focused only on trafficking for prostitution, but it has gradually expanded to take into account other forms of trafficking. Its abolitionist orientation is still clear in the new requirement, as of 2008, to assess countries' attempts to curb demand for sexual services as part of their anti-trafficking efforts. Concern about sex trafficking has also impacted prostitution policy reform. Hill (2014) shows that discourses on trafficking in the United Kingdom engendered a "sympathetic shift" that frames prostitutes as victims rather than offenders. This shift, however, led to the adoption of policies and law enforcement practices that may be experienced as punitive by the women they are purportedly trying to help. Also, recent research on the Nordic model investigates the ways that trafficking discourse has helped drive a change from criminalizing the sellers of sex to criminalizing the buyers (Skilbrei & Holmstrom 2013).

Recent research has explored empirical evidence of the relationship between legalized prostitution and trafficking. Legalized prostitution could have one of two effects on the number of trafficking victims. In one theory, a legalized sex market increases the demand for all sexual services, including from trafficked victims. In the other theory, in a legalized sex market prostitution businesses would be able to operate legitimately and would not want to run the risk or bear the expense of having to monitor and control trafficked victims. Consequently, trafficking numbers should decrease because having local residents or permitted foreigners providing sexual services is ultimately better for business. In a quantitative analysis of 150 countries and three European case studies, Cho et al. (2013) find that the first effect outweighs the second and that countries with legalized prostitution have higher inflows of trafficking victims than those without legalized prostitution. In a study of 46 European countries, Jakobsson & Kotsadam (2013) report similar results. In classifying prostitution regimes, neither study differentiates between abolitionist regimes like Sweden, Norway, and Iceland, which have criminalized the buying of sex but not the selling of sex, and prohibitionist regimes like the United States, which make both buying and selling sex illegal. Nor do the studies explore what happens in low-income countries, where there may be a different dynamic because of the ready supply of women willing to work in prostitution. Using a case study of legalized prostitution in the Netherlands, Huisman & Kleemans (2014) suggest that regulation regimes that are intended to allow law enforcement to distinguish between trafficking

and sex work may not be monitored well enough and do not provide enough transparency to actually make this possible.

The close connection between trafficking and prostitution has meant that the face of human trafficking is that of an innocent young woman duped with false promises of a job, taken abroad, and then imprisoned by a thuggish organized crime group (usually foreign) and violently forced to have sex with dozens of men a day (Gulati 2010, 2011; Pajnik 2010). The innocent and helpless protagonist must then be rescued by gallant law enforcement agents, creating a hero and rescue narrative that is appealing to both the popular imagination and policy makers because it draws a clear moral line between bad traffickers and innocent/good victims. Although this narrative has been incredibly effective in raising both awareness and funding and generating policy response, the ideal-typical victim as presented is at best underspecified and at worst harmful. This depiction overlooks the serious problem of trafficking into labor exploitation, especially of men and boys, and trafficking occurring within a state's borders. It also implicitly creates hierarchies of victims who are seen as deserving or undeserving of the state's protection and enforcement resources based on whether or not they fit this ideal type (Coghlan & Wylie 2011, Hoyle et al. 2011, Munro 2008). Smit (2011) notes that male victims of trafficking in the Netherlands are rarely even told about the protections available for victims, and in Italy, only 10% of those served by state assistance programs were male (Caneppele & Mancuso 2013). Although these stereotypical victims do exist and extreme violence, coercion, and exploitation do occur, they are not as pervasive as the media suggest. In fact, Blanchette and colleagues (2013) note that in 15 years of research, they have never encountered an example of the Brazilian "myth of Maria," in which the gullible, poor woman of color falls for a fake job offer from a European (white) prince.

