

# SLAVERY TODAY JOURNAL

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## **Introduction**

Human Trafficking (HT) literature identifies restricted or narrowly focused funding and difficulty with the coordination of services for HT survivors. This focus group study attempts to discern service strengths and issues at the local level in Lee and Collier counties in Southwest Florida. A three step grounded theory process was utilized in order to analyze the focus group data. The unprecedented level of survivor need was theorized to strain the existing services network. HT cases expose less organized parts of the service network which highlights a lack of organized funding sources and less efficiency. The addition of an essential fourth P (partnership), to prevention, protection and prosecution efforts, would guide efforts toward more evolved service networks. Suggestions include creation of a state level entity which can manage a regionally coordinated case management system, and the establishment of a clearinghouse for data and research.

## **Literature Review**

The argument can be advanced that HT survivors present to social services and law enforcement agencies and their respective community, national and international systems with a scope and urgency of need that is unprecedented in modern history. Certainly, the long list of immediate, medium term and long term needs of survivors (Dewan 2014; Surtees and De Kerchove 2014) might stress any agency and associated service network attempting to protect and prosecute at the same time. Also, law enforcement and social service networks are still evolving service networks. Local and international communities both struggle to organize partnerships between law enforcement, funding sources and social services (Newcomb 2014). The same certainly holds true in the United States.

In addition to partnership challenges, there is currently a lack of research with which to make policy, enforcement and case management decisions. As of 2010, only six percent of scholarly literature on HT was both “empirical and peer reviewed” (Potocky 2010, p. 374). As HT awareness develops for law enforcement, shared intelligence is still significantly an inefficient process between agencies (Friesendorf 2009). Additionally, one content analysis suggests that information available to the public, at least in the United States, mostly serves to give salience to the consensus views on HT in Washington (Gulati 2011). Yet, special interest groups and ideology play a significant part in the development of policy (Potocky 2010). Finally, information about how services are currently provided for survivors by the networks of social services agencies remains limited (Newcomb 2011).

HT services are still evolving, and competition among non-governmental organizations (NGO’s) and emerging faith-based organizations (FBO’s) for scarce resources has limited organizational strategies. Available grant funding is often limited in scope and “big picture” vision, and is often tied to political interests. All of this currently limits the ability of NGO’s and FBO’s to coordinate efforts systemically at international and national levels (Foerster 2009).

Systemic problems abound given the current issues. Typical issues at present include insufficient levels of resources, inadequate capacity, and lack of specialized knowledge and expertise. Additionally, disorganized and narrowly focused funding, difficulty with identification of actual victims and then assisting the victims to be motivated for services while maintaining confidentiality are consistent challenges (Caliber Associates 2007). Arguably, a more organized and centralized effort might mitigate many of these concerns, especially with continued oversight.

Given the unprecedented level of survivors need for multiple services, the current difficulties in partnering on local, national and international levels, and the

bias of current information flow, what will the network of prevention, protection and prosecution services evolve into in the United States? This article will focus on how the underlying regional processes in the United States will benefit from a state level system of organization, which addresses regionally different occurrences of trafficking (sex trafficking or labor trafficking), significantly different demographics and socio-economic pockets, and dynamics consistent with local emphasis on minor or adult trafficking. It is proposed that the processes underlying the provision of services are very similar, and an organizing principle, which surmounts process level problems, is needed.

## **Methodology**

In an effort to assess the process issues of the local service network in Lee and Collier counties, Florida, the graduate students from the Hodges University Clinical Mental Health Counseling Program conducted a focus group study of community law enforcement agencies and social service providers in both Lee and Collier Counties, Florida. Faculty leadership provided the training and supervision for a systematic set of three focus groups: one for social service providers in Collier County, two for social service providers in Lee County, and one for law enforcement personnel from both counties.

The study was undertaken in order to assist the Southwest Florida Regional Coalition against Human Trafficking. At a Coalition Board meeting, feedback was elicited in order to focus the question set. The key participants were social services focus groups; as a result, questions were designed to elicit requested information concerning the strengths and weaknesses of the current service system and the Coalition's support of local agencies and services.

Focus groups ran for one and one half hours each. Two students acted as group facilitators for each group and were responsible for ensuring that the functions of the group were carried out in an ethical manner. There were four student recorders per group, except in Collier County, where there were two. Recorders wrote down each data statement from a participant as they understood it, and at the end of the group that evening, the recorders met and developed a consensus document which covered all data statements documented by each recorder.

Students then conducted a three-step grounded theory analysis process. Students were only minimally trained in HT issues prior to the focus groups, and students were trained to facilitate groups and record with as little personal bias as possible. Faculty led the three-step grounded theory analysis and monitored the discussion for bias and presupposition of how information should be interpreted.

After analysis, the faculty gathered the information and clarified, by meeting with the students, that the results and interpretations developed were consistent with the students' analysis. The qualitative analysis generated both information and recommendations for the Southwest Florida Coalition against Human Trafficking and a theory about the current state of evolution of the local service network including local, regional and state level recommendations based upon that theory. A presentation of the data results and discussion was held with community providers, who were focus group participants, and there were no significant objections to what was found or to the developed theory and recommendations.

## **Results**

There were  $n=274$  total data statements from 16 participants. The Collier County social service group had three participants, and two Lee County social service groups had six and seven. Collected data statements for the social services groups were analyzed in aggregate. The student analysis contained all data statements within twelve general categories (see Appendix, Table 1). Students then analyzed relationships between the categories and outlined the process of community services based on the categories. Next, students identified the key categories which were the underlying drivers of the process as it appeared from the data (see Appendix, Table 2). Students were able to choose more than one category, and they were not limited to choosing categories with higher amounts of data responses. Significantly, the complexity of needs of HT survivors was identified as the main underlying theme shared by focus group participants. The next two categories that students identified were funding and collaboration challenges. While the number of comments about funding was low, the specific comments identified funding as a key process problem. Awareness of HT in the community and the need for more specialized HT services were next. Finally, resource challenges, community advocacy, issues with law, and gaps in services were themes that emerged from participant statements.

There was no video recording, so the accurate data collection of statements was dependent on the memory of all recorders by consensus. Also, faculty and students totaled seventeen for the social services analysis. While faculty were present for all three-step grounded theory analysis, some students missed certain parts of the analysis, and not all were present for each discussion. However, the vast majority were present.

The study received International Review Board (IRB) approval in advance, and the actual methodology and data analysis were carried out in the course of fifteen weeks, or one semester. This limited any follow-up focus groups, and the study was dependent on the data collected over the fifteen weeks.

## Discussion

The current system of protection and service protocols among HT interests nationally and globally is plagued by a lack of organization and by difficulty forming collaborative efforts among case management, law enforcement, NGO's and FBO's dedicated to HT efforts (Foerster 2009; Newcomb 2014; Potocky 2010). At first glance, service coordination appears to be most affected by the current gaps in collaboration efforts. However, the current focus group qualitative data analysis revealed that, at least on the local level, the complexity of survivor needs could explain the system breakdown. The unprecedented needs of trafficking survivors overwhelm the current system, which was not designed for a smaller group of extremely high-need survivors. The organization and systemic use of funding and the collaboration between agencies of all kinds on the local level are more completely evolved for other services, such as domestic violence. The current and as yet incomplete evolution of the local HT network is exposed by the unprecedented level of survivor need, perhaps significantly explaining the identified funding and collaboration issues found in the literature and the study data.

The evolution of the service network can be enhanced by an approach which encompasses the understanding of the unprecedented and complex trauma and psychosocial needs HT victims present. Based on the themes obtained from community provider feedback in this study, there is a need for a more centrally organized effort. HT efforts can be further specialized toward a model which is both victim and community system centered. The three P model (prevention, protection and prosecution) can be superimposed on the community system within the context of partnership, an essential fourth P. The research conducted locally validated the need for better coordination of all three levels of action in the community system. The fourth P, partnership, encompasses the actions of the three P's. Disorganized and multi-effort funding, and independent law enforcement and agency efforts necessitate a level of competition inconsistent with the needs of trafficking survivors. High need trafficking survivors require a coordinated partnership of law enforcement agencies, social service agencies, NGO's, FBO's and other support entities such as universities.

In order to best resolve current competition and resultant disorganization of funding and service, it is helpful to review how a similar social issue evolved from this point in its development to a more coordinated level of partnership.

Domestic violence services are significantly different than HT services in some ways. Yet, the evolution of an operational definition of the term, clear and consistent law enforcement guidelines and training, and a centrally organized service network are as essential to the efficiency of domestic violence services as



they are to HT services. In Florida, the Florida Coalition against Domestic Violence (FCADV) and Florida Council against Sexual Violence (FCASV) provide state level coordination and certification for forty-two domestic violence shelters. The FCADV and FCASV foundations provide a central source of funding for domestic violence and sexual assault services, in concert with other sources. FCADV and FCASV also provide public policy development and advocacy, and central training services (FCADV n.d). Services for domestic violence in Florida evolved through similar circumstances, beginning with grassroots efforts at a time of low public awareness and understanding of the problem.

State level efforts must play a significant role in organizing and directing HT services in order to meet the unprecedented need in the most efficient way. To accomplish this, the level of complexity at which HT presents must first be taken into consideration. The primary proposed objective would be to enhance interagency collaborations and to develop a comprehensive, culturally-competent and coordinated network of wraparound services that will address the individualized needs of trafficking victims and identify gaps in services. Coordinated and centralized funding efforts would systemically impel the collaboration.

A significant difference between domestic violence and HT is in how the services can be organized. Domestic violence services can essentially be organized in the shelter model with a peripheral referral network. This is more of a “one stop shop” approach that is not yet appropriate given the current state of HT services in all regions (Caliber Associates, 2007, p.25). HT cases are too few in number to fund a large centralized agency at the current state of community service evolution. In a separate effort in 2013, Hodges University Master in Clinical Mental Health Counseling program students compiled a reference manual of all agencies and other groups involved in the HT effort in Lee and Collier counties, Florida. Through consensus, students organized the manual to utilize the following service categories: emergency shelter, intensive case management, specialized counseling services, services enhancing independence, and prevention services. Of these categories, The Caliber Associates (2007) found case management to be the most prominent service across three different models of service, with legal services, medical and dental services, interpreters/translators, education and job training, and mental health services as the most prominent needs in general. Given the large number of entities involved (as compared to domestic violence services), it is also proposed that a “mini” United Way model could coordinate funding and services statewide much as a local United Way coordinates funding for services across the spectrum of community need. In this way, funding and coordinated service is efficiently delivered despite a multitude of community services and efforts.

Additionally, the entry point into the system for the survivor, with adequate provider training and protocol awareness, could be centered on the “no wrong door” model (Caliber Associates 2007, p.25). Cooperation would allow for the engagement of coordinated services no matter how the survivor entered the system. Over time, with centralized coordination and continually improved awareness of local protocols, a one-stop shop model could emerge as services evolved (Caliber Associates 2007).

The cycle of the proposed four P’s to success model when centrally organized at the state level should lead to prevention programs that will increase awareness, education, and training programs within different levels of any given community. The four P’s to success will also create a systematic approach to HT to identify, to intervene, and to assist with the effective prosecution of trafficking cases. The model would also provide a continuum of care for victims’ needs by developing one central set of policies and protocols that would identify the roles, responsibilities and referral requirements for providers of victim services to enhance the quality and quantity of comprehensive and wraparound services available to victims of HT. Below, prevention, protection and prosecution are considered in more detail from an integrated statewide partnership of coordinated community systems set in geographic areas much like a domestic violence shelter covers a specific geographic area within the state.

