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# A Primer to Human Trafficking: Understanding Scope and Dimensions

*Slavery is a fundamental abuse of human rights and a major obstacle to social justice. It is an affront to our humanity and it has no place in the twenty-first century. And yet [45.8]<sup>1</sup> million women, men and children are still trapped in forced labor all over the world, generating USD 150 billion in illicit profits for those who exploit them. There should be no need for the International Day for the Abolition of Slavery to exist. However, each day, men, women and children are tricked or coerced into abhorrent situations including bonded labor, prostitution and exploitative domestic work. Global commitment to combating modern slavery has increased but current responses still fall far short of addressing the entirety of the challenge or its root causes. Ending modern slavery requires strong*

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<sup>1</sup> In 2015, Mr. Ryder reported that 21 million people were enslaved. In 2016, the Global Slavery Index determined that the world estimate was updated based on a Gallup poll. The current estimate is that 45.8 million men, women, and children are enslaved in 167 countries worldwide (Free, 2016).

*legislation, strict implementation, joint commitment of countries and social partners, along with effective support systems for the victims.*

Guy Ryder

Director-General of the International Labour Organization (ILO)

December 2, 2015

[Trafficking in Persons and Work Exploitation

Task Force Complaint Line 1.888.428.7581]

[Trafficking Information and Referral Hotline 1.888.373.7888]

## **I. Learning Objectives**

- 1.1 Students will examine a broad scope of human trafficking as a human rights problem in the United States and globally.
- 1.2 Students will be introduced to the definition of human trafficking, including various forms of exploitation for profit and modern forms of slavery-like practices in the United States and around the globe.
- 1.3 Students will appreciate the historical underpinning of modern-day slavery.

## **2. Key Ideas**

As you read this chapter, take note of these central ideas:

- 2.1 A human rights perspective has been widely used as a thoughtful framework for an understanding of and to address human trafficking.
- 2.2 The lack of a holistic and agreed-upon definition of human trafficking has made estimating the scope of the problem challenging in the United States and globally.
- 2.3 Push-pull factors, rather than country culture, are better explanations for the modern exploitation of people.

## **Chapter Overview**

Human trafficking involves many antisocial and criminal traits. Definitions vary across professional disciplines and contexts. At the most fundamental level, human trafficking is about *compelled service*. The exploitation of women, children, and men and the violation of their human rights are at the center of that compelled service. Trafficking in people directly or indirectly impacts every country, leaving no country or community fully inoculated from its negative impact. Human trafficking includes the victimization of adults and children in the commercial sex industry and forced

labor. Although sex and labor may be presented as the two major archetypes, it will soon become apparent that people are being exploited in many demoralizing, intersecting, and complex ways. This introduction chapter provides a broad overview of the research to date, policies, programs, and services, and strategies for next steps, including what is known about survivors, the professionals and organizations serving survivors, and the traffickers exploiting survivors. Subsequent chapters provide more depth on these issues, including a community response to ending modern-day slavery. Some chapters may include a factual human trafficking decision case and a selected theory or framework to position the content.

### 3. Decision Case

#### The Tale of the Paleteros<sup>2</sup>

Austin, Texas

The state capital is home to a strong representation of federal agencies. In the center of the state, the large capital city is also home to the University of Texas, three other colleges, and a thriving technology industry.

#### **The Austin, Texas, Division of the U.S. Department of Labor**

Located in the complex of new and old buildings adjacent to the State Capitol building called the J.J. Pickle Federal Building, the offices of the division are split between the fifth and eighth floors. The building was built in 1965 to satisfy the housing needs of federal agencies in Austin's Central Business District. It is an 11-story concrete structure, which includes a partially below-grade ground level and a basement level comprising over 200,000 square feet. This building houses a suite of offices—the “LBJ Suite”—that were used by President Lyndon B. Johnson during his term in office.

The Pickle Federal Building is currently recognized as eligible for listing on the National Register Historic Places. The building was named for J.J. “Jake” Pickle, a United States Representative from the 10th Congressional District of Texas from 1963–1995. The building is part of a master facility that includes a large plaza and is connected by tunnel to the Homer Thornberry Building. The two-building complex makes a strong federal presence in downtown Austin and is near the State Capitol building. The Department of Labor shares the building with the U.S. Department of Transportation, Secret Service, Ted Cruz's office, and Lloyd Doggett's office. The

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<sup>2</sup>This decision case was prepared solely to provide material for class discussion and not to suggest either effective or ineffective handling of the situation depicted. While based on field research regarding an actual situation, some names may have been disguised to protect confidentiality. The authors wish to thank the case reporter and the Department of Labor for cooperation in making this account available for the benefit of social work students and practitioners.

11-story concrete building is a pale rectangle amidst the rosy granite Texas state buildings that surround it.

Through the early 2000s, the San Antonio Division of the U.S. Department of Labor handled the investigation of labor-related cases and complaints for cities as diverse as Austin, San Antonio, and San Angelo. In 2014, the Division was split and a new Division was established in Austin to handle Austin cases and the surrounding area.

## **Nicole**

Nicole Sellers grew up in Waco, Texas, and moved to Austin as a senior in high school. She went to North Texas State University, where she was a cooperative education student from the beginning of her junior year working for the Department of Labor, which allowed her to learn about being an investigator. After she graduated, she began working full time for the Department. She has been with the Department of Labor for 26 years in Texas. She is halfway through a master's degree in counseling and shifting to statistics. In 2014, she became the Director of the Austin Division.

During the year Nicole took on the leadership of the division, a case began developing that looked like a potential incident of labor trafficking. The agency had provided staff with extensive training around labor trafficking in concert with its trainings on common illegal labor practices. Nicole recalled, "In the recent past as an Area Office, we brought a few potential trafficking cases to the Assistant U.S. Attorney but were not able to meet the preponderance of evidence for a criminal case." After transitioning from an Area office to Division status, Nicole assumed responsibility for building and improving relationships with other law-enforcement entities that handle criminal concerns.

"We wanted to get to know our partners on the task force better and develop a better sense of who does what. We just started talking along those lines when we get this complaint. About this same time, we met with the APD officer to get to know APD, and he us."

One of her first official visitors to the new Division office was an Austin police officer from the unit working trafficking cases. The visit began in a predictable fashion with a brief tour and description of the Labor Department's work. Once in the conference room, the APD officer took the time to outline what the department looks for to start a criminal investigation in a labor trafficking case.

The case:

As Nicole showed Officer Cleary around the offices, talking to him about how her staff worked, she was highly aware of how her context and role had changed within the Labor Department.

"We have technicians who do complaint screening and provide information to the public, as well as investigators in the office who go out and look into various aspects of employers," she explained. "We also do planning focused on industries with high violations and provide outreach and education to make investigations and corrective actions."

"I don't really understand what kind of complaints can be sent to y'all." Officer Cleary's Texan drawl was pronounced and easy going.

“The Department focuses on preparing workers for better jobs, workplace safety and health, fair work environments, and helping workers secure job benefits. The Department’s Wage and Hour Division’s mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the nation’s workforce,” Nicole began. “We ensure that workers receive a fair day’s pay for a fair day’s work.”

Cleary nodded. “So investigating when someone should get time and a half for overtime and they don’t?”

Nicole nodded. Overtime pay is something easy to understand in a labor environment where the law can be complicated and detailed. “Yes, depending on how their job is classified and compensated.”

They arrived in her office and sat at the small conference table together. “I have an example of an investigation we are working on right now. A former employee was told through a friend that he would be coming from Mexico and working in a factory here in Austin. When he got here, he was actually pushing an ice cream cart. The employer confiscated his passport, which was never returned. No social security number was ever issued and he was only paid \$20 a day, when he was selling up to \$90 worth of ice cream each day.”

“Really?” Cleary leaned in, obviously interested. “How’d he get into the United States?”

Nicole shook her head. “Well, it’s a little complicated. You see, American companies are able to hire foreign workers legally through the H-2B laws that bring over low-skilled workers in non-agricultural jobs to do work that the employer says they cannot find U.S. workers to perform. But, there are proper procedures for that. In this case, our investigation found that the employer offered a legal job but then kept the person working here illegally in a pretty vulnerable position.”

“So, what’d you do?” Cleary asked.

“We are investigating. It sounds as if there are fifty to sixty people still working there. We might be able to get back pay for this employee.” Nicole stopped talking, because Cleary looked ready to ask a question. When no question came, she continued slowly. “The investigation also found that they housed thirteen or fourteen of them in an apartment. The situation sounded like serious exploitation, beyond just our labor laws.”

“I was just sitting here picturing the guy wandering around with the ice-cream cart in my sector. You know, I always kinda wondered if it was possible to make a living that way, but I never really gave it much thought.” Cleary rubbed his upper lip absently. “Have y’all done any more investigating?”

“We have a lot of information,” Nicole said. “They’re also working from 9 a.m. to 9 p.m., and there seem to have been some threats to families in Mexico if the workers don’t comply. We had information from a former employee that this happened almost three years ago, but the employee didn’t report it then for fear of reprisals.”

“Three years is a long time,” Cleary said.

Nicole shrugged. “The company is still in business. There are still people selling ice cream for them from the bike carts. Others might be in the same situation.

This former employee really wants his passport back. But, we'd like to get some wage restitution for him and make sure the other workers are being protected."