A focus on sex trafficking has also kept attention on prostitution policy while neglecting the impact of migration and labor policy on the experiences of trafficked workers. Both women and men are trafficked domestically and internationally into forced labor situations in sectors where the labor market is poorly regulated, thereby making them more vulnerable to exploitation (Anderson & O'Connell Davidson 2003). For example, in the Middle East, Vlieger (2012) and Mahdavi (2013) show how women from Asia (primarily from the Philippines and Indonesia) working in the domestic sphere are severely limited by a migration sponsorship system (*kefala*) that ties the women to their employers. In case of conflict or abuse, the employees cannot leave and look for another job, giving the employer the power to revoke their work permits if they do not do what they are asked. This leads to exploitative conditions like never being able to leave the house without the employer and being on call 24 hours a day 7 days a week with no vacation time. Furthermore, these workers are explicitly excluded from the provisions of national labor law, which could otherwise be used to protect their rights. In her study of Filipina hostesses in Tokyo, Parrenas (2011) finds that they face constraints that limit their autonomy when they arrive in Japan—they cannot choose their place of employment and are dependent on middlemen and their sponsoring employer—but that these constraints come primarily from the restrictive immigration regimes imposed by both Japan and the Philippines, not from any inherently exploitative practices. A focus on sex trafficking means that these other forms of exploitation often go unrecognized and other areas of policy that could lower the risks of exploitation tend to be ignored.

VICTIM/AGENT DICHOTOMY

A closely related debate in the trafficking literature is how accurately the label "victim of trafficking" reflects the lived experience of those it is applied to. As recent ethnographic research suggests, the line between victims—those who have no control over their decision making and migration experiences—and agents—those who retain and exercise some control—is not always clear. A

discourse that frames women as victims who need to be rescued from sexual exploitation has often been at the expense of taking women's agency seriously (Kelly 2003). Women choose to migrate for a variety of reasons: adventure, opportunity, independence, escape from abusive situations at home,⁷ supporting their families, and/or engaging in sex work, with some having worked in prostitution in their origin countries before migrating (Oude Breuil et al. 2011). Many view the risks of exploitation and working in dangerous conditions as reasonable given the conditions of work that they may experience staying in their own countries (Blanchette et al. 2013, Brysk 2011, Warren 2012). Notably, the Palermo Protocol does not require this strict division between victim and agent. A woman can agree to work in prostitution and still be trafficked, if one of the means outlined in the protocol are used (Hoyle et al. 2011).

Many people who are considered to be "trafficked" were active participants in their decisions to leave their countries and find work abroad. Predictors of trafficking vulnerability, in fact, closely mirror predictors of migration. In a random household survey in Eastern Europe, Mahmoud & Trebesch (2010) find that people in areas with high levels of emigration were at higher risk of being trafficked. In a cross-national analysis of drivers of sex trafficking, Rao & Presenti (2012) find that the characteristics of trafficking origin countries correspond much more closely to what would be predicted by theories of women's economic migration than by theories of trafficking. Whereas the trafficking literature predicts that women from poor countries with high gender inequality are the most likely victims of trafficking, these authors find instead that poverty has a U-shaped impact on trafficking—the poorest and the richest countries are unlikely to experience much trafficking—and that countries with high gender inequality tend to have less trafficking because women are either culturally or legally unable to migrate on their own. Danailova-Trainor & Belser (2006) also find that the supply of trafficking victims increases in countries where female youth unemployment is high.

In a 2011 book, Parrenas (2011) explores the victim/agent dichotomy as it applies to the lived experience of Filipina women working as hostesses in Tokyo, Japan, a group that has been repeatedly identified by the US Department of State as at risk for or already being sexually exploited. Her ethnographic field research shows that this label does not adequately describe their experiences. Most, if not all, are willing migrants trying to escape a life of poverty and are not coerced to do hostess work or forced into prostitution. Instead, they see themselves as professionals having chosen this job as the best available of limited options and as a better option than domestic work in the Middle East, which is perceived to be more exploitative. Studies of sex workers in Brazil (Blanchette et al. 2013), Mexico (Zhang 2011), South Africa (Gould 2011), and the United States (Dejanova & Raghavan 2013) as well as a study of men and boys engaging in transactional sex in Sri Lankan tourist beach towns (Miller 2011) also find that groups categorized as victims of trafficking by the international or nongovernment community in fact retain a significant amount of agency in choosing and remaining in their jobs.⁸

In a different sort of display of agency, some women who migrated for sex work and are arrested for prostitution use the stereotypical trafficking narrative to their advantage, claiming they were trafficked, to obtain aid and benefits in the destination country and a way back to their countries

⁷Zimmerman et al. (2006) find that 60% of the victims they interviewed had experienced some sort of violence prior to being trafficked.