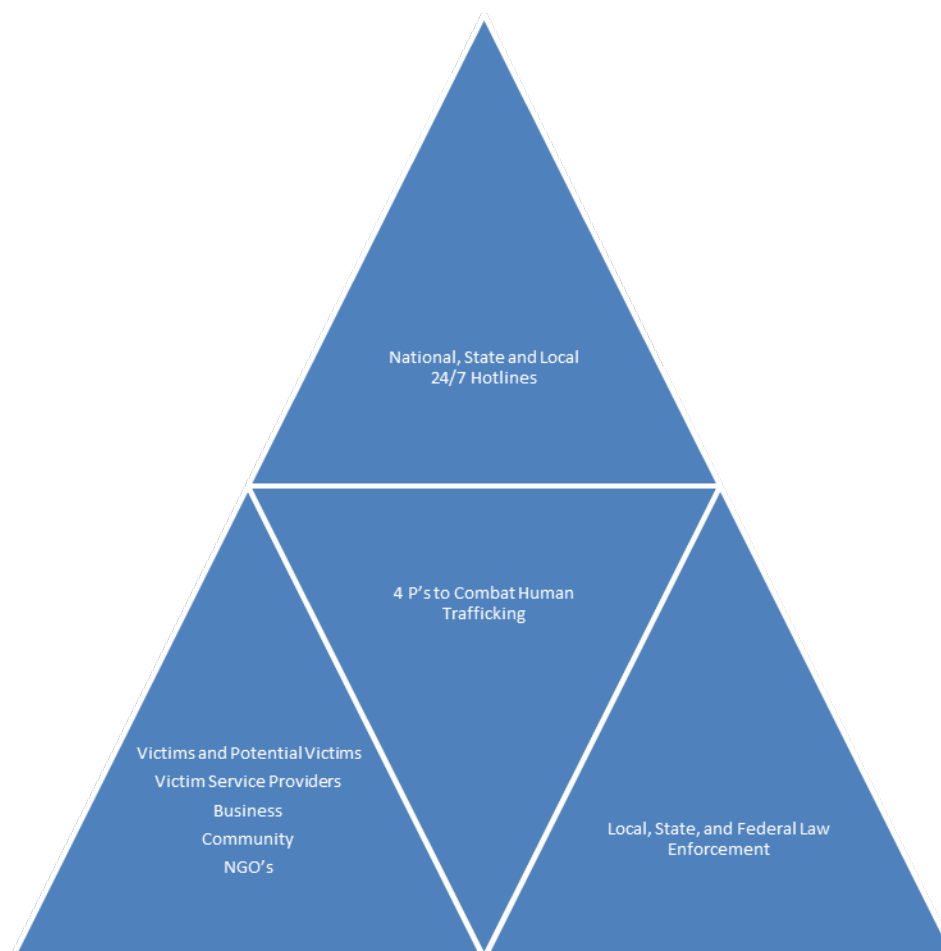


Figure 1 , © Yaroslaba Garcia 2015

## Prevention

Prevention efforts should receive wide coverage due to the different ways in which HT can emerge and change within a region. The specific efforts might target different populations or efforts within a state due to local characteristics, yet the overall effort can concentrate on certain vital areas in each region. However, the nature of the effort might change within each region. Dewan (2014) found that the majority of internationally trafficked persons in their sample were identified by law enforcement or NGO's. While we would expect these entities to play a central role, prevention services aimed at health care, hospitality merchants and other businesses and entities will widen the identification and referral network for trafficking cases (Caliber Associates 2007).

Prevention efforts aimed toward minors and vulnerable adults should be geared directly towards programs that work with individuals who fit certain

demographics or characteristics which make them more vulnerable. For example, one urban area might focus on local malls and teen exposure to traffickers, while another more rural area might focus on agricultural workers of lower socioeconomic status.

At the same time, prevention efforts can be directed towards awareness and understanding of the crime and toward victim identification for the community at large. This aspect of prevention is specifically important because the shifting strategies of traffickers make it difficult for any society to plan a consistent strategy. Prevention efforts focused on the community at large involve concrete and specific education of how HT will expose itself in the community. Common misconceptions have to be explained, and factual examples of relevant cases concretized. It is also critical to personalize education to the age group, community, and culture to which the information is provided.

Law enforcement and first responder specific trainings are also critical at the regional level. Due to the complexity of the crime, this level of prevention requires that law enforcement officers understand how HT operates within other crimes. The typical and understandable challenge to surmount is a tendency for “victim service providers ‘putting the victim first’ and law enforcement being perceived as ‘putting the case first’” (Caliber Associates 2007, p.35). Training should focus on providing strategies for gathering HT specific intelligence that can assist law enforcement in recognizing, responding, investigating and successfully interviewing victims and perpetrators. Interview methods are best accomplished with officers trained in a victim-centered approach sensitive to complex trauma victims. This approach will increase the chances of successful prosecution.

Prevention efforts require an infrastructure of protocols to be in place that professionals, NGO’s, FBO’s, and law enforcement can follow to report the crime. These efforts must take into consideration the other three P’s by creating a regional infrastructure, supported by state level coordination, which can provide protection, and at the same time lead to prosecution, by forming strong partnerships that are maintained over time. Prevention protocols can be conceptualized in a triangle shape with the four P’s in the middle. (see Figure 1). At the bottom left of the triangle reside the NGO and FBO agencies, businesses, and social services that will be trained to follow the protocol. The right bottom side of the triangle contains law enforcement agencies already trained to accept the calls from the left bottom side of the triangle. At the top of the prevention triangle is an array of services that provide coordinated shelter, emergency housing, food, clothing, medical and mental health needs. The coordination can be provided by a state level hotline that can connect the bottom of the triangle to the services needed.

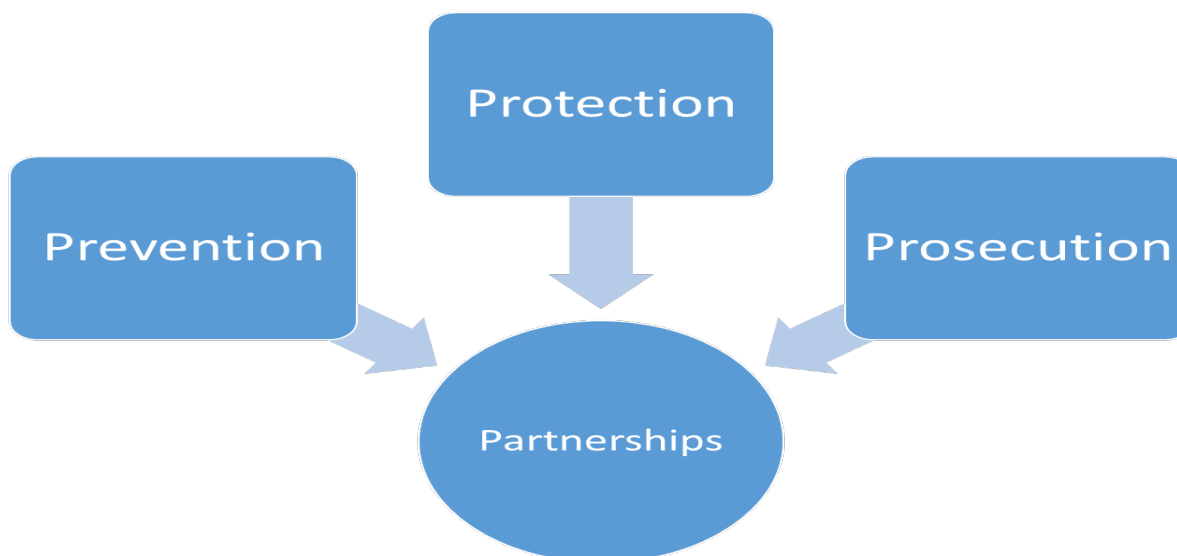


Figure 2  
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### **Protection and Prosecution**

For the protection aspect of the four P's to succeed in coordinating HT services, it has to be survivor-centered in all aspects. Immediate efforts must safeguard survivor security as the needs that any survivor may present are addressed. Best practices in protection will lead service providers to establish strong regional and state level partnerships with law enforcement and also with each other, which will establish collaborations that lead to successful prosecution. A coordinated statewide funding effort reduces competition and increases coordinated services. Adequate and solid protection services require durable, steady, partnership, which is the proposed fourth P. Protection can only exist in partnership with law enforcement of different jurisdictions, prosecutors and other NGO's that get involved in assisting with survivor welfare at different stages of their journey.

Sound protection starts with proper attitude training for first responders. Coordinated training sets the basis for how the victim may react and feel about future law enforcement and in some instances their experience with an NGO and/or FBO. Also, as previously discussed, protection efforts need to include a best practice, survivor-centered interview process which takes complex trauma into account. Inter-agency and law enforcement cooperation is critical because the process of internal disclosure, which includes development of trust over a long period of time, conflicts with many law enforcement and agency protocols and resources. Victim interviewing techniques should be directed toward the comfort of

the victim and collaterals with which the victim has developed some level of beginning trust. When protection procedures are consistent, honest, and reliable, the victim can feel supported and encouraged throughout the internal disclosure and prosecution process. This can surmount current difficulties in supporting survivors over time and through difficult legal procedures in order to achieve a greater rate of actual prosecution of traffickers. While Lemming and Caslyn (2004) focused on severe mental illness and homelessness, their findings indicated that social support from professionals and others helping the client to enter the system of services is a crucial variable which might increase the effectiveness of entry into the process. The therapeutic relationship and client engagement were critical. Continued development of specialized HT services and increased community awareness are critical needs. The challenges involved with efficient use of the resources now available also can be explained by the lack of the evolution of the HT service network as compared to a more fully developed community network which addresses a specific social problem. Study results mirror the problems noted in the literature at national and international levels. The processes underlying the actors and regions appear similar, yet significant regional differences will also apply. In the United States, state level coordination could provide for organized regional specialization.

### **Partnership**

If the lack of evolution of HT services combined with unprecedented need does help explain the current state of services, then how might that inform solutions to current dilemmas? First, given that those NGO and FBO actors and law enforcement agencies are attempting to evolve an efficient network, pointing fingers of blame is a less effective strategy than constructing a shared vision and establishing a level of services which increases cooperation and efficiency by “offering centralized core services” (Caliber Associates 2007, p.73). Relatively similar social problems such as domestic violence provide models for how to continue to evolve the three P’s toward more coordinated partnership.

In the meantime, a centrally managed case management service with a small caseload ratio for professional case managers would better organize regional services from the bottom up as an effort to develop state services from the top down also evolves. Too often, study data points to survivors’ needs for immediate help as a factor limiting the ability for specialized providers to efficiently administer their own services. In addition, specialized providers are left to also conduct case management services. This is a very inefficient use of their time and skills. However, the urgent and multiple need survivors impel a *first things first* approach. Focused and organized regional case management services could assess

complex needs and refer to specialized services when the survivor is ready (Caliber Associates 2007). Services could evolve more quickly to a *no wrong door* approach if one centralized case management entity existed that all law enforcement and providers in the community were aware of and with which service linkages had already been established. Services could better flow along Maslow's Hierarchy of Need. Also, universities or other appropriate entities can provide a clearinghouse for data gathering, and expanded and more organized research in the HT arena.

Essentially, given unprecedented level of need demonstrated by trafficking survivors, and the current state of the evolution of the services network, all interested parties can work to put their own survival fears and special interests to use to craft regional coalitions which meet the need for coordinated funding and services for HT survivors. However, putting competitive interests aside is somewhat unrealistic unless a central coordinating entity at state level eventually provides logical funding distribution mechanisms and continued oversight of the regional efforts to preserve the quality of coordination and delivery of service.

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## Appendix Table 1

Stage 1 Analysis: Categories created in order to organize the data statements

Category containing data statements	Number of data statements
Collaboration Challenges	43
Complexity of Survivor's Needs	37
Specialized HT Services	30
Awareness of HT (Strengths)	29
Awareness of HT (Weaknesses)	26
Resource Challenges and Lacks	24
Training	24
Collaboration Strengths	17
Gaps	14
Law Issues	14
Community Advocacy	7
Funding Issues	6

## Appendix Table 2

Stage 2 Analysis: Consensus on key parts of the process of services

Category chosen	Number who selected the category as key
Complexity of Survivors Needs	8
Funding	4
Collaboration Challenges	4
Community Awareness	3
Need for Specialized Services	3
Resource Challenges	2
Community Advocacy	1
Issue with Law	1
Gaps in Services	1

# Repressed Memories: Historical Perspectives on Trafficking and Anti-Trafficking

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## Abstract

Modern international trafficking in forced labor took hold during the 1850s, and crossed into the twentieth century as a seemingly intractable global phenomenon. Contemporaries described this worldwide enterprise as the “white slave trade.” As shorthand for sex-trafficking, “the white slave trade” has a very long pedigree. The first cross-national, public-private coalition against trafficking in women and children was forged in the late nineteenth century by the London-based National Vigilance Association. This coalition generated the foundational treaties and directional momentum for international anti-trafficking projects across the twentieth century and into the twenty-first.

## TRAFFICKING IN THE PAST

Trafficking in persons is that very distinct transactional phenomenon whereby individuals are accessed and entrapped through predatory, duplicitous manipulation, and then lured and propelled into vicinities and circumstances for purposes of gross exploitation not otherwise and elsewhere obtainable. Three hundred years ago, the English common law equivalent was “Spiritting & Trepanning.” *Spiritting*, a variant of “kidnapping,” denoted the all-important element of transport, of physically transplanting an individual from a familiar “here,” into a less familiar, more inimical “there,” beyond the sight, sound, and reach of those most able and willing to intercede. *Trepanning*, from the Old English verb *trappen*, denoted the all-important element of entrapment, with victims brought unawares into a position of difficulty or danger through beguilement, deceit, or artifice (OED 1989).