Cleary rested his elbows on Nicole's table. "You know, we might be able to help out on this thing. Let me run this past my Commander and see if we can help y'all develop an investigation with some of the other agencies. No telling what might be going on out there. These guys might be laundering drug money and not even know it."

"During the dog days of summer in Texas and across the southwest, the 'paletero' – kind of like an ice cream man – is a staple in most Hispanic neighborhoods. Children and adults alike anxiously wait for the familiar tiny bells or bicycle ringer to signal a frozen piece of happiness is on its way. A *paletero* will walk for miles under the sun pushing around a heavy cart to sell tasty frozen *paletas* and ice cream treats. It's a hard job."

Rodriguez, J. (2016, February 4). The Ice Cream (or "Paletero") Man Deserves Fair Pay, Too. Retrieved from <https://blog.dol.gov/2016/02/04/the-paletero-man-deserves-fair-pay-too/>

While Officer Cleary vetted the idea of a criminal investigation, Nicole informed her regional management that the Wage and Hour Division is continuing to investigate the case. She assigned the case to an investigator, Tim Bugh. Tim was bilingual in English and Spanish and an experienced investigator. Together, they set up a phone call with the former employee's lawyer in California to learn as much as they could about the case specifics.

In a long conference call with the lawyer, Nicole and Tim were able to confirm the information from the e-mail about the employee and request the lawyer coordinate an interview with the employee. The lawyer explained her desire to get a line on the passport's location and any back wages.

As the lawyer wrapped up her concerns, Nicole asked, "What do you know about what happened? Has your client said anything about the current situation in Austin with others? Do we still have people trapped here in Austin?"

Nicole explained that the statute of limitations on back wages was two years. "With a trafficking component it may be longer. Even so, it's about to expire." She stressed the importance of having an interview with this employee soon. The lawyer agreed to facilitate that meeting for the next Saturday.

Nicole and Tim prepped for the interview on Saturday prior to the call. "We would normally want to interview a person face to face. It's hard to build rapport and garner trust over the phone." They talked about how important it would be to probe, use follow-up answers with more questions, and try to determine who was involved, who else was there. "You need to continue to probe until you get the specifics. Who else knows about this information? Can it be corroborated? When did it happen?" Also, to help support any criminal activity, they needed to ask questions around location, routes, living situations, and other aspects of the situation with which they might not normally be concerned.

After dialing into the call and introducing Tim and the lawyer, the conversation quickly switched to Spanish. The only person engaged who was not Spanish speaking, Nicole was left listening to the tone of the conversation, picking up random words, and waiting to get the story from Tim later. After seeing that the conversation was friendly and watching Tim taking copious notes, Nicole excused herself to her desk to distract herself with paperwork until the meeting closed.

Tim was on the call for nearly two hours. He came back into Nicole's office and sat down heavily in the side chair. Although the man was not familiar with Austin and had a hard time conveying specifics, Tim had gotten excellent information from the employee. The workers were recruited in Mexico by word of mouth, transported to the United States, and settled into crowded living conditions. They were promised factory work making \$11.00 per hour and sponsorship for social security numbers. Instead, they were paid as little as \$2.00 an hour for 12-hour days, biking and walking up streets through the city selling ice cream novelties. Their passports were taken and paperwork was completed for social security numbers, but the passports were not returned and no social security numbers were issued to workers. Trapped in a strange city without enough income to eat on, the workers were also subjected to threats toward their families in Mexico if they complained. Often, there were men stationed near the apartments to watch the employees.

It was not a lot of information to go on, but it was enough to secure the federal identification of the employer. Nicole asked the regional office to contact Employment Training Administration and provide all of the certifications they have on employees. Under the H-2B program, the employer must apply for certifications for workers. The Regional office was able to find the certifications for the employer from 2011 (the year this employee worked), 2012, 2013, and 2014. Each year, the employer got up to 60 certifications to hire workers, Tim also had information connecting the business to rent paid for apartments, along with addresses.

When Nicole and Officer Cleary compared notes at the end of the following week, they had some names and locations, and APD had some reports of ice cream vendors being assaulted.

Cleary was satisfied there was enough information with which to move forward. APD offered surveillance. "Give us all you have and we'll start watching them. We will put up some pole cameras at the business office. We may be able to isolate the workers and see what's going on." Cleary offered to coordinate a larger meeting with other agencies on the Austin Trafficking Task Force to help develop what the criminal angles of the case might be.

Police surveillance on pole cameras was not part of a routine investigation of labor law infractions. Nicole thought there must be some people to talk to, especially current workers. Yet, they were in a strange holding pattern waiting to gauge what other agencies might be part of an investigation. She kept her Regional Office informed in weekly phone calls. They counseled her to start talking to the Office of Inspector General (OIG) under the Department of Labor (DOL) to address the criminal needs of the case. On the federal side of the equation, the Department of Justice had to agree to take

a criminal case to a judge. For a long week following her discussion with Cleary, the case was out of Nicole's hands, waiting on the local end and waiting on the federal end. Although she was waiting patiently, Nicole kept up a steady stream of e-mail reminders to ensure the interests of the employees were being taken into account.

A meeting was convened between APD, FBI, Homeland, Social Security, IRS, OIG, and DOL at an APD substation. One or two people were there from each agency. Different parties had different interests in the case. There was some posturing about which aspects of the case were most important. "Law enforcement was looking for an opportunity to catch, sentence, and punish someone. Legal is interested in making a good prosecution. The IRS and Homeland had concerns about possible fraud." Nicole felt frustrated that she had to keep reminding them that workers get restitution.

At the same time, the information about the case was already old—2011. Various statues and timelines were on the edge of expiration. Ongoing delays decreased the likelihood of restitution or accountability. As the conversation bounced around the room, Nicole paid close attention. If nothing else, she wanted to learn how to develop a good case. Yet, she felt impatient. She knew the regional office person was there to be the mouth of the agency in this investigation. She was frustrated with the process. "What are we doing, what are we not doing?" she thought. "Why aren't we doing something? Why aren't you more experienced people showing me how to proceed? Sounds like human trafficking, but we've actually got to do something one way or the other to figure it out." It felt like all talking and not taking any action.

After an hour of discussion, it seemed as if the agencies were backing away from the case, primarily because the report was about something that happened nearly three years ago.

Cleary paused the conversation to say, "Look, everybody hang on. We need to try many angles and hope something will stick. Because it has to be pretty good to go much beyond this point. The reason we wanted to bring y'all here is because these are hard cases to get past the U.S. Attorney and get some action." His frustrations were in his voice, but at the same time he was sincere in wanting everyone to stay at the table a bit longer. He showed the video surveillance tapes showing the long hours and the poor working conditions.

Nicole spoke up to mention that if the company did have current worker certifications on the books, there might be a current case here. "Because of the seasonal nature of the work, we won't have any employees here soon," she added. "We know those records are falsified because these employees aren't working in a factory."

The representatives from the Texas Workforce Commission and Homeland Security agreed that they could look into the fraud angle. Nicole wondered what the priorities were here—the civil issues or criminal interests? In fact, everyone felt like they could help, but for many it was too old. "Let us know if you find something more recent."

"Perhaps we could interview some current employees," Nicole suggested.

## Epilogue

When current employees were interviewed by the police and by the Department of Labor, their stories confirmed fraud as well as foreign labor trafficking. Further investigation revealed a practice of foreign labor trafficking in Central Texas (from San Antonio to Austin). Back wages were estimated at \$400,000. Nicole recalled, “The owner went to the bank and brought a check for \$325,000 and gave us the check. The next day he was arrested for visa fraud and mail fraud. He bonded out and fled the country.” They had learned how to build a trafficking case that would stick.

Later on, Nicole found out that everyone at the table with her that day was new to labor cases. This was the first labor case that was successful.

The Division subsequently added a Community Outreach and Resource Planning Specialist position to manage and deliver all the outreach to stakeholders including employee groups, nonprofits, federal, state agencies, local government, the Mexican consulate, and unions. With more than 100 outreach events per year, this specialist has been critical to building relationships, credibility, and trust with stakeholders.

## 4. Selected Theory/Framework

### 4.1 Human Trafficking Through a Human Rights Framework

Globally, the right to live in safety and free from exploitation are considered universal human rights. Therefore human trafficking efforts are most often considered from a human rights perspective. Human rights are concerned with the universal right to equal justice, opportunity, and dignity. Viewed as universally applicable, human rights are inherent in our nature as human beings and fundamental for a life of dignity, respect, and protection. The Universal Declaration of Human Rights (UDHR) is seen as a watershed development in the evolution of a human rights framework, even though elements existed prior to that in religious and political movements (Healy, 2008). Created in response to World War II, the UDHR was adopted by the United Nations (UN) in 1948. The Declaration provides a legal and conceptual framework for social justice and outlines civil and political rights, ensures freedom from curtailment of individual liberty, and affirms participation in social, economic, and cultural aspects of life (Healy, 2008).

While many, arguably all, of the rights listed in the UDHR apply to the complex nature of human trafficking, two stand out as overtly related to human trafficking—Articles 4 and 23. Article 4 states that, “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” Article 23 provides for the right to work and to have free choice of employment, favorable work conditions, and equal pay for equal work (United Nations, 1948, December 10).