⁸Scholars are also beginning to debate how much agency can be attributed to minors, although according to international and many domestic laws (including in the United States), they are defined as victims—unable to consent—regardless of the means used to traffic them (Weitzer 2013). Gozdzia (2012) shows that many minors trafficked to the United States wanted to come to earn money, and in Benin, interviewed minors who have been characterized as trafficking victims have also expressed a strong degree of agency, leaving their homes to work to support their families (Howard 2012).

of origin (Blanchette et al. 2013, Brunovskis & Surtees 2007, Warren 2012). By contrast, few men are willing to accept the victim label, which they see as undermining their masculinity. Most describe their exploitation to be the result of bad luck and are ashamed that they were unable to free themselves and/or bring home money for their families (Nikolic-Ristanovic 2009, Surtees 2008). In other words, those who see themselves as actively having chosen their paths and who refuse to accept the victim label are often excluded from the trafficking paradigm as currently constituted, regardless of the degree to which they were exploited.

FRAMING OF THE PROBLEM: ORGANIZED CRIME VERSUS HUMAN RIGHTS

The debate over what type of problem human trafficking is—a security and organized crime problem or a human rights problem—has shaped both research and policy making. These two approaches prescribe very different sets of state responses, one prioritizing border control and the criminalization and prosecution of trafficking activities, and the other prioritizing assistance and rehabilitation to the victims as a way to restore their dignity and basic human rights after the violations that occurred during the trafficking process. The former is the approach adopted by most states and is reflected in trafficking’s inclusion as part of the Convention against Transnational Organized Crime rather than in a separate human rights treaty. In fact, the Palermo Protocol’s only binding language is on criminalization and punishment (Gallagher 2001, 2010; Goodey 2008; Jordan 2002). Seeing trafficking as an external security threat allows the state to reassert its authority over this shadowy criminal underworld and protect its citizens (Berman 2003, Pajnik 2010). Victim protection is not absent in a security frame, but generally it is seen as pragmatic—victims who are treated better will make better witnesses—and is often conditional on the victims providing help in a criminal investigation.

By contrast, a human rights approach sees trafficking as a violation of fundamental rights contained in the Universal Declaration of Human Rights and other binding human rights treaties, including the right not to be enslaved, the right to freedom of movement, and the right to protection against inhumane or degrading treatment (Munro 2008). Framing trafficking as a human rights issue means that states become responsible for complying with not only the Palermo Protocol, which contains strongly worded but suggestive language on victim protection, but also the full complement of international human rights treaties that they have signed onto as they relate to trafficking, in particular, those that target violence against women (Obokata 2005, Parmentier 2010). Although the human rights community has traditionally been focused on protecting people from harms perpetrated by their own states, ensuring human rights is increasingly coming to mean that states must protect their citizens from harms perpetrated by other citizens, as in the case of trafficking (Brysk 2011). For example, the decision by the European Court of Human Rights in *Rantsev v. Cyprus and Russia* (2010) held that states had an affirmative obligation to protect individuals from trafficking and to investigate, penalize, and prosecute offenders (Kara 2011, Pati 2011). A human rights approach makes victims the primary targets of policy attention (Choi-Fitzpatrick 2011). Policy solutions focus on better prevention and victim protection and rehabilitation efforts including providing psychological, legal, medical, and housing assistance; a reflection period to decide whether to cooperate with law enforcement; and options for temporary or permanent residence in the destination countries. The prosecution of traffickers is secondary to victims’ needs and is considered less important if victims do not want it or it would put them at greater risk.