Infinite in its particulars, human trafficking has nonetheless been discernible to societies across time, space, and culture because its perpetration occurs through a unique cluster of elemental human wrongs:

- Betrayals of intimacy and social trust;
- Manipulation and seduction of desire;
- Entrapment, emotional, financial, and otherwise;
- Bodily constraint as the necessity arises;
- Intended, anticipated, or foreseeable gross exploitation in ways and to degrees otherwise unobtainable;
- Physical transport from one socio-legal vicinity to another, more unfamiliar and intimidating to the victim.

Modern international trafficking in forced labor - including forced sexual labor - took hold during the 1850s. Quickly gathering momentum, geographic sweep, entrepreneurial sophistication, and impregnable footholds, it crossed into the twentieth century as a seemingly intractable global phenomenon featuring patterns, practices, routes, and markets still very much in evidence today. Access to online newspapers, periodicals, books, and official reports spanning several centuries now clarifies that contemporaries in these earlier eras consistently described and deplored this multifarious worldwide enterprise as one or another “white slave trade.”

Liquid labor - tractable workers who appear and disappear upon command, who do what is ordered, and take what is offered - have historically been encapsulated as “white slaves.” To quote the eminent Frederick Douglass: a wage laborer, “flung into competition with a class of laborers who work without wages” was a “white slave,” because his masters take “from him, by indirection, what the black slave has taken from him, directly, and without ceremony. Both are plundered, and by the same plunderers” (Douglass 1855, 239-40).

Transporting legions of impoverished Asian peasants into the Americas as a “substitute for slavery,” was “a white slave trade” (Chronology 3 Dec 1852; 22 Mar 1856; 19 Aug 1860).<sup>1</sup> When parents signed over their children to socially trusted others, who then transported those children to distant countries “to go out begging under various pretences, punishing them with the most reckless, and often with the most ingenious, cruelty” - this was “white slavery” and “a white slave trade” (Chronology 26 Dec 1873). When immigrants were lured into turpentine fields, coal mines, and plantations, their wages whittled down by inflated charges for board and daily needs, local police and courts on call to chase them down as

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<sup>1</sup> “Chronology” refers to Appendix I of this article.

absconding debtors or thieves - they became “white slaves” (Chronology 11 Aug 1884; 15 Sep 1888; 10 Mar 1895; 21 Oct 1906). When novice prostitutes were lured into brothels and saloons, then “afterward debarred all liberty,” their earnings whittled down by inflated charges for board and daily needs, local police and courts on call to chase them down as absconding debtors or thieves - they too became victims of “a system of white slavery” (Chronology 19 Jul 1858).

As shorthand for the cross-border movement of women and children for deployment in hyper-exploitative commercial prostitution, “the white slave trade” has a very long pedigree. As indicated by a 27 August 1856 *New York Times* article entitled “The White Slave Traffic,” this phrase was a geo-culturally specific reference to the “infamous traffic” that had “for centuries made the Kuban [River] a highway of cruelty,” bringing women from the Caucasus across the Black Sea into the “slave-markets of Constantinople and the other cities of the Ottoman Empire.”

This “harem trade” was part of a far more extensive traffic in forced labor. “*Slave*” is derived from *Scalvus*, a Medieval Latin racial name for *Slav* (OED 1989). The conquest of Constantinople in 1204 during the Fourth Crusade gave Latin merchants access to the Aegean and Black seas (Davis 1986, 53). Rival Genoese and Venetian merchant colonizers built up a profitable trade in white slaves, transporting captives from the Caucasus and Balkans across the Black Sea (Hobson 2004, 49).

These entrepreneurs were “quick learners,” who “bought and transported anything for which they could find new markets - grain, cheese, salt, fish, wine, sugar, alum; Senegalese gold; fine goods from the Orient; Moorish slaves from Spain and pagan or Christian slaves from the Balkans, Greece, and the Black Sea” (Davis 1986, 53). Colloquial and inherited languages came up short when contemporaries set about naming this new style of trucking and bartering. The verb - to traffic - came first: *trafficare*, with its noun of action, *traffico*, following soon thereafter. In common currency among Northern Italian city states by the early fourteenth century, *trafficare* (“to do, across”) was a neologism coined to capture the ambiguities and ambivalences of proto-modern capitalist profit-seeking in and around the Mediterranean (OED 1989). “Trafficking” emerged over ensuing centuries as an encapsulation of parasitical, mercenary profit-seeking across shifting and ultimately unreliable moral horizons.

Traffic flows shifted in the 1470s, a decade or so before Christopher Columbus set sail on his momentous voyage. The Ottoman Turks annexed the Crimea and closed the Dardanelles to Latin merchants, cutting Genoa and Venice off from their Black Sea colonies. Tartars in the Crimean Khanate - an entity in south Russia centered around the Don River - took control of the Black Sea trade in white slaves, preying upon Slavic and Caucasian tribes from the mid-1470s up

through the liquidation of the Khanate by Catherine the Great in the 1780s. Tartar predations supplemented and eventually supplanted Ottoman annual quotas from Balkan and Anatolian subject populations for boy-slaves, put to use as military janissaries, civil functionaries, agricultural laborers, and industrial workers (Rodriguez 1997). At the western reaches of the Ottoman Empire was a branch line of the white slave trade, conducted by the Barbary corsairs in North Africa (Davis 2003).

Circassia, located in the northwest quadrant of the land bridge between the Black Sea, to the west, and the Caspian Sea, to the east, emerged over many centuries as the principal source of females exported to Turkish and Arab markets for sale as wives, concubines, and personal slaves. In its glory days, Circassia straddled both banks of the Kuban River, and covered an area larger than Denmark; on modern maps, Circassia is Karachay-Cherkessia Autonomous Province, neighbor to Chechnya, Georgia, Azerbaijan, and Armenia (Shenfield 1999, 1). Mid-nineteenth century mainstream familiarity with the Caucasus, Balkans, Turkey, and the harem trade was occasioned by the Crimean War in the 1850s. In the post-Cold War era, this same region has emerged as “a major transit and source area for trafficking in women to the Middle East, Europe, and North America” (Lehti and Aromaa 2006, 198-199).

As the areas of recruitment for the “white slave trade” expanded and diversified across the nineteenth century, so too did the locus and reach of buyers, sellers, and procurers. By the late nineteenth century, procurers were gathering up recruits from the one million-plus German emigrants who had by then settled in southern Russia. Conscripts, along with seasoned procurers, were to be found in large numbers among Jews in the “Pale of Settlement,” a proto-concentration camp which successive Russian rulers carved out through repeated partitions of Poland (Bristow 1983, 54-69). Russian wars of conquest also triggered the cumulative emigration of millions from the Caucasus into Turkey, the Balkans, Western Europe, and the United States (Jersild 1997, 102). Having a fuller sense of this cultural and historical geography lends greater credibility to turn-of-the-century reports of large-scale trafficking networks operating out of Hamburg, Leipzig, and Vienna (*New York Times*, 23 Jan 1893: 2).

With global mass migration came a proliferation of “white slave trades.” As international trafficking in forced labor expanded and diversified from the 1850s into the twentieth century, so too did its nomenclature, giving rise to “brand names” of a sort (e.g. padrone trade, coolie trade, *der Mädchenhandel*), along with more precise labels for the various means used to hold and manage victims (e.g. peonage, servitude, bonded labor, fictive adoption, baby farming). Exponential increases and geographic spread registered as an ever harsher, ever more exploitative labor regime, with workers subjected to ever more intensive,

dehumanizing, and degrading terms and conditions. Monographic studies of prostitution in various geo-cultural locales in this era have converged around the insight that almost everywhere, “the importance of sociability between prostitutes and their clients effectively declined; greater emphasis was placed on sexual services” as “blatant commercial exchanges” (Gilfoyle 1999, 121, 130).

Reports surfaced in Britain in the early 1850s that local underage girls were being recruited - in the main, through seduction and false promises - for placement into Continental *maisons tolerance* (*Times* 10 April 1852: 4). Victims were typically “seducible, though not licentious,” an unctuously Victorian phrase that evidently had in mind young women already engaged in casual prostitution who were nonetheless still novices in the complexities of sexual commerce. Their self-presumption of knowledge proved personally disastrous, as they entered into arrangements at a distance they would never have consented to “had they known the conditions to which they were going and the life” that awaited them (Crowdy 1927, 159). This one-by-one, two-by-two procurement from Britain filled the void created as French and Belgian women rejected state-sanctioned brothels in favor of more lucrative, free-wheeling public spaces (Gilfoyle 1999, 121).

Toward the close of the 1850s, German-language newspapers in the United States reported an ongoing “white slave traffic” in young girls, ages eight to fifteen, put to work during days “as street beggars, with accordions, guitars, or tambourines,” and by night, “prostituted to the worst class of roués.” Money they might amass was taken from them by force, and to venture any complaint on this score was to risk being “cast aside.” They had “no redress against beating, plundering, and personal violation” (Chronology 6 Oct 1859). Procurers were frequenting four or five villages in the area of Stuttgart, buying “up debts which poor, simple-hearted peasants owe.” When families could not make payment on demand, they were persuaded to sign contracts “apprenticing” their daughters to agents for employment abroad, with full assurances that the girls could earn what amounted to “a handsome annual income” in their native land (Ibid).

By the late 1860s, the Italian Beneficent Society of Paris was short on resources and even shorter on patience, utterly overwhelmed by the “swarms of young vagabond musicians who yearly cross the Alps and encumber the streets of this and other European cities.” Each year brought an ever larger influx of these “wretched children,” hailing from the mountainous regions of southern Italy. Typically, families back home were manipulated and induced by false stories of great riches to sign contracts for the labor of their children. Parisian ordinances meant to target this phenomenon seemed only to worsen the plight of victims. Children picked up for vagrancy were returned to *padrone* keepers, who beat and starved them for the inconvenience, and so police enforcement dwindled; with the most abused and deprived children thereby made practically immune from official

interference, abuse and deprivation intensified. By the 1880s, this “traffic in white children” had assumed monumental proportions in Paris, London, Berlin, St. Petersburg, New York, and Chicago (Chronology 9 Apr 1868; 1 Jul 1873; 26 Aug 1879; 10 Mar 1895).

Alongside and intermingled with *La Tratta dei Bianchi*, was a traffic in Italian and Southeastern European contract laborers, induced and entrapped into slave-like employment and debt-bondage in Europe, the United States, South America, and Australia (Chronology 11 Aug 1884). When Chinese laborers were barred from entering the United States in the 1880s, employers turned to “immigrant entrepreneurs” operating “coercive networks” (Peck 2000). In response to heightened alertness at borders, procurers began commissioning “young Italian laborers returning home for a visit” to inveigle “young peasant girls” to return with them under promise of marriage (Cordasco and Pitkin 1981, 15).

## INTERNATIONAL ANTI-TRAFFICKING INITIATIVES

The first cross-national, public-private coalition against trafficking in women and children was forged in the late nineteenth century by the London-based National Vigilance Association (NVA). This coalition, in turn, generated the foundational treaties and directional momentum for international anti-trafficking projects across the twentieth century and into the twenty-first. Standard timelines on the NVA begin in the late 1860s and 1870s, when opposition to the Contagious Diseases Acts coalesced under the principal leadership of Josephine Butler.

Beginning in October of 1898, NVA secretary William Alexander Coote made a brisk tour of European capitals to promote the establishment of NVA affiliates. Upon his return, the NVA convened an international congress of delegates. Over 100 representatives from at least eight nations gathered in London, 22-24 June 1899, for the purpose of taking “steps to suppress” the “international traffic in girls,” also known as the “white slave trade” (Chronology 14 Jun 1901). With this in mind, delegates constituted themselves as the International Union for the Suppression of the White Slave Trade, and created an International Bureau to serve as the Union’s permanent secretariat. In a brief item, the *New York Times* described this gathering as, “the first organized attempt of the governments of Europe to act as guardians of their unprotected female subjects” (Chronology 22 Jun 1899).

Turning down the volume on what these abolitionists were saying brings more fully into view what they were doing, the social technologies and organizational strategies they employed. Congresses, conferences, federations, unions, associations, secretariats, international bureaus, commissions, advisory experts, and so on - these were the building blocks of an innovative, cross-border



associational movement among governments and peoples that first took hold in Western Europe and North America during the 1840s, crested around 1919, then ebbed to a long, slow pause in the late 1930s. Scanning the few years leading up to and following the 1899 NVA-hosted gathering in London, we get a good sense of the scope and topography of this internationalism: the suppression of the African slave trade and liquor traffic (1889, 1899); protection of labor in factories and mines (1890); repression of epidemic diseases (1893, 1894, 1897, 1903); private international law (1893, 1894, 1900, 1904); protection of artistic and literary property (1896); arbitration and peace (1899); monetary policies (1893), and so on.