Additional instruments developed by the UN provide structures under which member states of the UN can address human rights violations that are connected with human trafficking. Included among the important instruments that further

develop a human rights framework relevant to human trafficking is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted December 18, 1979 (with date of entry September 1981), as an international bill of rights focused on women (United Nations, 1979). The Convention on the Rights of the Child was subsequently adopted on November 20, 1989, and includes protections against the economic exploitation of children (United Nations, 1989). Specifically addressing human trafficking, the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, commonly referred to as the Palermo Protocol, in 2000 (United Nations, 2000).

Ultimately, a human rights framework provides avenues to monitor the progress of nations in attempts to eradicate, prevent, and punish violations. Overall, the move to recognize human trafficking as a human rights violation gives attention to the root causes of human trafficking and brings exploitation and its underlying structural contributors into broader dialogue (Office of the High Commissioner for Human Rights [OHCHR], 2014). According to the OHCHR (2014)

Such an approach requires analysis of the ways in which human rights violations arise throughout the trafficking cycle, as well as of States' obligations under international human rights law. It seeks to both identify and redress the discriminatory practices and unjust distribution of power that underlie trafficking, that maintain impunity for traffickers and that deny justice to their victims (p. 8).

The OHCHR developed guidelines to further outline the primacy of human rights in antitrafficking efforts. One of these guidelines states, "Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the center of any measures taken to prevent and end trafficking." Furthermore, guidelines assert that, "Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum-seekers" (OHCHR, May 20, 2002, p. 5).

#### 4.2 Defining Social Justice

Social justice is a widely used term, although it has deep historic roots in religious context, particularly with Catholic teachings (Novak & Adams, 2015). Social work has given social justice practical meaning, referring to the value and rights of all people to have economic, political, and social access and opportunities ([www.socialworkers.org](http://www.socialworkers.org)). Dr. Matthew Robinson, from Appalachian State University's Department of Government and Social Justice, provides a thorough discussion of the aspects of the definition of social justice. See:

<http://gjs.appstate.edu/research/social-justice-human-rights>

### **United Nations Human Rights Office of the High Commissioner Appoints Special Rapporteur**

Urmila Bhoola is an international human rights lawyer and former Judge of the Labour Court of South Africa. Her judicial appointment followed 20 years of work as a labor and human rights lawyer in South Africa, and she has received many awards for her human rights and gender equality work. She has also been a technical advisor to the International Labour Organization (ILO) on labor rights in the Asia-Pacific region and was Chief Legal Drafter of South Africa's Employment Equity Act, designed to redress disadvantages caused by apartheid. She has also served as a part-time Member of the Competition Tribunal, appointed to regulate compliance with South Africa's Competition Act, and was a visiting Senior Lecturer at the Law School of the University of the Witwatersrand. She is the former Executive Director of International Women's Rights Action Watch (Asia Pacific), a women's rights advocacy organization that monitors compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), based in Malaysia. In 2014, she was appointed UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences. (<http://bit.ly/28Urr0>)

## **5. Scientific Knowledge**

### **5.1 Definitions by Policy Efforts**

Although the abolition of slavery was passed by Congress through the 13th Amendment in 1885 and there is a persistent commitment by the United States and many other countries around the world to dismantle the institutional structures that supported slavery, trafficking in people for the purposes of commercial sex and cheap labor exists in civil society (Busch-Armendariz, Nsonwu, Cook Heffron, & Mahapatra, 2014; Polaris, 2015b; U.S. Department of State, 2015). In 2000, the United Nations led the world in describing human trafficking under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, defining human trafficking as:

- (a) the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means

set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) “Child” shall mean any person under eighteen years of age (p. 2).

Later in 2000, the United States followed suit, defining modern slavery with the passage of the Victims of Trafficking and Violence Protection Act. This legislation, known more simply as the Trafficking Victims Protection Act (TVPA), was reauthorized in 2003 (H.R. 2620), 2005 (H.R. 972), 2008 (S. 3061), and 2013 (as Public Law 113–4 under the Title XII of Reauthorization of the Violence Against Women Act). The TVPA defines human trafficking as “the recruitment, harboring, transporting, 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, slavery, or forced commercial sex acts” (TVPA, section 103[8]). The TVPA affords victims benefits and services to ensure re-establishment of victim well-being and to facilitate prosecution of the traffickers. The TVPA legislation also entitles foreign-born victims protection from removal or deportation actions in the United States (Kappelhoff, 2011). The TVPA 2013 reauthorization included specific provisions to combat child sex trafficking (Development Services Group, Inc., 2014). Force is the use of power or physical strength to control another person, including kidnapping, rape, physical, or sexual assault. Fraud is the use of deception as a method to recruit and entrap victims. Coercion is the use of intimidation, such as threats of serious harm, or persuasion to achieve compliance. All of these tactics are powerful methods of control that traffickers use over victims.

Prior to the passage of the Palermo Protocol and the TVPA, the United States passed the Mann Act, also known as The White Slavery Act (18 U.S. Code §2421 Public Law 114–38), in 1910 to address criminal activities and offenses, including prostitution and child pornography, that move across jurisdictions.

### **Examples of Force, Fraud, and Coercion**

#### **Examples of Force**

- Physical abuse
- Kidnapping
- Physical restraint (such as restricting mobility, tying, or chaining a victim)

#### **Examples of Fraud**

- Illegitimate contracts
- False promises

Fake businesses

Fake visa documents

### Examples of Coercion

Psychological manipulation

Spoken threats about the victim, the victim's family, or other victims

Implied threats such as "climate of fear" (electric fences, guns, lies about law enforcement, immigration, and the outside world)

Control of children or threats to harm children

Traffickers' possession of documents

SOURCE: [Central Texas Coalition Against Human Trafficking](#)

NOTE: From *Human trafficking: What the medical community should know*, August 6, 2010 (p. 8) by [Central Texas Coalition Against Human Trafficking \(CTCAHT\)](#), Copyright 2010 by [CTCAHT](#). These materials were developed by CTCAHT social workers and the textbook authors based on their practice with survivors of human trafficking victims and a combination of other resources including what they were learning at trainings and in the literature. It has been adapted with permission.

## 5.2 Prevalence of Trafficking

Just over the last four years, our understanding about the scope and dimensions of enslaved people has increased. The most recent current estimates determined by the Global Slavery Index (2016) project that 45.8 million people are exploited worldwide (Free, 2016). In 2012, the International Labour Organization (ILO) estimated that 21 million people were trafficked worldwide, and in 2013 the U.S. Department of State estimated in their annual *Trafficking in Persons Report* (TIP) the number of victims to reach 27 million adults and children. Prevalence rates will likely continue to increase as countries and communities implement prevention, intervention, and awareness efforts. For example, efforts to apprehend and hold traffickers and facilitators, the continued improvement of concerned citizens in identifying victims and victims' own self-identification, the development of appropriate reporting portals and referral services, and implementation of corporate responsibility through policies and practices will all contribute to an increase in prevalence rates and the dimensions and circumstances of exploitation, including who is most at risk.

## 5.3 Explaining Elusive Underreporting and Underestimates

While there is still skepticism about the accuracy of human trafficking estimates, confidence is building about the recently released numbers. Our understanding of how

to accurately measure this atrocity is challenging for a variety of reasons that negatively impact the identification and reporting of human trafficking crimes and help seeking among victims (Hepburn & Simon, 2010; Office of the Assistant Secretary for Planning and Evaluation, 2009). First, victims are most often liberated or leave their traffickers after months or years of enslavement possibly without having been physically restrained. Traffickers use a variety of tactics to hold victims captive including threatening them or their family members with physical violence, harm, retaliation, physical brutality, and sexual violence. Second, victims often are unaware of their rights as crime victims and the community-based organizations designated to assist them, or their traffickers have made them afraid to reach out to governmental authorities or law enforcement. Third, traffickers often select victims who are challenged by inadequate personal and familial economies and social context. That is, human trafficking is most often grounded in economic and gender inequality (e.g., girls and women living in poverty may be at the highest risk). Finally, traffickers and facilitators use nefarious trust-building tactics or develop intimate relationships with victims, making it difficult for them to leave the exploitative situation.

As it relates to understanding the scope of human trafficking, it should be clarified that victims are not responsible for estimates that remain elusive. Traffickers and facilitators (or middle-handlers) are controlling, cunning, and deceptive, and victims are often “hidden in plain sight” (Hepburn & Simon, 2010; Office of the Assistant Secretary for Planning and Evaluation, 2009). Victims are undetected by the general public and law enforcement, and, as such, estimates are difficult to accurately calculate because of weak data collection methodologies, gaps in research, and a lack of standardized definitions (Panigabutra-Roberts, 2012). Chapter 5 includes more descriptions of traffickers’ tactics.

#### **5.4 Efforts to Bolster the Numbers**

Many efforts are underway to achieve better estimates. For example, in 2010, the United Nations Office on Drugs and Crime (UNODC) mandated a comprehensive overview of the scope and patterns of human trafficking worldwide, and as a result many nations are beginning to document the routes that traffickers use both transnationally and within their borders (United Nations Office on Drugs and Crime [UNODC], 2014). Understanding routes has improved our understanding of human trafficking. Also, in July 2015, led by the Walk Free Foundation, a small group of social scientists, practitioners, and policymakers gathered in Washington, DC, to discuss strategies to better estimate the number of human trafficking victims in the United States.