Empirical research that takes an organized crime/security perspective has focused largely on trying to understand who commits trafficking crimes and how their organizations work. Trafficking flourishes because it is a low-risk, high-reward crime. Humans are a commodity that can be sold

again and again for their services. In addition, they often participate willingly in the initial stages of movement, making them less difficult to move across borders than drugs or arms. In an in-depth look at the business models of traffickers, complete with detailed breakdowns of operating expenses, Kara (2008, p. 19) estimates that as of 2007, traffickers worldwide made \$91.2 billion in profits from the exploitation of people in all forms of slavery. Another estimate suggests that sex trafficking creates \$27.8 billion in profits and labor trafficking creates \$3.8 billion (Belser 2005). In interviews with three sex traffickers in the United Kingdom (Blank 2013) and in interviews with pimps working in the underground commercial sex economy in eight large US cities (Dank et al. 2014), many said that they got involved as a way to make money and that they saw the risk of being caught and convicted as low enough to make it worthwhile and lower than the risks associated with committing other crimes.

Several recent studies have shown that the internal dynamics of human trafficking rings vary significantly by context and location. Participants range from opportunists taking advantage of people's vulnerable situations to those who are deeply embedded in traditional organized crime groups and are trying to diversify their sources of income (Shelley 2010, 2012). On one end of the spectrum are highly organized trafficking enterprises like those found in Bulgaria (Petrunov 2011), Nigeria (Mancuso 2014), Russia, and China (Shelley 2003, 2005, 2007), which traffic women for sexual exploitation to Western Europe. These organizations have tight control over the entire process, from origin to destination country, and use flexible tactics of movement and international connections to facilitate trafficking operations. For example, Bulgarian operations have clearly delineated roles and profit distribution mechanisms with detailed bookkeeping methods that ensure that no money goes missing. In these operations, 10–30% of profits go to prostitutes, and 10% to middlemen (controllers, enforcers, recruiters, etc.), with the rest being fed up the chain to the directors of the operation and their regional bosses (Petrunov 2011).

On the other end of the spectrum are less-sophisticated trafficking organizations. In a 10-location study in Asia and the United States investigating Chinese women working in the sex trade abroad, Chin & Finckenauer (2011) find no evidence of traditional organized crime group involvement. Instead, they describe trafficking as “a crime that is organized rather than organized crime” (p. 480). In these situations, the women received assistance from brokers, travel agencies, and former prostitutes to facilitate their travel abroad and, once they arrived, received assistance from locals who helped place them in escort agencies, strip clubs, or brothels. But there was very little if any overarching organizational structure guiding the process. Zhang (2011) finds a similar pattern in Tijuana, Mexico. Most of the male pimps in his study in Tijuana were working independently and recruited local Mexican women through established channels. In both of these studies, the researchers noted that they had been driven to investigate how these sex trade facilitators worked because of the dominant perception that the women working in the sex trade in their study locations were forced or coerced to be there. They did not find this to be the case. Interviews with law enforcement officials in eight large US cities show that organized crime involvement may vary by the location of the prostitution: Pimps involved in the more-closed indoor sex trade (brothels, massage parlors, etc.) may have connections to ethnically based organized crime syndicates, but pimps involved in the outdoor sex trade (street prostitution, Internet prostitution) were unlikely to have these connections (Dank et al. 2014).

In between are groups like Albanian trafficking syndicates that are more focused on cornering a particular part of the market, such as a transportation route, than they are on controlling the entire process. Their desire to keep the business within ethnically based kinship networks means that they focus on small-scale local businesses like travel agencies that can provide a portion of the trafficking services (Leman & Janssens 2011). Turner & Kelly (2009) suggest that more generally,

the existence of diasporas based on kinship and trust networks may help facilitate trafficking operations. These diasporas can create trust in recruiting of coethnics, help with movement or temporary shelter in transit countries, and assess local demand conditions in destination countries. In interviews with traffickers, Blank (2012) and Zhang (2011) also note the importance of family and kinship ties for entering the trafficking business.

Increasingly, researchers have found that women are deeply involved in sex trafficking operations. Studies from Asia and Europe have shown that women act as recruiters who talk up the profitability and success of working abroad, as madams who oversee education and training of new prostitutes, as coequal partners in crime, and as organizers who run entire trafficking operations (Siegel & de Blank 2010, Zhang et al. 2007). For example, Nigerian madams, who are often former prostitutes, are the primary organizers of sex trafficking from Nigeria to Europe, deceitfully recruiting women from Edo state for work and sealing their contracts through voodoo rituals, which keeps the prostitutes compliant in their destination countries (Mancuso 2014).