Out of step with mainstream trends, the NVA was nonetheless leagues ahead of detractors when it came to strategic politicking and cross-border organizing. The International Union for the Suppression of the White Slave Trade established during that 1899 gathering in London was a variation on generic models already in operation. However, the speed and agility with which William Coote put things together points more to “reverse engineering.” Having observed how treaties and executive agreements had emerged over the last several decades in various realms of everyday life - banking, railroads, public hygiene, and so on - Coote and his colleagues very likely worked backward: an inter-governmental diplomatic conference could be summoned and organized upon presentation of resolutions from a sizeable, public-private associational congress, and a congress of this sort could be produced by making a quick but purposeful tour of European capitals.

Following the 1899 Congress, Coote teamed up with a French legislator to lobby the latter’s government to host a diplomatic conference. This inter-governmental conference was held 15-25 July 1902, and official delegates from fifteen countries, “elaborated projects for a convention and for an administrative arrangement.” More particularly, attendees generated and signed two interlocking documents: a *Draft Convention* and a *Draft Arrangement* (Reinsch 1907, 616).

The *Draft Convention* was front and center, viewed by participants as the gathering’s principal accomplishment. It called for State Parties to revise national criminal codes and extradition treaties to permit and facilitate prosecution and appropriately severe punishment of:

*Any person who, to gratify the passions of others, has hired, abducted or enticed, a minor female - with or without her consent - for immoral purposes;*

*Any person who, to gratify the passions of others, has by fraud or by the use of violence, threats, abuse of authority, or any other means of constraint, hired, abducted or enticed a woman or a girl of full age for immoral purposes.*

The *Draft Arrangement* was more along the lines of an executive agreement for cross-border administrative harmonization, not expected to require action by

domestic lawmakers (Reinsch 1907, 582-83; Reinsch 1909, 30). Seeking to afford effective protection “to minor females, and to women of full age who have suffered abuse or compulsion,” signatories agreed:

*To establish or name a central authority to coordinate all information relative to the procuring of women or girls for immoral purposes abroad. This central authority was to communicate with counterparts across borders with relevant information.*

*To have in place lawful mechanisms and procedures for mounting a watch at major railway stations, ports of embarkation, and travel hubs, for persons directing or exercising authority over women and girls destined for an immoral life.*

*To ensure that declarations would be taken from foreign-born victims, in order to establish their identity and civil status, and to discover who has caused them to leave their country.*

*To provide victims seeking repatriation with temporary shelter and assistance as needed.*

*To maintain regulatory oversight of agencies engaged in finding employment for women or girls abroad.*

On 18 May 1904, the 1902 *Draft Arrangement* was formalized and signed by senior Paris-based diplomats as: *[The] Arrangement international en vue d'assurer une protection efficace contre le trafic criminel connu sous le nom de 'Traite des Blanches.'* In English-language versions this original title was melded into the preamble, in favor of a more law enforcement oriented title: *The International Agreement for the Suppression of the White Slave Traffic* (Abbott 1935; Reinsch 1907). Meanwhile, the 1902 *Draft Convention* became bogged down in differences on the age of female majority and German concerns about transmission of criminal warrants (Reinsch 1911, 36). A marathon conference in Paris (18 April-4 May 1910) finalized and formalized the 1902 *Draft Convention* as: *[The] Convention internationale relative a la repression de la traits des blanches.* This was rendered in English as: *The International Convention for the Suppression of the White Slave Traffic.* The 1902 *Draft Convention* thus became the 1910 *Convention*.

We have quite logically assumed that the 1904 *International Agreement* came first, followed six years later by the 1910 *Convention*, with the latter somehow intended to “fix” the former by doing more and better. To the contrary, both were hammered out in July of 1902, by attendees of the very first inter-governmental conference on the subject. The initiative and agenda for that 1902 gathering came from the 1899 Congress and various follow-up working meetings

during 1900-1902. In all of this, collective energies were harnessed to getting governments to come together and “universally...forbid the trade in all its branches,” and establish mechanisms for “an assimilation of laws and interchange of executive assistance as may render the purveyors of this unholy traffic amenable to law whenever” and wherever “they may be caught.”(Chronology 14 Jun 1901). The original two-part Convention-Arrangement, when reunited and rendered in plain language, reflects and embodies this rationale.

Viewed separately, the 1904 *International Agreement* and the 1910 *International Convention* do not amount to much. However, when reunited as originally envisioned, their interlocking provisions have a distinct symmetry and wisdom. To begin with, it was quite an accomplishment to get in place provisions directing signatories to create or designate a Central Authority legally empowered and administratively tasked to maintain direct contact with counterparts across international borders on specific cases and more generally. These Central Authorities may now be understood as the precursor to “government networks” that “link together domestic government officials from different countries in similar fields or spheres of responsibility,” and “provide an effective means to harness national regulatory systems in the pursuit of common, international goals” (Slaughter and Burke-White 2006, 334). Original understandings of these Central Authorities envisioned them working closely with national and international voluntary organizations, something akin to networked governance with a strong civil society component.

Establishing expectations and permission for horizontal inter-governmental cross-border communication and coordination generated a norm both necessary and useful for those NGOs seeking to mount a comprehensive anti-trafficking campaign. By this proviso, it became some very specific person’s job in each signatory state to receive and answer inquiries from domestic and international NGOs. This was especially helpful for individuals and non-state actors who spoke, wrote, and acted in the fervent idioms of religion. Officials of the day were inclined to view correspondence from a return address like “One Amen Corner” with suspicion and derision, and so charging an elected or appointed official to take due note of all correspondence on the “white slave trade” helped to keep the public domain open to non-secular advocacy groups.

No less important were the provisions for mounting vigilance at major ports and railroad stations. This was very much made to NVA order, as it provided state sanction for activities such groups had already initiated and were looking to expand. Without state sanction “station workers” looked a lot like busy-bodies, their activities subject to insult, ridicule, and recrimination. Indeed, almost immediately following the diplomatic conference in Paris during July of 1902, England’s Home Secretary accepted the NVA’s offer to put the basics of the *Draft*

*Arrangement* (1902) into action through a six-month program (NVA 1903). By 1910, national committees in London, Liverpool, Buenos Aires, and Egypt, along with agencies such as the Jewish Association for the Protection of Women and Girls, had obtained state sanction for station work, declaration taking, repatriation assistance, and legal counsel. These activities, in turn, opened the way to generating detailed reports and statistics documenting cross-border trafficking, reports of the sort now issued by the United Nations, Anti-Slavery International, and Human Rights Watch. It also becomes apparent from the intensive schedule of abolitionist congresses, conferences, and preparatory meetings from 1899-1914, that anti-trafficking groups skillfully stage-managed pressure campaigns within and across countries to gain support and momentum for multilateral cooperation among governments. This included a U.S. speaking tour by William Coote, and follow-up creation of the US-NVA and state-level affiliates across America (Cordasco and Pitkin 1981, 161).

The 1904 *International Agreement* strikes most commentators today as rather tame and tepid, and so it is surprising to read in contemporary newspapers that signatory governments had combined to take “drastic measures” in order “To Stop [the] Trade in Women” (New York Times, 18 July 1905: 2). What explains the discrepancy? The unanticipated hiving off of the *Draft Arrangement* from the *Draft Convention* - and delays in finalizing the latter - had curious, unfortunate consequences. Governments and activists began deploying the 1904 *International Agreement* to justify and sanction sweeping changes in domestic law and policy. Among State Parties, executive proclamations and news announcements of the 1904 *International Agreement* generally overstated the magnitude of law-enforcement obligations incurred, and understated the humanistic intent of provisions for repatriation and victim assistance.

For example, German news accounts apparently stated that the “strict watch” on major stations and ports was for “persons sending white slaves abroad.” Explanations of repatriation provisions gave little indication that officials would or should consider a victim’s personal wishes and circumstances (Chronology 18 Jul 1905). When proclaimed in Canada (1909), provisions for victim assistance took on a punitive tone: “The Governments undertake to place provisionally the victims of the traffic in institutions, and, as far as possible, send back to their own countries those who ask it” (Chronology 25 Jul 1909).

Executive overstatement among signatory governments was - in part - a pragmatic front-loading of the more far-reaching *Draft Convention*, which insiders knew was in the pipeline. There was also and more importantly the domestic dividend that governments and interest groups reap when legislatures, regulators, and administrators sit down to work out a regimen for domestic compliance to treaties. For European principals, the 1904 *International Agreement* came into

force on 18 July 1905, some fourteen months after the Paris signing ceremony. France, Spain, and Belgium were already amending domestic penal codes using model legislation drafted at the 1899 Congress and the 1902 diplomatic conference. In Britain, Parliament had already invoked the *International Agreement* to create a new infrastructure for immigration, including provisions for expulsion and involuntary repatriation (Chronology 19 Apr 1905; Bartley 2000, 393).

Things took an especially curious turn in the United States, as suggested by this 2 March 1905 *New York Times* headline: “Against White Slave Trade; Senate Ratifies Treaty - All Countries to Enact Repressive Laws.” Readers learned that:

The Senate in executive session to-day ratified and made public a treaty with all nations for the repression of the trade in white women. All the contracting nations agree to enact laws for the punishment of any person enticing a woman from one country into another, even with her consent. The treaty is to apply even when the various acts which are constituent elements of the offense have been committed in different countries.

It thus becomes apparent that Senators understood themselves to be endorsing U.S. adherence to the combined Convention-Arrangement (U.S. Senate 1902; U.S. Senate 1905).

Even after Senate approval, the executive branch did not act on this for some years, apparently accepting the view of many that compliance would require “an elaborate scheme of legislation affecting the police authority of the several states and invasive of their constitutionally reserved rights” (Abbott 1935). Secretary of State Elihu Root was put to work “perfecting a system whereby this Government can lend its aid in spite of the fact that it has no Federal police. This system involves the assistance of the police of the seaport cities and the immigration officials and Inspectors, particularly those stationed on the Atlantic Coast” (Chronology 7 Jun 1908). In June of 1908, without checking back with Congress, President Theodore Roosevelt used the Senate’s early 1905 endorsement of the combined Convention-Arrangement as constitutional grounds for making the U.S. a party to the *International Agreement*. When the 1910 *Convention* opened for signatures, the U.S. declined to participate. Nonetheless, American lawmakers reaped an impressive, even breath-taking, domestic dividend from the 1904 *International Agreement*, including the 1910 White Slave Trade Act (Mann Act), and a small Department of Justice investigative bureau later known as the Federal Bureau of Investigation.

## CONCLUSION

*We must regard ourselves as citizens of the world: and, indeed, circumstances [have] now brought the nations of it much nearer to one another than they formerly were ("British and Foreign Anti-Slavery Society." Times, 19 May 1845: 8)*

Ongoing debates about global trafficking - its reality, causes, dimensions, and recommended remedies - are very much grounded in readings of the past. Polarized positions staked out in these debates are historically leveraged, so that over time "the past" becomes less and less informative and useful in the everyday pursuit of pragmatic, effective counter-trafficking strategies. Recent feminist scholarship shows a renewed and perhaps even revisionist curiosity about pre-World War I anti-trafficking campaigns (Halley 2006). As things stand, however, academics and activists are generally dismissive of those projects. The long-ago abolitionists who galvanized those initiatives are condemned for: (1) failing to broaden their concerns beyond white European females trafficked for prostitution; (2) refusing to concede that prostitution might be consensual; (3) targeting and stigmatizing migrants.

These criticisms are largely misdirected. Why only "white" women? When long-ago abolitionists presumed to speak about the plight of women in Asia and Africa, they were ridiculed by contemporaries as ethnocentric, culturally intolerant busybodies. This dilemma was spelled out by a Netherlands delegate during a 1921 League of Nations conference. When he had challenged the misleading racialism of "white slavery" at a prewar Brussels gathering, his government censured him, explaining that there was: "no traffic in women in the Indies, none at all; these are illusions, utopias, Western ideas, because the Oriental woman has no such ideas; prostitution does her no harm whatever, and later she marries. It is a well-recognized form of earning money, and women do so of their own free will" (League 1921, 55-56).

There was also the increasingly complicated question of who had "standing" to speak about such and such a thing, person, event, or issue. In the era before the NVA anti-trafficking coalition laid the foundations for the modern international human rights movement, the fact of shared ethnicity, race, or nationality was the most rhetorically tenable basis for demanding government action on behalf of victims outside of one's own extended family. So too, although contemporaries often understood the linkages across issues - prostitution, poverty, migration, labor, gender - it proved politically perilous for advocacy groups to venture comprehensive, expansive projects that trampled into neighboring areas of expertise - medicine, political economy, education, international law, and so on.