#### **5.5 Economic Impact of Human Trafficking**

The economic profits of these illegal activities are mind-boggling. The International Labour Organization (ILO) has estimated the profits from forced labor

at USD 150 billion with industries including domestic work, child labor, sex work, and other forms of labor exploitation such as state-imposed forced labor (International Labour Organization [ILO], 2014). The ILO also estimates the economy by region, concluding that the Asia-Pacific region and developed economies including the European Union generate the highest illicit profitability (ILO, 2014). Most consumers have few warnings and limited access to information about what products and services rely on trafficked or forced labor, although this information is becoming more available. To understand that the goods they are purchasing may be produced by slave labor and/or that sex trafficking may be in close proximity to their regular lives can help to build the awareness necessary to address the drivers of human trafficking (Verité, January 2015). Chapter 4 is devoted to a full discussion of the economics of human trafficking enterprises.

## 5.6 Increasing Identification Efforts and Next Steps

Over the last 15 years in particular, micro and macro efforts have emerged or been refined to identify and end trafficking in people. As the world began to take notice and action, dozens of additional industries have been identified in which human trafficking is occurring and the products are produced by victims. Awareness campaigns have gained momentum and consumers are able to purchase slave-free products. Global Businesses Coalition Against Human Trafficking (gBCAT) is one such effort. The mission of gBCAT is “to mobilize the power, resources and thought leadership of the business community in an effort to end human trafficking, including all forms of forced labor and sex trafficking (gBCAT, n.d., Mission, para. 1). Nonetheless, given its prevalence and insidiousness in our lives, ending modern-day slavery will require swift action. Governments and their citizenries need to act urgently with courageous micro and macro strategies that include dogged antitrafficking legislation (U.S. Department of State, 2015) as well as keen efforts that quickly identify victims and empower citizens and consumers. Perhaps most importantly is a collective commitment to end trafficking in people that begins with recognizing its root causes.

## 5.7 Explanations of Human Trafficking Definitions and Dimensions

### 5.7.1 Overview

Over the past decade, the exploitation of people (also referred to as human trafficking, modern-day slavery, contemporary slavery, and trafficking in people) has captured global and national attention as a major social issue and human atrocity (Busch-Armendariz, Nsonwu, Cook Heffron, et al., 2014; Busch-Armendariz, Nsonwu, & Heffron, 2014).

Human trafficking is about the dynamics of the relationship between the trafficker and victim. Therefore, moving or transporting victims across countries,

regions, or state borders is not necessary for human trafficking to occur, although in the cases of foreign-born victims, involuntary migration may be an element (Jac-Kucharski, 2012).

### 5.7.2 Understanding the Trafficking Industries by Rate

Traffickers generally drive people into two broad industries for exploitation: sex and labor (Busch-Armendariz, Nsonwu, Cook Heffron, & Mahapatra, 2013; Busch-Armendariz, Nsonwu, Cook Heffron, et al., 2014), although the Global Report (2014) also reports organ removal as a circumstance vulnerable to trafficking and exploitation.

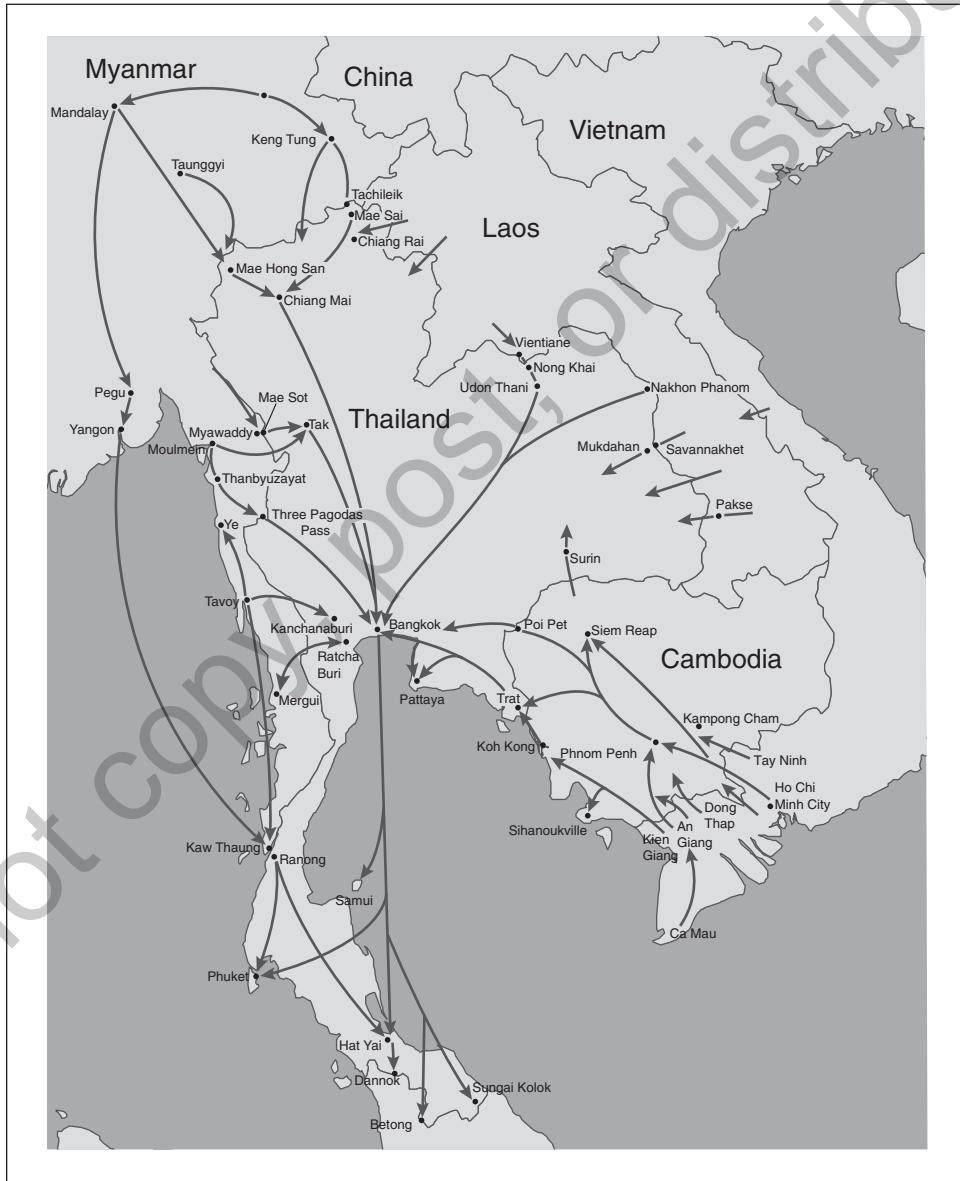
Labor trafficking involves service industries (e.g., restaurants, hotels, tourism, etc.), other markets that require labor (e.g., construction, agriculture, manufacturing, etc.), or may occur in private homes such as domestic servitude cases (Busch-Armendariz et al., 2013; International Labour Organization [ILO], 2012). The *Global Report on Trafficking in Persons* (GRTIP) by the United Nations Office on Drugs and Crime (2012b) concludes “the number of victims of forced labor as a result of trafficking in persons remains unknown” (p. 1).

Victims exploited in the sex industry are often forced into prostitution or pornography or may be forced to work in service establishments with other victims such as brothels, strip clubs/adult entertainment establishments, or bars (Busch-Armendariz et al., 2013; UNODC, 2014). According to Polaris, the “top venues” for sex trafficking in the United States are in commercial-front brothels and domestic work in labor trafficking cases (Polaris, 2015a). Children forced into prostitution are often referred to as domestic minors of sex trafficking (DMST) or commercially sexually exploited children (CSEC). In commercial sex industries, women and children are more often identified as the victims of male customers and, therefore, it is constructive to understand that sex trafficking often involves a theoretical gendered perspective (Banzon, 2005; Busch-Armendariz et al., 2013). However, a feminist framework also acknowledges that human trafficking affects both men and women and recognizes that all forms of forced labor are exploitive (Alvarez & Alessi, 2012). The term “victim” and its value-laden underpinnings are discussed in Chapters 3 and 5.

The UNODC GRTIP (2014) reported an increase in detection of trafficking for purposes other than sexual exploitation as well as an increase in detection of child trafficking victims. And, although women still comprise the largest percentage of sex trafficking victims, GRTIP reported that for the years 2010 to 2012, almost one third of forced labor victims were women and a growing number (28%) of convicted offenders of trafficking were women (UNODC, 2014). Although sex trafficking receives more media and public attention, human trafficking in labor industries may be greater (Clawson, Layne, & Small, 2006; Feingold, 2005), as the numbers of identified victims have increased every year.

The GRTIP (2014) reported that worldwide that in 2011, 53% of victims were exploited for commercial sex, 40% for forced labor, 0.3% for organ removal, and

**Figure 1.1 Sex trafficking routes in Southeastern Asia.** Reprinted from *Transnational organized crime in East Asia and the Pacific: A threat assessment* (p. 20) by United Nations Office on Drugs and Crime (UNODC), 2013 ([https://www.unodc.org/documents/data-and-analysis/Studies/TOCTA\\_EAP\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/TOCTA_EAP_web.pdf)). Copyright 2013 UNODC. Reprinted with permission.



7% were categorized as “other.” The GRTIP (2014) reports, “these [other] types are trafficking for mixed exploitation in forced labor and sexual exploitation, for committing crime, for begging, for pornography (including internet pornography), forced marriages, benefit fraud, baby selling, illegal adoption, armed combat and for rituals” (UNODC, 2014, p. 38).