Trafficking groups are highly adaptable and employ varying strategies for recruiting victims, getting them from place to place, and keeping them there. Many take advantage of easily corrupted state officials, particularly law enforcement personnel and border guards, either to facilitate movement of the victims or to look the other way while exploitation is taking place (Guth 2010, Holmes 2009, Studnicka 2010, Zhang & Pineda 2008). Recruitment of trafficking victims takes place on a spectrum, from complete deception and force, at one end, to willing participation of the victim and agreement to work in prostitution or another low-wage job, at the other. For example, in sex trafficking, Albanian and Bulgarian women are recruited by “boyfriends,” whereas in Ukraine and Moldova, they are more often recruited by newspaper advertisements. Southeastern Asian women often approach traffickers themselves because they have debt to pay off, and Western African women are often deceitfully offered an education abroad (Hoyle et al. 2011). Once victims are at their destinations, traffickers use a variety of psychological and physical methods to get them to stay. The traffickers use violence or threaten its use against the victims or their families but more often use a complex system of debt bondage to keep the victims working. Part of the recruitment strategy of traffickers is to offer to pay the travel costs with an agreement that once there, the person will spend the first bit of time working those debts off before being able to make money on his/her own. Once at the destination, however, the debt usually continues to grow, not diminish, as the victims incur fines and additional expenses. This serves to keep them working but also to offer them hope that they might eventually escape, a psychological manipulation that sometimes makes them work even harder.

Though not denying the importance of bringing down trafficking operations, those promoting a human rights approach to trafficking note that a security-centered approach may end up revictimizing already traumatized individuals or further violating their human rights. A focus on border security can result in aggressive profiling at border crossings, ostensibly to stop trafficking victims from entering. For example, Pickering & Ham (2014) find that in Australia, immigration officials carefully scrutinize the clothing of women in particular ethnic groups (Asians) who they consider at high risk for working in the sex industry, looking for lingerie and other “sexy” outfits in their luggage and interrogating them about why they have not packed clothing that the officials deem appropriate for tourist activities.

Proponents of a human rights approach also criticize the fact that the extension of state benefits to trafficking victims is often contingent on the victim’s cooperation with law enforcement agents, instead advocating for equal access to assistance regardless of cooperation. In the United States, international trafficking victims are eligible for a T visa only if a law enforcement agent certifies that they have complied with “any reasonable request” for assistance in the investigation and

prosecution of their traffickers (Hebert 2011).⁹ These types of policies also exist in many other countries, including Austria, Belgium (Craggs & Martens 2010), Russia (Buckley 2008), and Serbia (Simeunovic-Patic & Copic 2010). This can create a distinction between “good” victims—those who help the state and the criminal justice process—and “bad” victims—those who do not and, accordingly, are denied assistance (Munro 2006, Pajnik 2010). It does not take into account the varied, and often very legitimate, reasons why victims may not want to participate in the criminal justice process. Even those who do agree to cooperate with law enforcement are often unrepresented by victim advocates or lawyers and therefore unprepared for the retraumatization they will experience during the trial, especially during cross-examination (Constantinou 2013).

After victims are “rescued,” they may still face violations by the state, including indefinite detention, involuntary deportation, and forced testimony in court cases (Brysk 2011). In a study of Cambodian and Thai shelters, Gallagher & Pearson (2010) show that after being removed from trafficking situations, many victims are detained in public or private shelters with little to no freedom of movement, sometimes for years. Though intended to protect victims from reprisals and make sure they are available to participate in investigative activities, because their immigration status makes them illegal, this has the effect of revictimizing them and taking away their rights even further. Similarly, in the United States, Musto (2013) critiques the police policy of arresting and jailing minors in prostitution—defined by law as victims of human trafficking—as the first step toward protecting them and helping them get assistance, viewing the use of punitive measures as undermining the goal of achieving justice. This is beginning to change as several states have recently passed safe harbor laws that divert minors involved in prostitution into social service programs and/or give them immunity from prosecution.