As to supposed abolitionist refusals to concede that prostitution might be consensual, for most, this was a tactical position or stance rather than a deeply held belief or perception. Groups mobilized against large-scale trafficking in the decades before World War II repeatedly made the point that victims were often women who had initially gone abroad intending to pursue prostitution. Experience proved, however, that the most sought-after conscript in this business is that individual who, having once said “yes” to the general proposition, cannot then say “no” to the particulars as they are later presented. As prostitution was afforded greater public tolerance, legal sanction, and geographic mobility, novice prostitutes became ever more vulnerable to trafficking and hyper-exploitation. Their easy availability and itinerancy simultaneously generated a supply of potential victims near to hand, and intense employer demand for experienced sex workers who could be overworked, underpaid, held to service, and prevented from moving on. As it was then, so it is now: A practicing prostitute is “trafficked” so as to extract and extort from her what she would otherwise withhold. The point is to have her when, where, and how, one wishes to have her.

As for targeting and stigmatizing migrants, trafficking in persons is an open-border phenomenon, the more open the borders the more prolific the trafficking. This is a point easily missed and misconstrued in the turgid waters of public discourse. Surges in human trafficking trigger widespread “rational moral distress,” not merely because of the intrinsic ambiguities involved but also - and even more pointedly - by the proliferation of illegitimate arguments (Rivera-López 2006, 41). Reasonable people of liberal temperament become immobilized, feeling caught between loathsome traffickers and loathsome abolitionists. Unable to say “yes,” and unwilling to say “no,” their paralysis unleashes a contagion of frightened and vindictive revulsion that - from a distance - looks like nothing more and nothing less than a “moral panic.”

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## APPENDIX I:

### CHRONOLOGY OF THE TRAFFIC IN PERSONS, AND ANTI-TRAFFICKING INITIATIVES, 1850-2000

2000	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons
2000	Modern-Day Slavery (NEW YORK TIMES, Sep 9)
2000	U.N. Warns that Trafficking in Human Beings Is Growing (NYT, Jun 25)
1999	ILO Worst Forms of Child Labour Convention
1998	Britain Calls Child Sex Trade Summit (INDEPENDENT, Aug 4)
1995	International Community Acts to Combat Child Sex Exploitation (IRISH TIMES, Jun 1)
1992	U.N. Says Prostitution of Children is Growing (NYT, Feb 19)
1989	British Group Finds Slavery is Flourishing (NYT, Jul 5)
1984	Hong Kong Battling Child Smugglers (ASSOCIATED PRESS, Dec 6)
1981	U.N. Gets a Report on African Slaves (NYT, Aug 27)
1980	Thousands of Aliens Held in Virtual Slavery in U.S. (NYT, Oct 19)
1979	Convention on the Elimination of all Forms of Discrimination against Women
1979	Millions of Children in India Drudge for a Pittance (NYT, Dec 9)
1976	U.N. Reports Slavery Exists in Africa and Latin America (NYT, Aug 29)
1975	U.N. Aide Asks Inquiry on Forced Prostitution (NYT, Jun 27)
1967	British Group Finds Evidence of an Increase in Human Slavery (NYT, Apr 7)
1966	Slavery Remains Issue, U.N. Finds; Practice Said to Persist in Parts of Africa and Asia (NYT, Apr 17)
1962	Slavery in Saudi Arabia Ended by Faisal Edict (NYT, Nov 7)
1957	White Slave Traffic Revival (TIMES, Dec 21)
1956	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
1956	Shall We Oppose Slavery? (NYT, Aug 18)

1956	Anti-Slave Code Backed: U.N. Draft Pact is Approved by Ten-National Panel (NYT, Feb 7)
1954	U.N. Group Requests Reports on Slavery (NYT, Apr 29)
1953	Slavery Growing, U.N. Report Finds (NYT, Mar 29)
1951	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
1951	Italy Cracks Down On Child Slave Rings (CHICAGO DAILY TRIBUNE, Aug 27)
1951	Slavery Held Persisting (NYT, May 10)
1950	U.N. Unit Approves Prostitution Curb (NYT, Oct 6)
1950	U.N. Will Collect Facts on Slavery (NYT, Mar 7)
1947	The New Slavery (NYT, Dec 11)
1946	Prostitution Fight is Mapped in U.N. (NYT, May 10)
1933	Convention for the Suppression of the Traffic in Women of Full Age
1933	The Traffic in Women. Russian Refugee Victims (TIMES, Feb 3)
1931	Slavery Problem Confronts League (NYT, Aug 26)
1930	Convention Concerning Forced or Compulsory Labour
1928	Children Sold as Slaves in Chinese Famine (CAYUGA CHIEF, Jun 8)
1927	Slavery Still Raises International Issues. Traffic in Human Beings Has Not Been Completely Suppressed (NYT, Oct 9)
1926	New Fight on Slavery Begun by the League (NYT, Jun 6)
1925	Convention to Suppress the Slave Trade and Slavery
1924	The New 'Slavery' (NYT, May 18)
1921	International Convention for the Suppression of the Traffic in Women and Children
1920	Finds White Slave Trade Reviving Since the War (UTICA HERALD, Dec 1)
1916	The New Slavery (NYT, Dec 15)
1914	Popular Gullibility As Exhibited in the New White Slavery Hysteria (OUTLOOK, Feb)

1913	White Slave Traffic in India (TIMES, May 28)
1913	White Slave Traffic in Italy, (TIMES, Jan 16)
1912	Egypt is Market for White Slaves (DULUTH NEWS TRIBUNE, May 28)
1910	International Convention for the Suppression of the White Slave Traffic
1909	To Crush White Slavery (NYT, Jul 25)
1908	To Stop White Slave Trade. Government is Planning Co-operative Measures with European Nations (NYT, Jun 7)
1906	Grand Jury Indicts Agent for Peonage. Sent Aliens to Slavery...Southern Turpentine Companies (NYT, Oct 21)
1905	To Stop Trade in Women (NYT, Jul 18)
1905	New British Aliens Bill. Government Determined to Deal with the Organized Traffic (NYT, Apr 19)
1904	International Agreement for the Suppression of the White Slave Traffic
1903	The New Slavery (NYT, Jul 18)
1902	Slavery in the South. How Traffic in Human Beings Is Maintained In Defiance of Law (NYT, May 31)
1901	National Vigilance Association (TIMES, Jun 14)
1899	For the Protection of Girls (NYT, Jun 22)
1895	Padrone System...Maiming Boys and Forcing Them to Beg (DAILY INTER OCEAN, Mar 10)
1892	Trafficking in Girls (NORTH AMERICAN, Oct 19)
1892	War on the Padrone System; A Number of Children Arrested Last Night for Begging (DAILY INTER OCEAN, Mar 2)
1891	Slaves in West Virginia (CHICAGO TRIBUNE, Mar 16)
1890	Slave Labor in New York; What Has Been Learned of the Evils of the Padrone System (ROCKY MOUNTAIN NEWS, May 18)
1889	The White Slave Trade of Circassia (DAILY EVENING BULLETIN, Aug 10)
1888	Padrone Labor in the Coal Mines (FRANK LESLIE'S, Sep 15)
1884	Italian Slave Labor (GALVESTON DAILY NEWS, Aug 11)
1882	Slavery in Hong Kong (NYT, May 20)

1881	Importation of European Girls Into India (TIMES, Aug 19)
1880	The Turkish Slave Trade (DAILY EVENING BULLETIN, Jul 23)
1880	Child Traffic in Hong Kong (NYT, Jan 8)
1879	Slavery At Hong Kong (NYT, Nov 6)
1879	The South's New Slavery (NYT, Oct 10)
1879	Importing Beggar-Girls (ST LOUIS GLOBE-DEMOCRAT, Aug 26)
1877	White Slavery in Egypt (ST LOUIS GLOBE-DISPATCH, Apr 1)
1873	The Coolie Trade. The Slavery of the Present (NYT, Jul 19)
1873	The White Slave Trade in Italy (TIMES Dec 26)
1873	White Slavery—Traffic in Children (NYT, Jul 1)
1870	Peonage in the East Indies (DAILY EVENING BULLETIN, Jan 3)
1868	The Traffic in Italian Boys (TIMES, Apr 9)
1867	Slave Trade on the Nile (BANGOR DAILY WHIG, Jul 18)
1866	The Coolie Traffic. The Slave Trade of the Nineteenth Century (NYT, Jul 1)
1865	Peonage (NORTH AMERICAN GAZETTE, Jul 28)
1860	The White Slave Trade and the Black. New Measures to Suppress the African Trade and Increase the Chinese (NEW YORK HERALD, Aug 19)
1859	A Horrible Kind of Slavery (DAILY MORNING NEWS, Oct 6)
1858	Vice in New York (LOWELL DAILY CITIZEN, Jul 19)
1856	The White Slave Traffic (NYT, Aug 27)
1856	Horrible Traffic in Circassian Women (NYT, Aug 6)
1856	The Slave Trade, Black and White (CHARLESTON MERCURY, Apr 11)
1856	The African Slave Trade (BALTIMORE SUN, Mar 22)
1854	Slavery in Turkey (NYT, Dec 26)
1852	A Substitute for Slavery (FREDERICK DOUGLASS' PAPER, Dec 3)
1850	Peonage in New Mexico (OHIO OBSERVER, Aug 7)

# **Criminal Legislation for Human Trafficking in the Republic of Moldova**

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The Republic of Moldova has, in recent years, strengthened its legislation in relation to the crime of human trafficking. The country's current legislation focuses on four areas: 1) the protection of victims; 2) prosecution of criminals; 3) prevention of the crime; and 4) partnership of stakeholders. This paper will identify and analyze the prosecutorial legislation existing in the Moldovan Criminal Code, initially in the broader context of Trafficking in Human Beings ("THB") as a whole, and subsequently concentrating on each of the aforementioned areas, applicable to Labor Trafficking, Sex Trafficking and Child Trafficking in the Republic of Moldova ("Moldova"). Not unlike many countries, the legislative measures in Moldova<sup>1</sup> remain "top-heavy". The laws are existent and known by government, law enforcement and Non-Governmental Organizations ("NGOs"), yet affect limited change for those actually impacted by the crime. However, legislative measures remain critical in counter trafficking and legislation put forth by a government is often the first step in pushing these efforts forward. Therefore, a thorough examination of the legislation is necessary if a decrease of trafficking is to result.

A National Plan for Preventing and Combating Trafficking in Human Beings ("National Plan") is created, approved and distributed by the Moldovan Parliament once every two years in accordance with The Law on Preventing and Combating Trafficking in Human Beings.<sup>2</sup> The last National Plan approved by the Moldovan Parliament addressed the period from 2014-2016.<sup>3</sup> Increased efforts by the Moldovan Government, from 2011 to present, to publicly report their response to

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<sup>1</sup> It should be noted that all sources used in this report are not inclusive of the area of Transnistria. This region has, been in the past and currently, not cooperative with reporting statistics on THB to the Moldovan government. This region also considers itself autonomous and therefore does not have the same legislation as that which is attributed to the Republic of Moldova within this report.

<sup>2</sup> *Law on Preventing and Combating Trafficking in Human Beings*, Official Monitor of the Republic of Moldova no. 164-167/812 of 9 December 2005 [Republic of Moldova], No. 241-XVI, 20 October 2005. <http://www.refworld.org/docid/4c3d839f2.html>

<sup>3</sup> *National Report on Preventing and Combating Trafficking in Human Beings for 2012*, National Committee for Combatting Trafficking in Human Beings Permanent Secretariat, 17 July 2013. <http://www.antitrafic.gov.md/libview.php?l=en&idc=30&id=189&t=/Reports/National-Reports/NATIONAL-REPORT-on-Preventing-and-Combating-Trafficking-in-Human-Beings-for-2012>

THB have led to numerous documents available which examine the country's current legislation and their effects. Since publications reviewing The National Plans and existing legislation are readily available<sup>4</sup>, this paper will concentrate more heavily on the same, during the period of 2011 to the present.

Stakeholders in the field of counter-trafficking currently active in Moldova include the Moldovan government, International Organization for Migration Moldova ("IOM Moldova"), Organization for Security and Cooperation in Europe ("OSCE"), International Center for Women Rights Protection and Promotion, "La Strada", and the United States State Department. These organizations have published numerous reports from which my analysis is based. Research regarding THB is typically broken into subsections of sex trafficking, labor trafficking and child trafficking. Research and reports regarding THB legislation in Moldova generally adheres to this structure. Therefore, in order to create a tool which will be efficient in campaigns to compare trafficking legislation in Moldova this structure is mimicked throughout my analysis. In addition, Moldova recognizes not only its domestic legislation, but also certain regional and international law. These broader laws, if ratified by Moldova, are included within my analysis.