Shelly (2010) identifies the feminization of poverty (a term first coined by U.S. social work researcher Diana Pearce in 1978) as a major causation for trafficking. Women are disproportionately overrepresented among the world’s poor, and poverty increases a person’s vulnerability to social and health risks.

The statistics reported by Polaris, a United States–based nonprofit that serves as a national resource and hotline for human trafficking, reported in 2015 that 75% of reported cases involved sexual trafficking, 13% were labor trafficking cases, 3% were cases that involved both sex and labor, and 9% of the cases were unspecified (Polaris, 2015a, 2015b). See Appendix A for the National Human Trafficking Resource Center Annual Report.

### **Examples of Industries in Which Victims Have Been Exploited**

#### **Labor Trafficking**

Agriculture, Farm Work, Landscaping, Construction, Domestic Servitude, Restaurants & Food Service, Factories & Sweat Shops, Peddling & Begging, Hospitality & Tourist Industry, Nail Salons, Entertainment, Carnivals, Gas Stations, and Cleaning Services

#### **Sex Trafficking**

Street Prostitution Rings, Residential Brothels, Massage Parlors, Internet-based Commercial Sex, Hostess & Strip Clubs, Escort Services, Truck Stops, and Pornography

### **5.7.3 Push-Pull Factors and Trafficking Flows**

One way to understand the forces at work in human trafficking enterprises is to identify push-pull factors. Push factors are circumstances that contribute to individuals’ forced migration across borders, geographical areas, or districts and other vulnerabilities to being trafficked. Push factors include war, natural disasters, poverty, homelessness, overpopulation, unemployment, and social system collapse. On the other end of the tug-of-war rope, pull factors are those elements that draw people to cross borders or geographical locations and contribute to demand. Pull factors expand the demand for victims and include commercial sex industries,

desire for cheap labor, and armed conflict in the case of child soldiers (Lusk & Lucas, 2009).

Push factors are also referred to the “supply side,” while pull factors are also referred to as the “demand side” (Lusk & Lucas, 2009, p. 51). Absent one or both sides of this equation (either push or pull factors), the commodification of people would not be a sustainable industry. While some individuals or groups may be more vulnerable to push factors, traffickers and their middle-facilitators do not discriminate based on gender or age. That is, women and men and adults and children are exploited by compelled service across the world. Although push factors may contribute to the overrepresentation of vulnerable groups as victims, traffickers consider pull factors, or cost-benefit analyses, to determine volume and scope (Jac-Kucharski, 2012). Shelley (2010) offers that “demand has also increased as producers depend more on trafficker and exploited labor to stay competitive in a global economy in which consumers seek cheap goods and services, including easily available sexual services” (p. 2–3).

Another way to conceptualize human trafficking is to consider source, transit, and destination countries. Source countries are states where traffickers prey. Transit countries are the countries that traffickers use to route and transport victims, if victims are moved. Destination countries are locations considered by traffickers as high demand and where victims wind up. East Asia is considered one of the most active transnational “source” regions in the world because victims who originate from East Asia are moved across all regions of the world. Victims from other source countries are often centralized to specific geographies. For example, human trafficking victims from African countries are more likely to be moved “interregionally” or are often bound for Western Europe (UNODC, 2012b). It is important to understand that while the crime of human trafficking does not necessarily include the movement of people across borders or regions, individuals can be trafficked within their home country, as can be the case with DMST and the commercial sexual exploitation of children in the United States. These trafficking dynamics are covered in more depth in Chapter 3.

#### 5.7.4 Circumstances That Enslave

Lusk and Lucas (2009) outline four mechanisms of human trafficking that include debt bondage, slavery through false contracts, chattel slavery, and war slavery. Under these circumstances, victims find themselves trapped by a series of trafficker-controlled strategies.

*Debt bondage* involves traffickers charging astonishingly high, unfixed fees for expenses (e.g., travel expenses, housing, food, and clothes all related to their victimization) to victims that result in an accumulating and unending financial obligation. Victims of debt bondage are not able to negotiate fee rates or payment schedules; rather, they continue to work for the trafficker in the incongruous effort to reduce their often unending debt.

*Slavery through false contracts* involves “an apparent offer of legitimate work . . . supported by a fake contract . . . used to lure people into slavery. Once away from safety, the person is imprisoned and coerced to work” (Lusk & Lucas, 2009, p. 50).

*Chattel slavery* involves victims who are born or kidnapped and traffickers forcing them to work, including in the sex industry. Lusk and Lucas (2009) write, “It is the common form of slavery and the one most like institutional slavery” (p. 50). Bromfield (2016) refers to this dynamic as “white slavery” (p. 129). Chattel slavery is often thought of as being born into slavery, where generations of families and children are owned. Kevin Bales, a world leader, activist, and author, refers to this version of slavery as “old” slavery (Bales, 2012).

Most often, *war slavery* involves kidnapping children to serve in armed conflict, although there have been cases of parents exchanging their children for guaranteed safety. In 2008, the United Nations International Emergency Fund (UNICEF) reported that while our understanding of the scope of child recruitment and exploitation in armed conflict was limited, some research indicated that 300,000 children are being exploited in more than 30 armed battles around the world. Alarming, the number of armed conflicts has grown to 42 (International Institute for Strategic Studies [IISS], 2015). Children are exploited in these battles in a variety of ways including as soldiers and for manual labor such as cooking, and are also highly likely to be sexually assaulted (Lusk & Lucas, 2009).

## 5.8 Understanding Victims of Human Trafficking

### 5.8.1 Identified Victims

The success of identifying victims is staggeringly low. According to the *Trafficking in Persons Report* (U.S. Department of State, 2015), for the years 2012, 2013, and 2014, only 46,570, 44,758, and 44,462 victims were emancipated from their traffickers, respectively (U.S. Department of State, 2015). The report classified detected victims geographically, showing that for the year 2014, 21.4% were identified in African countries, 27% in Europe, 19% in the Western Hemisphere, 14% in East Asia and the Pacific, 11% in South and Central Asia, and 7.6% in the Near East (U.S. Department of State, 2015). Thus, every country is directly or indirectly impacted by trafficking in people, leaving no country fully inoculated from its negative impacts. Data on trafficking cases in the United States (including territories) can be gathered from the National Human Trafficking Resource Center (NHTRC). The NHTRC operates a national, antitrafficking hotline (toll-free, 24/7/365) and resource center for trafficking victims and survivors along with referral to community providers. Additionally, the NHTRC provides annual statistics on the number of contacts (i.e., phone calls, e-mails, or online tip reports) made about human trafficking in the United States. In 2015, 21,947 phone contacts were made to the hotline and 5,544 potential human trafficking cases were reported. Of these cases, the majority (75%) involved sex trafficking, followed by

labor trafficking (13%), with a small number of overlap involving both sex and labor trafficking (3%). Nine percent did not specify the type of trafficking involved (Polaris, 2015a).

### 5.8.2 Terminology is Important: Victim or Survivor?

This textbook uses *victim* and *survivor* interchangeably to refer to trafficked individuals, although neither label is meant to be demeaning or judgmental, to weigh passivity or agency, or to give the perception that it is an accurate label for any particular individual. On the contrary, it is important to consider that individuals who have been trafficked have experienced and likely overcome a significant combination of physical, emotional, and sexual abuse and trauma. Amid that trauma, trafficked persons often simultaneously utilize tremendous strength, resilience, and choice. Moreover, it is essential to recognize each individual and how they choose to talk about their experiences (Busch, Fong, Heffron, Faulkner, & Mahapatra, 2007; Busch-Armendariz, Nsonwu, & Heffron, 2014). Lutnick (2016) disagrees with the label *victim*, particularly for domestic minors of sex trafficking, because, as she states, “labeling them victims oversimplifies their lived experience, is disempowering” (p. 2), and, as she cites from Zimmerman, “functions as an implicit character assessment of the . . . individual instead of an assessment of the social change” (Zimmerman, 2013, p. 12). A fuller discussion about the use and impact of labels is included in Chapter 3.

To fully understand victims, it is important to recognize the power dynamics at play in the trafficking relationship. In addition to the threats and use of physical and sexual violence, Kim (2011) identified situational coercion such as lack of legal immigration status, lack of knowledge about crime victims’ rights, or income dependency as subtle, yet powerful, mechanisms used by traffickers to trap victims.

Many sociopolitical factors contribute to the existence of human trafficking including poverty, armed conflict and war, lack of work opportunities and family support (such as being orphaned, runaway, homeless, family collaborating with traffickers), and a lack of knowledge about traffickers’ recruitment plans. The intersectionality of individual factors with these cultural and community circumstances heightens the risk of being exploited, particularly for children and women.

Homelessness is a risk factor particularly for youth and children (National Center for Homeless Education, 2014). Runaway and homeless youth involved with governmental protective services, particularly with histories of sexual abuse, have a heightened vulnerability to exploitation (Administration on Children, Youth and Families, 2002). Despite the implementation of widespread legislation to fight against child sex trafficking, the commercial sexual exploitation of children is rising (Leary, 2014).