Both the human rights and organized crime frames are criticized for ignoring the structural problems that may encourage migration and/or trafficking in the first place (Haynes 2007, Kempadoo 2012). Rather than adjust migration policies to take into account the effects of globalization on the demand for cheap labor and the increasing supply and mobility of that labor, countries have instead left in place or created restrictive migration regimes (Van der Anker 2011). Ironically, many of these regimes have been put in place to protect vulnerable women from human trafficking. For example, Belarus has used trafficking as a justification for placing significant restrictions on women leaving the country. The lack of opportunities for and complex rules surrounding legal migration create a ready market for illegal entry that traffickers take advantage of (Chuang 2006, Van der Anker 2011). This, in turn, makes migrants more vulnerable to exploitation in the process of moving as well as once they are in their destination countries where they find themselves wholly dependent on the people who facilitated their migration (Sanghera 2012). Many countries that are highly dependent on remittances may encourage emigration by any means possible to help the state’s budget, regardless of the risks for their citizens. Without addressing these underlying structural problems, migrants who are repatriated after trafficking situations find themselves in the same situations they originally left—limited opportunities, unemployment, and poverty—likely even more indebted than they were before (Choi-Fitzpatrick 2011, Segrave 2009).

POLICY ADOPTION AND IMPLEMENTATION

Research on trafficking has always had a strong normative orientation. As such, almost all articles end with some sort of policy prescription for how states can better deal with the problem or

⁹This can be waived if the victim is under 18 or is unable to cooperate because of physical or psychological trauma. The victim must also demonstrate that he/she would suffer “extreme hardship involving unusual and severe harm” if removed from the United States (<http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>).

suggestions for how the phenomenon might be better conceptualized to help policy makers. One stream of research has examined trafficking policy adoption. In a cross-national study, Cho et al. (2014) find that developed countries have shown the highest commitment to passing anti-trafficking policies on prosecution, protection, and prevention, with less and possibly decreasing commitment in South Asia and the Middle East. Countries with a strong commitment to women's rights are more likely to pass anti-trafficking policies (Cho et al. 2014) and those with higher rates of corruption are less so (Van Dijk & Klerx-Van Mierlo 2013). According to Lloyd et al. (2011), states that view trafficking as an organized crime problem are more likely to adopt criminalization policies if their neighbors do. Using GIS mapping of the density and number of border crossings, they show that states worry that if their neighbors criminalize human trafficking, it will be pushed over the border into their countries. The spread of anti-trafficking policies has also been driven by the United States' annual TIP Report. Despite significant criticism about its methodology, politicization, and the choice to apply US rather than international standards, the TIP Report has helped draw attention to the issue in countries around the world and has provided a talking point, if not a leverage point, for encouraging trafficking policy adoption (Chuang 2006, Gallagher 2011).

A second stream of research analyzes the implementation of criminal justice policies on human trafficking. As of 2013, 182 countries have criminal laws fully or partially prohibiting trafficking, many of which have been in place for more than a decade (Prot. Proj. 2013). However, the total number of reported human trafficking prosecutions worldwide in 2013 was still only 9,460 with 5,776 reported convictions (US Dep. State 2014). As McDonald (2014, p. 125) notes in looking at trafficking prosecutions in the United States and European Union, "The less than impressive record of enforcement against human trafficking appears to be another example of how even very popular law reforms and crusades can be cooled out by the social realities of the criminal justice system." An effective criminal justice response to trafficking requires extensive government investment of resources both to enable law enforcement to interdict it successfully and to make sure that victims are cared for and protected so they can cooperate in the investigation (Gallagher & Holmes 2008).