Moldova has a general law titled "The Law on Preventing and Combating Trafficking in Human Beings,"<sup>5</sup> which is the blueprint for all anti-THB activities within Moldova. This law includes the definition of THB, the establishment of a National Referral System ("NRS")<sup>6</sup>, a National Committee, as well as other anti-THB policies. It includes measures to provide protection to victims, prevention of the crime, prosecution of the criminals and partnership amongst all relevant organizations involved. This is an example of the "4P" framework common to many anti-human trafficking programs.<sup>7</sup> While the protection of victims, prevention of the crime and partnership of counter trafficking stakeholders is mainly outlined in the Law on Preventing and Combating Trafficking in Human Beings, the prosecution of criminals is codified in the Moldovan Criminal Code. In the interest of examining the situation as it affects Moldovan trafficking victims, the criminal case statistics are illustrative of current trends in the field. The number of investigations, prosecutions, length of sentences and other similar aspects will help determine whether legislative efforts are making a difference in the lives of those most vulnerable to being trafficked. A close study of these statistics will help highlight a potential disconnect between legislation and its intended effects.

<sup>4</sup> See Review of the Legislation Combating Trafficking in Human Beings of the Republic of Moldova. Report. December 14, 2011.

<sup>5</sup> *Law on Preventing and Combating Trafficking in Human Beings*, Official Monitor of the Republic of Moldova no. 164-167/812 of 9 December 2005 [Republic of Moldova], No. 241-XVI, 20 October 2005,

<sup>6</sup> See page 11 for more information on the NRS.

<sup>7</sup> Four "Ps": Prevention, Protection, Prosecution, Partnerships. U.S. Department of State. Accessed April 6 2014, <http://www.state.gov/j/tip/4p/>

The broadest article regarding the prosecution of criminals who traffick humans in Moldova is Article 165 of the Moldovan Criminal Code. This article specifically pertains to “Trafficking in human beings, in its various forms, including trafficking in children”<sup>8</sup> and encompasses of most types of THB. In addition to Article 165, Article 362/1 deals with the organization of illegal migration.

<b>Anti-Human Trafficking Law in The Republic of Moldova</b>	
<b>Criminal Code of the Republic of Moldova: Article 165</b>	Trafficking in Human Beings
<b>Criminal Code of the Republic of Moldova: Article 167</b>	Slavery and Conditions Similar to Slavery
<b>Criminal Code of the Republic of Moldova: Article 362/1</b>	Organization of Illegal Migration

Table 1

Unfortunately, this article is not commonly used by prosecutors. In 2011 and 2012 there were respectively 118 and 117 offenses recorded under Article 362. As for convictions, there were 43 in 2011, however only 21 in 2012.<sup>9</sup> This notable decrease in convictions could be attributed to a shift in prosecutorial strategy, whereby more prosecutors turned to Article 165 to achieve prosecutions, rather than remaining with the original law (Article 362/1).

Indeed, Article 165 saw increased numbers from 2011 to 2012. In addition, while in 2013 the number of registered crimes under Article 165 dropped to 135 from the 151 in 2012, the number of crimes registered under Article 362/1 was cut more than in half from 117 to 53.<sup>10</sup> Analyzing Article 165 alone shows that the number of convictions under Article 165 continued to rise from 2011 to 2013 with 16 being recorded in 2011, 21 in 2012, and 27 in 2013.<sup>11</sup> Continued use of Article 165, instead of Article 362/1, will likely prove positive to the Moldovan government’s attempts to thwart THB because a conviction under Article 165 has a much higher penalty than that of Article 362/1. Crimes convicted using Article 165 entail a sentence of 5-12 years, while conviction under Article 362/1 only carries a

<sup>8</sup> *Criminal Code of the Republic of Moldova Adopted by Law no. 985-XV Article 165*, Republic of Moldova, 18 April 2002, <http://www.hsph.harvard.edu/population/trafficking/moldova.traf.04.htm>

<sup>9</sup> *National Report on Preventing and Combating Trafficking in Human Beings for 2012*, National Committee for Combatting Trafficking in Human Beings Permanent Secretariat, 17 July 2013,

<sup>10</sup> *Raport Național în Domeniul Prevenirii și Combaterii Traficului de Ființe Umane Pentru Anul 2013*, Comitetul Național Pentru Combaterea Traficului de Ființe Umane Secretariatul Permanent . 6 May 2014.

<sup>11</sup> See note 8



sentence of 1-3 years.<sup>12</sup> Removing the reality of low risk / high reward previously associated with THB crimes will hopefully serve as a deterrent to criminals, especially serial offenders. Repeat offenders, specifically those involved with organized crime, face sentences up to 10-20 years under Article 165 convictions whereas under Article 362/1 they would only face 5-7 years.<sup>13</sup>

Due to the underground nature of THB, it is difficult to gather exact statistics on how many victims there are. In Moldova, one can draw from the number of victims assisted by IOM Moldova, the number of victims according the Ministry of Internal Affairs (“MIA”) and the number of victims assisted by the NRS, however exact statistics still elude researchers. While IOM Moldova specifies the type of trafficking victims encountered, the NRS and MIA fail to make such classifications in their reporting. Due to this lack of classification it is nearly impossible to make a comparison of the number of Moldovan victims to the number of cases brought forward. A better system of classification and collection of statistics would help facilitate a more thorough examination of the success of counter trafficking measures.

In addition to domestic laws, Moldova uses other regional-based legislation including the laws of other European states. The Council of Europe proactively fights THB by passing laws and creating collaborative bodies. As Moldova moves closer to inclusion within the European Union, it has adopted many European policies. In 2005, Moldova signed The Council of Europe Convention on Action against Trafficking in Human Beings, demonstrating its commitment to join the regional fight to stop THB. This decision was ratified in May of 2006 and is currently enforced in Moldova.<sup>14</sup>

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<sup>12</sup> *Criminal Code of the Republic of Moldova No. 985-XV of 18 April 2002*, Article 165 , 362, The Official Monitor of the Republic of Moldova No.128-129/1012, 13 September 2002

<sup>13</sup> *Ibid.*

<sup>14</sup> *Council of Europe Convention on Action against Trafficking in Human Beings*. Council of Europe, May 16 2005. <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG>

<b>Regional Laws Regarding Human Trafficking Recognized by the Republic of Moldova</b>		
	Signed	Ratified
<b>The Council of Europe Convention on Action against THB</b>	May 16 <sup>th</sup> 2005	May 19 <sup>th</sup> 2006
<b>Collaboration and Collusion Between Authorities in Commonwealth of Independent States</b>	September 17 <sup>th</sup> 2010	N/A

Table 2

Moldova is also one of many countries which rely on international code to strengthen its anti-THB efforts. THB has long been understood as an international problem. One of the main methods traffickers utilize to gain control over their victims is to move them across borders. If the borders themselves are less of an obstacle, the more important it is that efforts of all involved states be collaborative. Collaborative works allow counter trafficking stakeholders to assist victims without jurisdictional issues arising. For its part, Moldova has done such a thing by ratifying the Palermo Protocol.<sup>15</sup> The Palermo Protocol, or The Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children; Supplemental to Convention against Transnational Organized Crime,<sup>16</sup> was signed by The Republic of Moldova on 14 December 2000 and ratified on 16 September 2005. The Protocol provides specific minimum standards, to signatory states, on the legal measures required to protect trafficking victims, prevent trafficking within the state's borders and promoting cooperation between states. In addition, the Palermo Protocol provides a common legal definition of human trafficking<sup>17</sup>.

Due to the lack of economic opportunity in Moldova and its classification as a source country, labor trafficking is a significant problem in the region. Article 168 of the Moldovan Criminal Code specifically outlaws forced labor.<sup>18</sup> However, Article 168 has been an underutilized resource for prosecutors. Cases involving Article 168 are can be tried using the farther reaching Article 165. This would

<sup>15</sup> *UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, UN General Assembly, 15 November 2000. <http://www.refworld.org/docid/4720706c0.html>

<sup>16</sup> *United Nations Convention against Transnational Organized Crime : resolution / adopted by the General Assembly* UN General Assembly, 8 January 2001, A/RES/55/25, <http://www.refworld.org/docid/3b00f55b0.html>

<sup>17</sup> According to the Palermo Protocol, the definition of human trafficking is "the 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. Exploitation shall 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;" for more see: [http://www.uncjin.org/Documents/Conventions/dcatoc/final\\_documents\\_2/convention\\_%20traff\\_eng.pdf](http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf)

<sup>18</sup> *Criminal Code of the Republic of Moldova No. 985-XV of 18 April 2002 Article 168*, The Official Monitor of the Republic of Moldova No.128-129/1012, 18 April 2002.

explain the lack of focus on Article 168 in current proceedings. This is a positive strategy in prosecutorial measures as the punishments under Article 165 are much more severe and are consistent with the sentences prescribed to Article 168, which only carries a sentence of no more than 3 years.<sup>19</sup>

While there seems to be much focus on sex trafficking throughout the world, perhaps due to its sensationalist appeal, the issue is not as prevalent in Moldova as other forms of trafficking. Women and children are most often the victims of this type of trafficking, which can be especially damaging due to its heinous nature. As in other parts of the world, Moldova has a law against pimping which is used in conjunction with its human trafficking legislation. The legal definition for pimping, in Moldova, is “Encouraging or inducing a person to practice prostitution or facilitating prostitution or gaining benefits from practicing prostitution by another person” and is codified in Article 220.<sup>20</sup>

There was a slight rise in court actions related to Article 220 from 2011 to 2012, but a significant drop in 2013. There were only 46 cases investigated in 2013 compared to the 135 offenses recorded in 2012 and 105 in 2011.<sup>21</sup> Interestingly, the number of cases brought to court under Article 220 in 2013 was higher than the number of cases investigated. This may demonstrate that many cases brought forward under other articles were reclassified as they went to trial. In a study conducted by IOM Moldova of 380 cases completed from 2006 to 2010, this phenomenon was also documented. Of these 380 cases, 22.8% of cases brought to court under Article 165 were reclassified to crimes under Article 220 at conviction.<sup>22</sup> This is due to the often muddled distinction between an individual engaged in prostitution under a pimp, yet owning the ability to leave of their own free will and an individual being trafficked for sexual purposes in a “no-escape situation.”<sup>23</sup> This issue continues to be problematic for the counter-trafficking field in general.

Perhaps the most developed area of anti-trafficking legislation in Moldova exists in its efforts to combat trafficking of children. Moldova has not only found itself a source country for children being trafficked for sexual and labor exploitation, but also a destination for sex tourists. In fact, this issue was so great, the Moldovan Parliament attempted to enact mandatory chemical castration for foreigners who were found guilty of entering Moldova to engage in sexual acts

<sup>19</sup> *Ibid.*

<sup>20</sup> *Criminal Code of the Republic of Moldova No. 985-XV of 18 April 2002*, Official Monitor of the Republic of Moldova No. 128-129/1012, 13 September 2002.

<sup>21</sup> *Raport Național în Domeniul Prevenirii și Combaterii Traficului de Ființe Umane Pentru Anul 2013*, Comitetul Național Pentru Combaterea Traficului de Ființe Umane Secretariatul Permanent . 6 May 2014.

<sup>22</sup> *Analytical Study on the Investigation and Trial of Cases of Trafficking in Persons and Related Offences*, Chisinau: International Organization for Migration, 2013. 42.

<sup>23</sup> *Ibid.* 66

with children.<sup>24</sup> The law was passed by parliament in May of 2012, but was subsequently struck down by Moldova's Constitutional Court.<sup>25</sup> Within Moldovan criminal code, there exist a number of articles addressing the variant forms of this particularly heinous crime.