Professional context also determines the use of labels. Law enforcement may use *complainant* and *suspect*, attorneys use *client* and *plaintiff*, and social workers may use *client* or *survivor* or *victim*, depending on the organization and its mission. Using a human rights framework, the underpinning value would be to consider the worth and

dignity of the individuals and their preferred terms. It has often been the case to call people by name, when appropriate.

### **International Rescue Committee**

#### **Across 40 Countries**

<http://www.rescue.org/fighting-human-trafficking>

The International Rescue Committee's antitrafficking programs strive to provide timely, high-quality, comprehensive services to survivors of human trafficking.

#### **Slavery No More**

<http://www.slaverynomore.org/>

The mission of Slavery No More is to resource a diversity of the most effective organizations working to combat and abolish modern-day slavery and human trafficking, and to create awareness and a diversity of opportunities for meaningful personal engagement.

#### **JURIST:**

<http://www.jurist.org/>

JURIST is a 501(c)(3) nonprofit organization dedicated to bringing objective legal news and reasoned expert analysis to the public.

### **5.8.3 Efforts to Increase Identification of Victims**

Several initiatives and resources to identify victims exist. Polaris (2015) reported that since 2007, more than 25,000 cases have been reported in the United States through the national resource center either by phone, text, or web interactions. Another 252 cases of human trafficking occurring overseas have also been reported. In addition, Polaris reported more victims themselves are reaching out for help through the national resource. In 2015, 1,600 victims contacted Polaris, a 24% increase from the previous year (Polaris, January 28, 2016).

Macy and Graham (2012) argue for the use of service delivery systems to identify exploited victims. Identification of trafficking victims centers on screening and awareness. For example, human service providers across various disciplines of practice (mental health, child welfare, supplemental income, and health care, to name a few) are very likely to encounter victims of sex-trafficking, although they may not properly identify victims without training and protocols in screening and awareness. A number of screening questions that focus on victims' safety, employment, living environment, and immigration status/travel have been developed.

## Red Flags for Human Trafficking

### Common Work and Living Conditions

- Is not free to leave or come and go as he/she wishes
- Is under 18 and is providing commercial sex acts
- Is in the commercial sex industry and has a pimp/manager
- Is unpaid, paid very little, or paid only through tips
- Works excessively long and/or unusual hours
- Is not allowed breaks or suffers under unusual restrictions at work
- Owes a large debt and is unable to pay it off
- Was recruited through false promises concerning the nature and conditions of his/her work
- High security measures exist in the work and/or living locations (e.g., opaque windows, boarded-up windows, bars on windows, barbed wire, security cameras, etc.)

### Poor Mental Health or Abnormal Behavior

- Is fearful, anxious, depressed, submissive, tense, or nervous/paranoid
- Exhibits unusually fearful or anxious behavior after bringing up law enforcement
- Avoids eye contact

### Poor Physical Health

- Lacks health care
- Appears malnourished
- Shows signs of physical and/or sexual abuse, physical restraint, confinement, or torture

### Lack of Control

- Has few or no personal possessions
- Is not in control of his/her own money, no financial records or bank account
- Is not in control of his/her own identification documents (ID or passport)
- Is not allowed or able to speak for themselves (a third party may insist on being present and/or translating)

### Other Indicators

- Claims of just visiting and inability to clarify where he/she is staying/address
- Lack of knowledge of whereabouts and/or do not know what city he/she is in
- Loss of sense of time
- Has numerous inconsistencies in his/her story

NOTE: This list is not exhaustive and represents only a selection of possible indicators. Also, the red flags in this list may not be present in all trafficking cases and are not cumulative. Adapted from *Recognize the Signs* by Polaris, 2016 (<http://polarisproject.org/recognize-signs>). Copyright 2016 by Polaris. Adapted with permission.

### 5.8.4 Understanding Victims' Needs

Victims of human trafficking require immediate, short-, and long-term services to rebuild their lives (Busch-Armendariz, Nsonwu, & Cook Heffron, 2011). Acute needs include immediate protection from traffickers, safe housing, medical care, food, and other basic human needs (Busch-Armendariz et al., 2011; Clawson & Dutch, 2008). Following the initial stabilization and securing of basic, short-term needs, victims also need trauma-informed mental health services. Over the long term, victims cite wanting help with long-term employment plans, legal services, permanent housing, and ongoing mental health care. Foreign-born victims may need language classes as well as assessment and planning for family reunification assessment, when possible through legal immigration remedies (Busch et al., 2007; Busch-Armendariz, Nsonwu, & Cook Heffron, 2009; Busch-Armendariz et al., 2011).

#### Identifying Fear and Process of Healing

In the beginning, I felt scared to move around on my own, and they would go everywhere with me. Little by little, I got to know places and started to lose the fear, and I began to want to explore a little bit on my own. I wanted to get on the buses and start learning new things. But when I did not feel that confidence yet, they were willing to take me everywhere, even if it was to go buy food.

—Human trafficking survivor & research participant  
(Busch-Armendariz et al., 2009) Interviewed in Houston, Texas

Survivors have benefited from a single-point-of-contact model to address their needs (Busch-Armendariz, Nsonwu, & Heffron, 2014). The single-point-of-contact model “[is] situate[ed] in a broader framework that encompasses casework, advocacy, interdisciplinary coordination of services, and cross-cultural competency” led by a social worker (Busch-Armendariz, Nsonwu, & Heffron, 2014, p. 13). Social workers are trained to understand the importance of and build trust with traumatized people while considering a cultural context with the goal toward self-determination and healing (Busch-Armendariz, Nsonwu, & Heffron, 2014). Chapter 5 includes more discussion about victims’ needs.

#### Identifying Long-Term Needs

I need to learn how to manage my finances, because I know that in this country you need to work and save. I have worked until now, but the job I had earned me very little. With that job, I could not make ends meet. With roommates I paid \$200, half the normal rent, and I still had barely enough for food and to send money to my son in Mexico and then I did not have anything left. I hope with this new job, which offers more money, that I can

be referred to someone who can help me save. In the beginning, I know someone told me how, but it was not very helpful, because at that time I did not have anything to save. I would get my check and I would spend it that same day, because I needed to buy food, pay the bills, the rent, and the electricity.

—Human trafficking survivor (Busch-Armendariz et al., 2011)  
Interviewed in Houston, Texas

### 5.8.5 Power and Control Strategies

Women and girls comprise the majority of victims who are either discovered by law enforcement, have escaped from their traffickers, or are seeking services from social service agencies. Traffickers maintain control over victims by using physical and sexual violence, isolation and entrapment, drug addiction, psychological and emotional abuse, and threats to other family members' well-being. The psychological coercion that victims face should not be understated (Busch-Armendariz et al., 2009).

For many domestic minor trafficking victims, the trafficker often uses coercive tactics such as buying necessities and gifts and promising to love and take care of her. In the latter, the trafficker becomes the victim's "boyfriend" and the exploitation begins after the "loving" relationship begins. The trafficker will then demand that the victim engage in sex acts or prostitution and give all her earnings to him (Smith, Healy Vardaman, & Snow, 2009). For foreign-born victims, traffickers may promise legitimate employment and wage-earning opportunities.

## 5.9 Understanding Traffickers, Facilitators, and Johns

### 5.9.1 Identified Traffickers, Facilitators, and Johns

The success in identifying and holding traffickers accountable is also limited, and connected to, the bleak ability to identify victims. The United Nations examined the conviction rates of 128 countries and determined that between 2007 and 2010, 16% recorded no convictions of human trafficking. By 2012, convictions were up but still miserably low; 40% of the countries recorded less than 10 convictions per year and 15% did not record any convictions. The report also found that 64% of traffickers were citizens of the convicting country and the majority were men (72%) compared to (28%) women (UNODC, 2014).

However, unlike other crimes where the involvement of women is generally low, in human trafficking crimes women's involvement is not insignificant; 1 of 3 traffickers prosecuted worldwide were women (UNODC, 2014). Further, GRTIP indicated that women were more likely to be involved in trafficking girls. "Qualitative studies suggest that women involved in human trafficking are normally found in low-ranking positions of the trafficking networks and carry out duties that are more exposed to the risk of detection and prosecution than those of male traffickers" (UNODC, 2012b, p. 11).

A database of prosecuted traffickers in the United States maintained by the University of Michigan School of Law Human Trafficking Clinic provides some limited insight into this crime's scope. Since much of our understanding about the exploitation of people is based on prosecuted cases, experts agree that exploitation of human beings is likely underestimated and that our understanding is narrow. Typologies of traffickers have been developed by Noël Busch-Armendariz et al. (2009) through an empirical examination of convicted cases. The research identified four typologies of traffickers under two broad classifications: *Shattering the American Dream* and *John's Demand*. Traffickers and typologies are discussed later in this chapter and in more depth in Chapter 5.