The first problem the criminal justice system faces is uncovering trafficking cases. Because law enforcement agents enforce immigration and prostitution laws as well as protect people from harm, it is perhaps unrealistic to expect that victims would approach them (Blanchette et al. 2013). If cases are identified through proactive law enforcement work or uncovered in the process of investigating other crimes, frontline officers may not be able to recognize or identify trafficking victims. As noted above, the stereotypical victim of human trafficking is rarely what law enforcement finds in practice (Haynes 2007). Instead, potential victims are people whom law enforcement agents are already inclined to be suspicious of (prostitutes, migrants, or other vulnerable groups) and who may have committed criminal offenses themselves. Yet stereotypes about what "real" victims look like often drive law enforcement's identification processes. In particular, this tends to exclude victims of labor trafficking (Barrick et al. 2014, Brennan 2010). To overcome this, some countries have established specialized trafficking units and deployed training modules to help frontline law enforcement (David 2007). The ILO has also created a list of operational indicators of trafficking to help identify victims, but it is unclear whether these guidelines are being used by on-the-ground personnel (ILO 2009). However, even in the United States, which has put perhaps the most resources toward law enforcement education, surveys and interviews of local agents suggest that most do not believe that trafficking exists in their jurisdiction and remain minimally prepared to identify and respond if they were to encounter a trafficking case (Clawson et al. 2006, Farrell et al. 2012).

Law enforcement's reluctance to pursue trafficking cases is fairly consistent around the world and can be explained by a number of factors. Institutional incentives may not encourage the pursuit

of trafficking cases, which are seen as long and complicated to investigate and therefore a likely waste of scarce resources (Farrell et al. 2008, 2014; Herz 2011; McCarthy 2010, 2015; Oude Breuil et al. 2011). Cases that require cooperation with law enforcement colleagues in other countries to gather evidence are even more complicated and resource intensive and may require assistance from Europol or Interpol. As interviews with law enforcement agents and prosecutors around the world have shown, having victim-witnesses who can testify that exploitation occurred is crucial in trafficking cases. However, victims are often severely physically and psychologically traumatized (Oram et al. 2012) and may have significant language barriers and distrust law enforcement. Consequently, there may be inconsistencies in their stories, making law enforcement agents suspicious that they are lying. Even those in law enforcement who do understand trauma's effects do not always have access to victim service agencies or the time to wait for victims to get the help that they need to become reliable witnesses (Farrell et al. 2014, McCarthy 2015, Verhoeven & Van Gestel 2011). Victims also do not necessarily want to cooperate. Their decisions may depend on a range of factors including how threatened they felt, what their relationship to the trafficker was, how they were treated by police, whether they received assistance, and whether or not they had strong personal motivations to see justice done and protect others in the future (Andreuski et al. 2013, Bjerkan & Dyrliid 2006, Helfferich et al. 2011). More practically, victims may feel they cannot wait around for the duration of the investigation and trial with no income and no place to stay (Kara 2011, Warren 2012).

Even if a case is pursued, it may not be under trafficking laws. In the United States at both the state and federal levels (Albonetti 2014, Farrell et al. 2014), in Russia (McCarthy 2015), and in many European countries (Wade 2011), prosecutors tend to rely on criminal statutes that predate trafficking laws and cover component parts of the crime rather than the whole trafficking process. These alternative charges tend to provide greater certainty of conviction because they are familiar to all participants in the criminal justice system, whereas human trafficking laws are untested in the courts and often difficult to interpret. In Brazil (Warren 2012), the Netherlands (Oude Breuil et al. 2011), the United States (Farrell et al. 2014), and Russia (McCarthy 2015), the difficulty of producing victim-witnesses who fit the trafficking stereotype and whose testimony will be considered reliable in court causes prosecutors to give up cases altogether or prosecute under other statutes instead of trafficking ones.

Definitional confusion is also an issue in trafficking trials, as judges struggle to apply the laws on the books to actual situations. Research on court cases in jurisdictions as diverse as Norway, Ukraine, and Russia have shown how judges have struggled to apply abstract concepts such as exploitation and vulnerability to real-life situations (Pyshchulina 2005, Skillbrei 2010, Tiuriukanova 2006). Much like law enforcement agents, judges may be unfamiliar with trafficking laws and fall prey to the same sorts of stereotyping as their on-the-ground colleagues, drawing a strict binary between victim and agent (Farrell et al. 2012). As Constantinou (2013) shows in sex trafficking cases in Cyprus, testimony is often discredited by judges if the victim does not show the appropriate remorse, shame, or traumatization befitting a "real" victim. By contrast, in the United States, which defines sex trafficking as a "commercial sex act induced by force, fraud, or coercion," federal courts have interpreted these provisions widely to include psychological manipulation and threats of deportation as forms of coercion and both prostitution and pornography as commercial sex acts (Mattar 2013).