<b>Anti-Trafficking Laws Specifically Related to Child Trafficking Active in Moldova</b>	
<b>Criminal Code of the Republic of Moldova: Article 206</b>	Trafficking in Children
<b>Criminal Code of the Republic of Moldova: Article 207</b>	Illegal Removal of Children from the Country
<b>Criminal Code of the Republic of Moldova: Article 208</b>	Attracting Minors in Criminal Activity or Their Determination to Commit Immoral Acts
<b>Criminal Code of the Republic of Moldova: Article 1751</b>	Approaching Children for Sexual Purposes
<b>Criminal Code of the Republic of Moldova: Article 2081</b>	Child Pornography
<b>Criminal Code of the Republic of Moldova: Article 2082</b>	Use of Child Prostitution

Table 3

The most commonly used of these is Articles 206, a general law against the trafficking of children.<sup>26</sup> While Article 206 includes the trafficking of children for labor, sexual exploitation and all other forms of child trafficking, it has a surprisingly low rate of application in the courts. In 2012, there were only 20 offenses, the same number of offenses registered in 2013.<sup>27</sup> This is even lower than the 24 crimes registered in 2011.<sup>28</sup> Of these 24 only 2 resulted in convictions.<sup>29</sup> This number rose to 10 convictions in 2012 and to 12 in 2013.<sup>30</sup>

However, the ascribed punishments for those found guilty of the crime, between 8 years to 20 years, seemed in line with the severity of the crime in most cases. Again, it is incredibly difficult to tell whether cases are being brought forward for all children victimized in THB crimes. While the number of victims,

<sup>24</sup> Children are those aged 0-17, though the age of consent in Moldova is 16 years of age.

<sup>25</sup> *Moldovan Court Bans Chemical Castration of Pedophiles*, Radio Free Europe/Radio Liberty, 5 July 2013, <http://www.refworld.org/docid/51e79b8b25.html>

<sup>26</sup> Article 206 covers the use, transfer or harboring of a child for all types of trafficking including labor, sex, organ and others making it more thorough and general than the other laws against child trafficking.

<sup>27</sup> *Raport Național în Domeniul Prevenirii și Combaterii Traficului de Ființe Umane Pentru Anul 2013*, Comitetul Național Pentru Combaterea Traficului de Ființe Umane Secretariatul Permanent. 6 May 2014.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

specified as children, assisted by IOM Moldova, the NRS and other resources are available, the fact there may be overlap in services from one resource to another, makes it very difficult to make any solid comparison of reported victims. In addition, reports show victims assisted each year, which may include not only ongoing assistance to victims of a single crime, but a single victim who may have experienced re-trafficking.

If we rely exclusively on the number of children victimized, as reported by the MIA, we see that the rate of registered crimes, crimes brought to court and convictions are low. The number of child victims and adult victims were only reported separately beginning in 2012, thus a comparison can only be made for the past two years. This comparison shows us that the MIA reported 24 minor victims of THB in 2012 and only 20 crimes reported under Article 206.<sup>31</sup> Of these 20 registered crimes, only 5 were brought to court and 8 sentences handed down.<sup>32</sup> In 2013, the MIA reported 29 victims of child trafficking with 20 crimes registered, 8 brought to court and 12 sentences given.<sup>33</sup> That means that, according to MIA reports, for the period of 2012-2013 there were 53 cases of child trafficking and only 20 sentences were accomplished. This demonstrates room for improvement.

Moldova also has additional legal tools to deal with crimes involving child trafficking. In October of 2007, Moldova signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It was ratified on 12 March 2012.<sup>34</sup> How many cases were brought forth in the Republic of Moldova using this convention is unknown. One anticipates it will be put to frequent use, as the commercial sexual exploitation of children is a very serious and detrimental crime which must be thoroughly tried and harshly sentenced.

One unfortunate trend that has plagued the country since its inception has been corruption. Corruption of government and law enforcement is a factor which has the power to hinder anti-trafficking efforts. Corruption is listed yearly in the US State Department's *Trafficking in Persons Report* as hurdles to productive measures in anti-THB activities. In 2011, two Moldovan government officials were under investigation for crimes related to THB<sup>35</sup>; however there has yet to be a

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<sup>31</sup> *Raport Național în Domeniul Prevenirii și Combaterii Traficului de Ființe Umane Pentru Anul 2013*, Comitetul Național Pentru Combaterea Traficului de Ființe Umane Secretariatul Permanent . 6 May 2014.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> Ciomas, Tatiana. *Legal Aspects of Combating Human Trafficking in Moldova*. CARIM EAST – Consortium for Applied Research on International Migration Co-financed by the European Union, May 2013. [http://www.carim-east.eu/media/exno/Explanatory%20Notes\\_2013-43.pdf](http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-43.pdf)

<sup>35</sup> Ganta, Vladimir. *Human Trafficking in Moldova*. CARIM EAST – Consortium for Applied Research on International Migration Co-financed by the European Union. May 2013. [http://www.carim-east.eu/media/exno/Explanatory%20Notes\\_2013-56.pdf](http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-56.pdf)

conviction against an official. In addition, the 2013 *Trafficking in Persons Report* states that:

Once convictions for trafficking were secured, the judiciary often applied sentences that did not correspond with the severity of the crimes; offenders regularly served only commuted prison terms or fines. Convictions were frequently reversed on appeal with little to no explanation by judges. Criminal cases span several years through appeals, leaving victims vulnerable to threats and intimidation and providing opportunities for defendants to bribe officials.<sup>36</sup>

This type of activity cannot continue if citizens and victims are to trust the legal system. This level of corruption has the power to undermine all of Moldova's work towards ending THB.

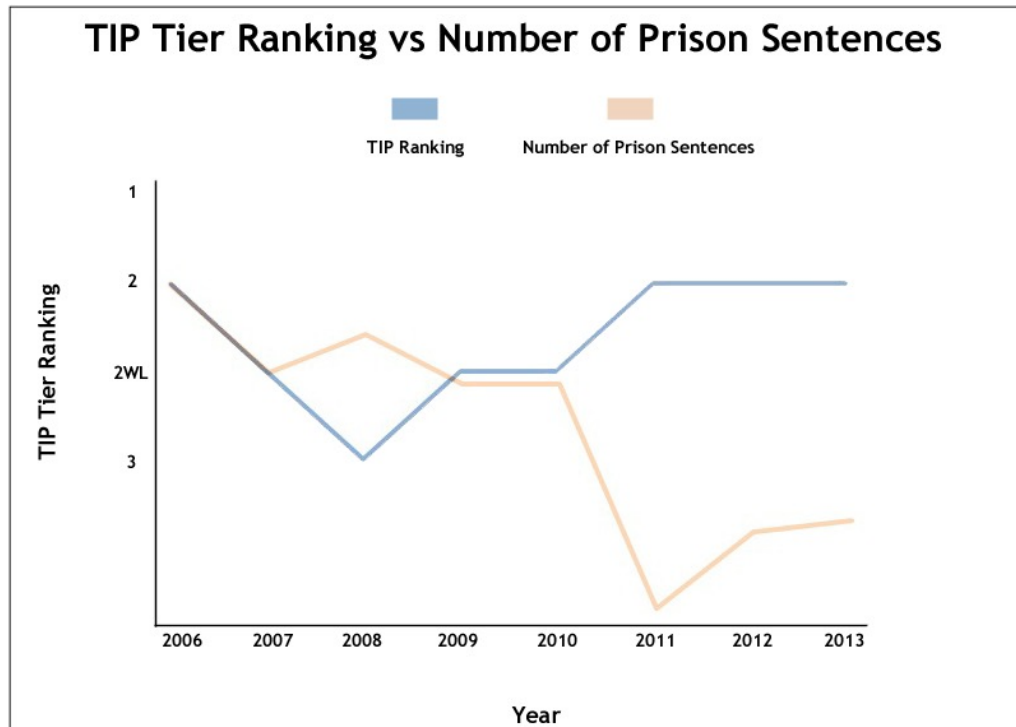
Going forward, there are many things that Moldova must consider in their fight against THB. One very important factor is their acceptance and integration into the European Union. How unification will affect the problem of THB in the region is unknown. However, visa liberation, EU funding and other consequences of joining this larger governmental body will surely have an effect. Factors outside of Moldova which cannot be foreseen will, of course, also have a strong impact on the issue. One of the driving factors behind activity by the Moldovan government is the pressure of the United States. The US State Department not only provides funding for research, victim rehabilitation and training programs, but also has provided one of the benchmarks by which Moldova has to monitor their own progress in anti-THB activities.

The annual *Trafficking in Persons Report* published by the US State Department provides not only a summary of the country's progress, but also a tool for penalizing countries which do not comply with its minimum standards. If Moldova (as any country) reaches tier 3 on a future *Trafficking in Persons Report*, this can affect U.S. aid received by Moldova. It would also open up the option for the United States to enact sanctions. It should be noted that Moldova was listed as a tier 3 country in 2008<sup>37</sup>, so the scenario is not farfetched. However, while the *Trafficking in Persons Report* does state that prosecution plays an important role in their review of a country's counter trafficking activities, Moldova's ranking within the report does not correspond to the number of convictions with prison sentences.

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<sup>36</sup> *Trafficking in Persons Report 2013- Moldova*, United States Department of State, 19 June 2013. <http://www.refworld.org/docid/51c2f3a2d.html>

<sup>37</sup> *Trafficking in Persons Report 2008 – Moldova*, United States Department of State, 4 June 2008. <http://www.refworld.org/docid/484f9a2c37.html>



4 June 2008. <http://www.refworld.org/docid/484f9a2c37.html>

This is interesting considering that the 2013 report, while listing the country at Tier 2, states that corruption led to cases not being given appropriate sentences. One would assume that a higher rate of prison sentences handed down to traffickers would correspond with a higher ranking in the TIP report, but this is not the case. Taking into consideration the other factors measured in the TIP report,<sup>38</sup> which have continually been improved, the year that saw the 3<sup>rd</sup> highest rate of prison sentences<sup>39</sup> was the year that Moldova dropped to a Tier 3 rating and the years that saw the lowest number of prison sentences given saw the country rise to its highest rating thus far. The U.S. State Department remains unclear in how it measures the success, or failure, of countries to prosecute crimes involving THB.

While the Moldovan government is continuing to bolster its reputation as a leader in the fight against THB, the results of their actions remain limited. A few factors account for this. First, it will take time for legislation to become a known tool by those who likely encounter THB. While the crime of human trafficking is not new, its denunciation is new in the larger historical picture. It will take time for prosecutors to become fully informed of the tools, first care responders to become

<sup>38</sup> Protection, prevention and partnership

<sup>39</sup> The number of cases investigated, brought to court and convictions were also significantly higher than in the following years which saw the country at a Tier 2 ranking.



aware of their options and victims to understand their rights. It will also take time for criminals who traffick to understand the potential penalties for their crimes and therefore dissuasion has not yet become effective. In addition, The Republic of Moldova is undergoing an unprecedented national transition and general transformation in political, economic and social policies. The country is still young and it stands to be quite some time before the foundation of its legal and social institutions are strong enough to make deep, beneficial change for its citizenry. However, the legislation exists to enact positive change in the country's anti-THB efforts. It is now up to the leadership of Moldova to ensure the laws are faithfully executed.

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## **A Model of Multi-Disciplinary Collaboration in Regional Anti-Slavery Efforts**

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### **Abstract**

The hidden nature of the horrendous crime of trafficking in persons makes it difficult to accurately determine the extent of the problem, both nationally and locally. Additionally, the complexities, time consuming investigations, resource and jurisdictional challenges, issues with traumatized victims who are often reluctant to identify, and/or testify against the traffickers, all result in low levels of prosecution. Any successful outcome of these difficult cases mandates the strong communication and collaboration of all agencies involved, including law enforcement, prosecution, and a variety of victim's services. This paper presents one relatively successful task force model.

## Introduction

Most of us who have worked in the anti-trafficking movement for any length of time have heard the horrific stories of the survivors of sexual trafficking. These victims, whether domestic or foreign and whether adults or minors, stir our passions and emotions to action. In 1999, at a Congressional hearing on human trafficking and prior to the passage of the Trafficking in Victims Protection Act (TVPA), legislators were educated about the horror of trafficking in human beings through the testimony of practitioners and rescued victims. Victims testified about the terror and brutality they endured as modern day slaves. As a result of these testimonies, members of Congress requested data related to the scope of human trafficking in the U.S. The data presented to them was provided by the Department of State and the Central Intelligence Agency. This data estimated that there were as many as 50,000 modern day slaves trafficked in the United States every year and 700,000 victims trafficked globally each year. The United States Congress, after hearing such conscience-shocking testimony from victims, passed the landmark Trafficking in Victims Protection Act of 2000. This Act created strong anti-trafficking laws and has aided in approving millions of dollars for both domestic and international anti-trafficking efforts. Many countries around the globe have also passed strong anti-trafficking laws and have mobilized major anti-trafficking efforts to investigate, prosecute victimizers, and rescue and restore victims who are in need of a multitude of services. Unfortunately, many of these efforts have proven to be less than successful and a great deal of money, as well-intentioned as it is, has been wasted because the effort was not based on sound policy, research, or analysis (McGaha & Evans, 2009).