The United Nations Office of Drugs and Crime (April 2006) concluded in *Trafficking in Persons: Global Patterns* that the prostitution industry was responsible for the most sex trafficking exploitation. This correlation is well established. The illicit markets of prostitution and sex trafficking are, like any other market, driven by demand. Wherever demand occurs, supply and distribution emerge (Shively, Kliorys, Wheeler, & Hunt, 2012, p. vi). Shively et al. (2012) point out the limitations of focusing on efforts to curb supply and propose that demand-reduction strategies should be the primary prevention focus. Specifically, it is important to mention the reduction of demand for commercial sex by *johns*. The generic term "john" is used to describe men who purchase sex. In an earlier study for the National Institute of Justice, Shively et al. (2008) evaluated the First Offender Prostitution Program (FOPP), one of the longest-standing deferred adjudication programs for men arrested for soliciting commercial sex. In their final report, Shively et al. (2008) asserted that the "links between street prostitution and both domestic and international trafficking have been empirically confirmed, with the market forces of prostitution driving the demand for most human trafficking" (p. 12). Later, they opine, "with one out of every five or six men admitting to purchasing sex, it is clear that patronizing commercial sex is not the behavior of just a small minority of deviants" (p. 27). Shively et al. (2012) draw attention to the weaknesses of prevention strategies that in the past have focused on the supply side of this demand-driven market. Suppliers and facilitators are most often on the front end of the trafficking enterprise as the person who lures or originally connects potential victims with the trafficker. "Where demand is strong, interfering with supply chains usually results in shifting to other sources or other means of distribution. The 'service gap' is too great to close by addressing supply only" (Shively et al., 2012, p. iv).

It is important to note that prostitution and human trafficking are not transposable, particularly when using a legal framework. It may be useful to consider the nexus of human trafficking and prostitution as a Venn diagram. The intersectionality of these two issues (e.g., the degree to which they overlap) depends on one's viewpoint and values, particularly about prostitution. Nonetheless, not all prostitution is human trafficking and not all human trafficking is prostitution.

### 5.9.2 Organization of Trafficking Operations

The GRTIP (2014) organizes trafficking enterprises into three broad groups: small, local operations; medium, sub-regional operations; and large, transregional

operations (UNODC, 2014). Shelley (2010) also considers typologies of traffickers, stating that “supply and demand have created a flourishing business for traffickers. Traffickers choose to trade in humans. There are low start-up costs, minimal risks, high profits, and large demands. For organized crime groups, human beings have one added advantage over drugs, they can be sold repeatedly. In drug trafficking organizations, profits flow to the top of the organization. With the small-scale entrepreneurship that characterizes much of human trafficking, however, more profits go to individual criminal—making this trade more attractive for all involved” (Shelley, 2010, p. 3).

In research that considered the characteristics of convicted cases, Busch-Armendariz et al. (2009) also categorized traffickers by operation, size, and dimensions. Archetype One, called *Shattering the American Dream*, includes organized labor exploitation for profit and family-based domestic servitude. These labor trafficking operations varied from large, income-generating enterprises to small organizations. Archetype Two, called *John’s Demand*, included sex trafficking of U.S. citizens and sex trafficking of foreign-born victims. DMST and CSEC cases fall under John’s demand, where the trafficking operations are generally, although not always, small, pimp-run operations that exploit chronic runaways or other vulnerable youth and children (Busch-Armendariz et al., 2009). Traffickers and facilitators will be discussed in more detail in later chapters.

These typologies are not exhaustive. In recent years, trafficking research, and law enforcement investigations in particular, have led to further understanding of trafficking exploitation including substance-abusing caregivers and parents sexually exploiting children in exchange for drugs, runaways involved in the sex industry who are not involved in the foster care system, the international marriage industry, and door-to-door peddling and begging industries.

### 5.9.3 Trafficker Conviction and Accountability Efforts

Micro and macro accountability mechanisms have had mixed success in the United States and worldwide; the prosecution of traffickers as a systemic effort has been unsuccessful. The GRTIP (2014) reports that only 4 in 10 countries reported 10 or more convictions in one year while 15% of countries reported no convictions (UNODC, 2014).

Low conviction rates are directly tied to the challenges that law enforcement face in identifying victims. One strategy that law enforcement may use to increase the identification of victims and traffickers is to understand the link between human trafficking and other criminal networks such as illegal drug trafficking and prostitution, or other issues such as natural disasters and war (Busch-Armendariz, Nsonwu, & Heffron, 2014; UNODC, 2012a).

Several macro efforts to nudge policies and procedures have taken shape in the form of report cards. Polaris and Shared Hope International both provide report cards about progress in the United States. The focus of assessment criteria is slightly different. Polaris’s assessment considers legislative efforts to end all types of human trafficking while Shared Hope International’s assessment focuses on the criminalization efforts of DMST. Polaris’s report card is based on 10 categories considered to be critical

for structuring a legal framework to address human trafficking while Shared Hope International published *The Protected Innocence Challenge* (2015) to specifically assess states on efforts to address domestic minors of sex trafficking (Polaris, 2014; Shared Hope International, 2015).

#### 5.9.4 Recruiting Victims as Facilitators

One of the most egregious acts of power and abuse by traffickers is their co-optation of victims as facilitators in the trafficking operation. Victims are sometimes compelled or coerced into recruiting other victims. The promotion within the trafficking organization is a strategy of power and control by the trafficker and accepted by victims to avoid further exploitation (Busch-Armendariz et al., 2009; Lloyd, 2011). An infamous trafficker, Pimpin' Ken refers to the co-opted victim as a "bottom bitch" (Pimpin Ken & Hunter, 2007, p. 178). In *Girls Like Us*, Rachel Lloyd, activist, author, and survivor, contextualizes the controlling and destructive dynamic for victims with which they cooperate for self-preservation and survival. This alignment with the trafficker serves as a shield from the trafficker's violence and from having to provide sex to customers (Lloyd, 2011).

### 5.10 A Brief Introduction to Important Terms and Policies

#### 5.10.1 Smuggling and Trafficking

Smuggling human beings and human trafficking need further clarification because these concepts are generally thought of as similar or identical (Bruckert & Parent, 2002; Busch-Armendariz, Nsonwu, Cook Heffron et al., 2014). The two terms and their definitions are often confused due to the intricate ways in which they interconnect. Exploitation is the major difference between smuggling and human trafficking (Bruckert & Parent, 2002; Clawson et al., 2006). In the United States, the legal definition of human trafficking has three overarching elements: force, fraud, and coercion, while smuggling involves crossing a national border without proper documentation. More specifically, smuggling is defined as the illegal transport of an individual into a country (Albanese, Donnelly, & Kelegian, 2004) or "the facilitation, transportation, attempted transportation or illegal entry of a person(s) across an international border, in violation of one or more countries laws, either clandestinely or through deception, such as the use of fraudulent documents" (U.S. Department of State, 2006, p. 2).

In the United States, the smuggler and the person being smuggled are considered to be committing a crime and may be subject to removal (e.g., deportation). Smuggling is also often a short-term venture while exploitation through trafficking continues once a victim is in another country. Individuals willingly smuggled into the United States may later become trafficked through forced labor or commercial sexual exploitation. Moreover, victims of human trafficking are considered victims of a federal crime, although individuals who are smuggled into the United States are considered criminals

and are subject to deportation. Finally, in the United States, *certified* human trafficking victims are considered crime victims and are entitled to many protections and federal and state support services, including the application for immigration relief granted by the U.S. government.

It is well documented that people who are smuggled across borders are often vulnerable to many types of victimization since smugglers often use deceit, and they may later be exploited by forced labor or commercial sexual exploitation (Bruckert & Parent, 2002; Busch-Armendariz et al., 2013). The exploitation and danger often involved in smuggling should not be understated. These difficult circumstances lead to increased likelihood of physical violence including death, particularly for women. Research indicates a high percentage of victimization of sexual and physical exploitation prior to, during, and post transit (Cook Heffron, 2015).

### Differences Between Human Trafficking and Smuggling

Human Trafficking	Smuggling
Must contain an element of force, fraud, or coercion (actual, implied, or perceived)	The person being smuggled is generally cooperating
Forced labor and/or exploitation	There is no actual or implied coercion
Persons are considered victims	Persons who are smuggled are complicit in the smuggling crime; they are not necessarily victims of the smuggling crime, although later become victimized
Enslaved, subjected to limited movement, isolation, or agency	Persons are free to leave, change jobs, etc.
No requirement to cross an international or regional border	Smuggling always involves crossing a border
Person must be involved in labor or services—that is, “working”	Person smuggled may only have crossed the border not necessarily working
The trafficker does not necessarily need to be involved in moving a victim	The smuggler facilitates the illegal entry of person(s) from one country into another

SOURCE: U.S. Department of State

NOTE: Chart does not provide a precise legal distinction of the differences between smuggling and trafficking. The chart is designed to illustrate general fact scenarios that are often seen in smuggling or trafficking incidents. Fact scenarios are often complex; in such cases expert legal advice should be sought. From *Distinction Between Human Smuggling and Human Trafficking*. Copyright 2006 by U.S. Department of State. Reprinted with permission.

### 5.11 Responding to Human Trafficking With Policy and Review Processes

In the last decade, worldwide organizations and individual countries have made major efforts to develop, ratify, and operationalize policies that outlaw human trafficking. By 2012, 134 countries and territories worldwide criminalized the exploitation of people congruent with the Trafficking in Persons Protocol (UNODC, 2014). Below, three of these efforts are described (the UN Protocol, the TVPA, and the TIP Report), although many countries and states across the globe have adopted country-specific antitrafficking legislation.

### 5.12 Palermo Protocol

The Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) directed global antitrafficking policy responses. To date, 166 countries have signed on to the United Nations antitrafficking policy. Simply referred to as the Palermo Protocol, because it was signed in Palermo, Italy, its policy goal is to build a comprehensive international approach toward ending modern slavery. The Palermo Protocol defines human trafficking, recommends service provisions for victims, and focuses on prevention efforts in source, transit, and destination countries (United Nations, 2000).