CONCLUSION

Despite the attention to the issue of human trafficking over the past 15 years, appropriate and effective policy responses are still held back by a number of debates among activists, scholars,

and policy makers about the nature of the phenomenon and how best to address it. However, attention to these debates and their consequences allows us to assess where promising areas for future research may lie. The sides that people have taken in these debates have had important implications for policy adoption and implementation. As research on criminal justice policies is beginning to show, law enforcement officials have had difficulty finding, identifying, and prosecuting cases of trafficking, in no small part due to stereotypes about what “real” trafficking is and what “real” traffickers look like. Years of focus on prostitution has led the criminal justice system to overlook victims of labor trafficking, instead treating them as illegal migrants and deporting them despite the fact that their situations may be significantly more exploitative and their freedom more severely curtailed than those working in prostitution. The focus on prostitution has also led to the application of a sharp dichotomy to women who are seen as either victims or agents, not both. Depending on their behavior when “rescued,” their similarity to the ideal-typical trafficking victim and the degree to which they were active participants in entering the country, they are categorized as victim or agent and treated accordingly.

At the heart of the challenge to scholars is the issue of definition and measurement. Scholars must be conscious of delineating the parameters of what is included in and excluded from their definitions of human trafficking. Without this careful specification, it is difficult to bring together insights from scholars working in different countries, whether qualitatively or quantitatively, because it is not clear whether everyone is discussing the same thing. In addition, more research is needed to help delineate human trafficking from the closely related, but still distinct, phenomena of migrant smuggling, forced labor, and slavery. One promising way to do this is to examine how the abstract concepts surrounding trafficking are given concrete meaning as they are implemented and applied by national and international courts of law. Many countries have had their trafficking laws on the books for over a decade, and although there has been some initial research using court documents, there is still more to be done. The limitations to this approach, of course, are that it captures only instances in which law enforcement has interdicted trafficking situations, but it does provide important information about how real-life trafficking operations (albeit perhaps not the most successful ones) work.

Trafficking research still concentrates disproportionately on the trafficking of women for sexual exploitation and mostly internationally. From the limited research that does exist, there is reason to believe that there are important differences in the way that men experience trafficking, including whether or not they are viewed as victims by the state and the criminal justice system and the way that they perceive their own experiences. There are also reasons to believe that domestic victims may have different experiences and be even harder to find and identify than victims trafficked across borders. Continued ethnographic research on the lived experiences of those who are labeled trafficking victims can also help to complicate our understandings of the varied nature of human trafficking and give a more realistic and accurate reflection of its causes and processes. Likewise, research on how trafficking groups operate has produced important insights into what exactly is being fought against. Far from the stereotypical thuggish organized crime group, research has shown that participants in trafficking rings come in all shapes and sizes, from the lone wolves who occasionally dabble in trafficking to supplement their incomes to the more complex organized groups that control each stage in the process. The role of women, particularly those who were former trafficking victims, is also a fascinating area of inquiry that deserves more research and may further complicate our understandings of the motivations of both victims and traffickers.

A final challenge for researchers is to increase research on areas outside the United States and Europe. Given the close overlap between the factors that encourage migration and those that encourage trafficking, more careful work on other areas of the world, especially those that have significant emigrant populations, is sorely needed. This close connection also demands more

research focusing on how restrictive migration and labor policies may encourage traffickers to take advantage of vulnerable populations and to suggest policy changes that give migrant laborers more flexibility once they are at their destinations.

It is important to note here that the research programs that I am advocating for are not easy. Access to the types of people who can inform our understandings of the trafficking phenomenon is difficult, and there are complicated ethical issues that arise when dealing with victims of trauma or those who are committing crimes. But without continued focus on uncovering the complexities of trafficking and more clarity in defining the problem, it will be difficult to find and implement appropriate and effective policies. The “new slavery” will continue to flourish as it remains a high-profit, low-risk endeavor that enables opportunistic criminals to take advantage of vulnerable populations and exploit them in sectors where there is high demand for cheap labor.

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