#### Countries That Have Not Signed the Palermo Protocol

Bangladesh	Republic of Korea	Singapore
Bhutan	Maldives	Solomon Islands
Brunei	Marshall Islands	Somalia
Comoros	Nepal	South Sudan
Congo, Republic of	Pakistan	Sri Lanka
Fiji	Palau	Tonga
Iran	Papua New Guinea	Uganda
Japan		Yemen
Korea (DPRK)		

SOURCE: 2015 TIP Report

### 5.13 Trafficking Victim's Protection Act (TVPA)

In the United States, in addition to defining modern slavery, the Trafficking Victim's Protection Act (TVPA), signed in 2000 and reauthorized in 2003, 2005,

2008, and 2013, outlines benefits and services for trafficking victims and steps to exclude foreign-born victims from deportation. For child victims, the TVPA states that the standard of force, fraud, or coercion does not have to be met. In other words, children cannot consent to sexual contact, intercourse, or other sexual activities.

#### **5.14 Trafficking in Persons Report (TIP)**

*The Trafficking in Persons Report (TIP)* has been published by the Office to Monitor and Combat Trafficking in Persons of the U.S. Department of State annually since 2001. The TIP Report assesses and scores governmental and countries' efforts to address the crime of human trafficking (Busch-Armendariz, Nsonwu, & Heffron, 2014) on one of four categories (Tier 1, Tier 2, Tier 2 Watch List, and Tier 3). The higher the tier ranking, the less compliant a country is with the TVPA benchmarks (e.g., Tier 3 countries are the least compliant in their antitrafficking efforts). Tier 1 countries are in full compliance with TVPA; Tier 2 countries are making significant efforts toward compliance; Tier 2 Watch List are making significant efforts toward compliance but have high numbers of victims or have failed to provide evidence of increased efforts; and Tier 3 are not in full compliance and have made no significant efforts to address human trafficking. Ten years after the TIP Report was first published, the U.S. Department of State began to rank the United States. The United States has remained a Tier 1 country since that time (U.S. Department of State, 2015).

### **6. Calling Attention to Complex Issues or Critical Discourse**

#### **Questioning the Credibility of the United States as the World's Judge: Implications of Delaying Self-Assessment**

The United States, through the Department of State and the *Trafficking in Persons Report*, has advanced the global conversation about modern slavery and led efforts to confront countries and industries around the exploitation of human beings perhaps like no other country in the world. The TIP Report itself is an extremely valuable tool for understanding modern slavery. Yet, there are issues that emerge about the United States in this position. First, the Department of State did not rank the United States in the *Trafficking in Persons Report* until its tenth publication. Does this delay of self-assessment carry implications for U.S. credibility? Also, it seems reasonable that rather than conduct a self-assessment, the Department of State may earn credibility by engaging other entities to examine the United States' efforts and assign an appropriate ranking. Also, it seems reasonable that neither the United States nor any other government, for that matter, should be the sole and only legitimate evaluator on this issue. Perhaps the field would be better prepared if the process of assigning ranks was shared.

## 7. Chapter Summary

Chapter 1 serves as a primer and introduction to human trafficking. Many relevant issues about modern-day slavery are covered such as the research on traffickers and needs of victims. This chapter also provides the best knowledge to date on the extent of the problem and a discussion of types of trafficking. The caveat of the chapter is that our full understanding of modern-day slavery is still evolving and, as such, additional research is needed.

## 8. Key Terms

- |   |  |
|---|--|
| 8.1 Human Rights Perspective                      | 8.7 Trafficking Victims Protection Act |
| 8.2 Sex Trafficking                               | 8.8 Palermo Protocol                   |
| 8.3 Labor Trafficking                             | 8.9 Traffickers                        |
| 8.4 Modern Slavery                                | 8.10 Facilitators                      |
| 8.5 National Trafficking Resource Center: Polaris | 8.11 Johns                             |
| 8.6 Trafficking In Persons Report (TIP)           | 8.12 Victims/Survivors                 |
|   | 8.13 Feminization of Poverty           |

## 9. Active Learning Exercises or In-Class Discussions

- 9.1 Ask students to complete the Slavery Footprint before class, found at: <http://www.slaveryfootprint.org>. In class, have students work in small groups to put their Slavery Footprint score along a continuum and answer the following questions: What was surprising to you about this educational tool? What are the benefits of the Footprint? Using the Footprint, how might you develop an awareness and educational campaign for your college? What factors may be missing from the Footprint?
- 9.2 Ask students to discuss the elements of a human rights framework as compared to what Shelley (2010) writes in *Human Trafficking: A Global Perspective*:  
 Everywhere in the world, the consequences of trafficking are devastating for its victims and the larger community. Those victimized in this open slave market were not only the young women destined for sexual slavery. All of society suffers from such victimization. Other causalities include the principles of a democratic society, the rule of law, and respect of human rights. The degradation of the women in full view of the public deals a direct blow to the rights of women and to gender equality (p. 3).
- 9.3 Ask students to watch Dr. Kevin Bales's lecture based on his new book *Blood and Earth: Modern Slavery, Ecocide, and the Secret to Saving the World* and

consider the juxtaposition between modern-day slavery and environmental destruction. What are the similarities, push-pull factors, causes? What is different? What can be done?

<https://www.youtube.com/watch?v=V3P1bDmIPd0>

## 10. Suggestions for Further Learning (Books, Policies, Websites, and Films)

### 10.1 Books

- 10.1.1 Bales, K. (2012). *Disposal people: New slavery in the global economy*. Berkeley, CA: University of California Press.
- 10.1.2 Bales, K. (2016). *Blood and earth: Modern slavery, ecocide, and the secret to saving the world*. New York, NY: Spiegel & Grau.
- 10.1.3 Lloyd, R. (2010). *Girls like us: Fighting for a world where girls are not for sale, an activist finds her calling and heals herself*. New York, NY: HarperCollins.
- 10.1.4 Shelley, L. (2010). *Human trafficking: A global perspective*. New York, NY: Cambridge University Press.

### 10.2 Policies

- 10.2.1 Trafficking Victims Protection Act 2000, 2003, 2005, 2008, and 2013.
- 10.2.2 Also see the TVPA in Five Colors developed by the Protection Project at Johns Hopkins. Retrieved from: [http://protectionproject.org/wp-content/uploads/2013/06/TVPA-in-5-Colors\\_2013\\_FINAL.pdf](http://protectionproject.org/wp-content/uploads/2013/06/TVPA-in-5-Colors_2013_FINAL.pdf)
- 10.2.3 U.S. Department of State. (2015). *Trafficking in persons report (TIP)*. Retrieved from <http://www.state.gov/g/tip/rls/tiprpt/2015/>
- 10.2.4 United Nations. (1948). *Universal declaration of human rights*. Retrieved from <http://www.un.org/en/universal-declaration-human-rights/>

### 10.3 Selected Websites

- 10.3.1 U.S. Department of Health and Human Services, Administration for Children and Families campaign to rescue and restore victims of human trafficking: <http://www.acf.hhs.gov/trafficking/index.html>
- 10.3.2 Coalition Against Trafficking in Women: <http://www.catwinternational.org>
- 10.3.3 Free the Slaves: <http://www.freetheslaves.net>
- 10.3.4 Girls Educational and Mentoring Services: <http://www.gems-girls.org/>
- 10.3.5 Polaris: For a World Without Slavery: <http://www.polarisproject.org>

- 10.3.6 Shared Hope International <http://www.sharedhope.org>
  - 10.3.7 Slavery Footprint: <http://www.slaveryfootprint.org>
  - 10.3.8 UNICEF: <http://www.unicef.org>
  - 10.3.9 United Nations Office on Drugs and Crime on Human Trafficking and Migrant Smuggling: <http://www.unodc.org/unodc/en/human-trafficking/index.html>
  - 10.3.10 Human Trafficking Resource: <http://humantrafficking.unc.edu/resources/>
- 10.4 **Films**
- 10.4.1 Rescue and Restore: Look Beneath the Surface: Identifying Victims of Human Trafficking in the U.S. (training video available from the Office on Tracking in Persons URL link: <http://www.acf.hhs.gov/programs/endtrafficking/resource/look-beneath-the-surface>)
  - 10.4.2 Dying to Leave: The Dark Business of Human Trafficking (for purchase only available from <http://www.trainingabc.com/dying-to-leave-the-dark-business-of-human-trafficking/>)
  - 10.4.3 See website for resources: <http://www.endslaverynow.org/blog/articles/lets-talk-about-sex-trafficking-documentaries>

## **11. Suggestions for Further Research/Project/Homework/ Exam Exercises**

### **11.1 Slavery Footprint Exercise**

Ask students to write to Slavery Footprint to offer suggestions for its improvement for accuracy with college students or inform Slavery Footprint how it is being utilized in class and at your institution of higher education as an educational awareness campaign.

### **11.2 Using Poetry and Film**

Ask students to either read the poem “Minstrel Man” by Langston Hughes or watch the film *Whistleblower* (2010) directed by Bertram Verhaag. Write a reaction paper, reflecting on the following three questions: What is your initial response to this work? What components of human trafficking does this work portray well? Does this work represent something different than what you have learned about human trafficking? How is it effective (or ineffective) in telling its story? How might the current sociopolitical climate or events have played a role in the making of this work?

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