This paper provides an overview of the current situation in human trafficking as it affects Southwest Florida. The prevalence of human trafficking in our region demonstrates the importance of a collaborative approach to battle this issue. Our analysis begins with a discussion of the difficulties in identifying victims, investigating suspected cases of human trafficking, and prosecuting offenders. These difficulties stem from a pervasive lack of coordination. The remainder of the paper focuses on the requirements of effective efforts against human trafficking. To that end, the Southwest Florida Regional Human Trafficking Task Force was implemented to engender true collaboration. The multi-disciplinary team approach has provided avenues of support between law enforcement, prosecutors, medical care providers, mental health and substance abuse treatment providers, and other experienced professionals. This model has been effective in bringing together a team of dedicated individuals to fight against human trafficking.

## **The Hidden Crime of Trafficking: Difficulties in Identifying Victims**

Because human trafficking is such a hidden and complex crime, we really do not know the extent of the victims, either in the United States or globally. Changes in victim population estimates have occurred over the years, and have been attributed to improved methodology. However, the accuracy of these changes cannot be verified using current data (Gozdziak & Collett, 2005). The majority of data on human trafficking comes from secondary sources, such as law enforcement or victim's services agencies, making it difficult to accurately count the number of victims locally, regionally, or nationally. This lack of primary data limits the ability of researchers to estimate the number of trafficked persons accurately.

A major methodological issue regarding the accurate estimate of trafficking victims is the lack of consistency in operational definitions of human trafficking. The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons defined trafficking in persons as using any means to gain power or payment through the exploitation of an individual (Gozdziak & Collett, 2005). It is difficult to determine whether a victim meets the criteria listed in the U.N. Protocol definition simply through secondary sources. In order to accurately determine whether an individual has been trafficked, more detailed interviews or surveys may be necessary.

In addition, much of the research currently devoted to human trafficking focuses on women and children trafficked for sex. This disparity is also present in the prosecution of traffickers, where the vast majority of cases involve sexual exploitation (Farrell, Owens, & McDevitt, 2014). Zhang (2012) compiled research showing that labor trafficking is likely more prevalent than sex trafficking. Any comprehensive attempt to quantify the number of trafficked individuals should include victims of both labor and sex trafficking.

Defining human trafficking for use with empirical research is further hampered by the same difficulties that currently exist in investigating and prosecuting perpetrators of human trafficking. According to Farrell, et al. (2014), the majority of trafficking cases are found through reactive means, such as tips and victim self-identification. There is little support for specialized law enforcement dedicated to investigating human trafficking. Many suspects of human trafficking are not charged with offenses related to human trafficking, and instead are charged with lower-level offenses. This makes it difficult to account for all cases of human trafficking within a jurisdiction.

The hidden nature of the population of trafficked victims is another methodological issue which is not easily overcome. A hidden population is defined as a population with no sampling frame. In other words, the size and boundary of the population is unknown, and therefore traditional survey techniques are

unreliable. Hidden populations also have strong privacy concerns. In the case of human trafficking victims, they are often stigmatized by others. Victims, while initially cooperating with authorities, may become unwilling to participate in an investigation. The lack of cooperation by identified victims of human trafficking is another obstacle experienced in investigations, which is mirrored in academic research.

There are several methodologies which have been proposed or implemented to assist in the quantitative analysis of human trafficking. Many of these methodologies are based on snowball sampling, where several initial contacts in the population are interviewed and asked to provide names of other individuals who might also participate in the study. These individuals are approached by the researchers, and the process continues. There is a possibility that sampling bias will occur in a true snowball sample, and therefore modifications to the methodology have been proposed to correct for this bias. The main modification present in most of the models includes the use of incentives (Heckathorn, 1997). The incentives would be twofold; a primary incentive for participation, and secondary incentives when those who they refer also participate. By providing potential participants with primary incentives for their participation, the individual is more likely to participate. Secondary incentives will entice the individual to ask others to also participate in the research study.

Currently in Southwest Florida, one local task force has begun collaborative work between law enforcement officers, prosecutors, and victim's services providers. These agencies and organizations are tasked with the successful identification, investigation, and prosecution of human trafficking cases. This collaboration has generated more accurate and useful data regarding the prevalence of human trafficking within the Southwest Florida region. Further collaboration, through the adoption of a standardized intake form, will provide comprehensive information for each case while minimizing the potential of psychological harm to the victim.

Reliable national and international estimates of human trafficking victims are important; however, a reliable sampling frame to study human trafficking victims may not be accessible given the hidden nature of the population. Because of this, local agencies and task forces should continue to document and share all information available with other local groups. Accurate local numbers regarding the prevalence of human trafficking may serve as a much-needed catalyst toward understanding and ultimately eliminating human trafficking. While these issues continue to affect research in the field of human trafficking, victim population numbers will remain uncertain.

## **Difficulties in Investigation and Prosecution**

What we do know for sure is that human trafficking is a greatly under-reported crime and, unlike other transnational crimes of this magnitude, can be extremely complex and time-consuming to investigate and prosecute. Human trafficking investigations consume significant amounts of time and are low-yield in terms of prosecution, which contributes to the low numbers of potential victims being reported. This often discourages investigators from spending the necessary time on human trafficking cases. More thorough investigation of such cases could potentially uncover greater numbers of victims as well as extensive criminal networks. These investigations, however, require dedicated, sustained resources. If prosecutors are not willing to accept these complex cases and provide support to law enforcement, the cases will not be given a high priority. This in turn will continue the cycle between inadequate funding for thorough investigations and a lack of successfully completed cases which display the proof that funding is needed. Prosecutors must assume leadership in trafficking cases and work closely to support law enforcement at the local and regional levels for successful prosecutions and convictions to happen. Without such collaboration and success, victims are going to be very reluctant to come forward, thus jeopardizing themselves and the anti-human trafficking movement further.

Examples of the difficulties in prosecution include required legal elements of the crime, such as coercion, as well as the burden of proof. Sometimes it is only the victim's perception that determines whether the critical coercion threshold of this element has been met. This includes developing what is referred to as "climate of fear" evidence and which can only be done with the close cooperation of the victims. Gaining victims' cooperation, in turn, demands that they receive security, protection, support, and services, as well as other incentives for cooperation. It is imperative to the case that any successful prosecution requires strong collaboration in the provisions of victims' services, witness protection, restitution, and programs for re-introducing survivors successfully into society. Obviously, these resource-intensive cases that go far beyond what other crimes require can present serious resource and jurisdictional challenges. Additionally, the relevant events in trafficking cases can span many years, requiring a considerable commitment of investigatory and prosecutorial resources, and the global issue of many of these cases may cause local authorities to consider such cases as being beyond their mandate. All of these complexities must be addressed for successful disposition of human trafficking cases. Adding to these complexities is the issue of trying to work with uncooperative trafficked minors who may continue to conduct themselves under the influence of their traffickers or who are not interested in helping law enforcement in any way. Often they are called "status offenders"; in the USA, that

includes chronic running away from facilities. This makes protection and security very difficult. Because this is a hidden or clandestine crime in which victim testimony is crucial to successful prosecution, victims, whether adult or minors, are often reluctant to cooperate with prosecution because of trauma, shame, fear, loyalty, and distrust (McGaha and Evans, 2009).

All of these subtle, yet not so subtle and complex psychological dynamics require strong collaboration between law enforcement and victim's services that extend beyond those needed in practically any other crime. The potential for international and/or multi-jurisdictional aspects requires collaboration and cooperation between state and local authorities and their federal partners that is likewise unprecedented (Finckenauer & Min Liu, 2008).

### **The Problem: Lack of Systematic Coordination among Agencies**

Regardless of the lack of reliability in the estimates and the issues regarding effective investigation and prosecution, law enforcement and prosecutors need to understand that victims of human trafficking are not like other victims of crime. They may not view themselves as victims, and in many cases they may have chosen to enter the country voluntarily but illegally (smuggled), only to then be forced into labor and/or sex trafficking. There are other issues that make investigations complex, including victims' immigration status, cultural diversity and language barriers, severity of the repeated trauma (physical, sexual, and/or psychological) experienced, and lack of trust and fear of law enforcement. These are just a few of the issues that are often cited as challenges to law enforcement and why they need be able to distinguish trafficking victims from other victims of crime. These characteristics or conditions place victims of human trafficking outside the comfort zone of many "street cops." Many of the other kinds of task forces, including gang, terrorism, and vice, etc., are not accustomed to dealing directly with victims. This creates a greater need for training and collaboration with victims' services providers, immigrant service providers, legal advocates, and NGO's (Finckenauer, 2009).

To add to these difficulties, because victims are often apprehensive when working with law enforcement, a majority of investigators and line officers find communicating with victims very difficult. Over three-fourths (78%) surveyed reported communication with victims to be challenging. Almost half the respondents reported victims as being uncooperative or only minimally cooperative. Given the importance of obtaining information from victims to build a case against the traffickers, these findings suggest the need for extensive training for law enforcement (particularly line officers) regarding working with victims. This is why the obvious need for collaboration with victims' services providers and



related NGO's is essential in assisting law enforcement to establish a rapport with victims, many of whom already have a great fear of the authorities, fear of deportation, fear of retaliation against self or family, and lack of overall trust in the justice system (McGaha and Evans, 2009).

Often when we go to major conferences on human trafficking, particularly those sponsored by the Department of Justice, we hear of the success stories of major prosecution cases where the FBI or ICE, working in conjunction with local law enforcement and prosecutors with the support of some NGO's, have achieved results of long term convictions of sex traffickers. Unfortunately, those cases are the exception, not the rule. More often than not, cases cannot be successfully prosecuted and traffickers are freed, convicted of lesser charges, or deported. In such cases, foreign victims are left at the mercy of the local immigration officials and often also deported back to their home countries. These cases are extremely difficult to prosecute unless victims are secure, are receiving proper services by NGO victims' services, and the police are working closely together with prosecutors and other interested parties.

One of the major lessons learned from law enforcement officers who have worked on trafficking cases is that they have to look beneath the surface and recognize the fact that this work requires a lot of patience and time. Investigating these cases is not a quick process, and encouragement from prosecutors as well as assistance with victims who desperately require a lot of complex services in order to be stabilized, is essential. None of this can be accomplished in a vacuum. If we are ever to combat this crime, law enforcement needs to marshal the help of the entire community to identify and investigate victims. This requires a tremendous amount of community awareness effort and agency responder training. Local police officers are familiar with traditional crimes like prostitution, but human trafficking requires officers to look through a different filter at a situation they once thought they understood. It has been a truly eye-opening experience for them to realize that someone they once viewed as a criminal might be a victim of a very serious crime.

### **Collaboration Defined**

As mentioned, there is a widespread need for collaboration among prosecutors, local law enforcement, and federal investigators at all levels. Investigators and prosecutors must work more cooperatively with others in the law enforcement and victims' services (public and private) community. Collaboration is essential, and polarization of law enforcement and victims' services is very damaging and counter-productive. Early involvement of prosecutors in these cases appears to be critical from a law enforcement perspective. These are complex and

tough cases, and without the strong support and involvement of prosecutors and police, there is much less motivation to devote needed resources. Providing solid victims' services by providers who are working collaboratively with law enforcement and prosecution is also critical. Victims need emergency and long-term care that is essential during the lengthy prosecution of these cases.

Simply putting people and agencies under one roof that have somewhat similar interests does not usually lead to success. Collaboration is not always easy to achieve and/or maintain, but it is essential to the successful outcome of these extremely complex cases. The term is often overused and commonly misinterpreted or mistaken for other interactions such as networking (exchanging information), coordination (accommodating the needs of another to enhance communication), and cooperation (sharing of resources, staff, resources etc). While these all are forms of working together, they are not the same as collaboration. A working definition of collaboration could be the joining together to make possible that which cannot be accomplished alone. Collaboration allows partners to reach an aspiration that would be impossible to achieve without each member of the team working toward the same end. It requires the partnership and the commitment of all members working toward a common goal to succeed. (Larson & LaFasto, 1989)

Community-based collaboration is the process by which citizens, agencies, organizations, and businesses make formal, sustained, commitments to work together to accomplish a shared vision, often with an allocation of human, physical and financial resources. When communities do not develop a pattern of collaboration, they diminish community development potential. Without collaboration, there is often a lack of direction, win-lose behaviors, lack of commitment, and poor planning, all resulting in negative effects within the community.

The problems we often face on human trafficking/sex slavery cases are not reflections of a lack of knowledge or skill; the entities, NGO's victims' services, law enforcement, and prosecutors are usually very skilled and passionate in their respective venues. The real issue is how to identify the resources in a community and/or region that can best provide the services and/or assets that are needed; even when we do know what their potential is, we have difficulty marshaling them in an effective way.

On the other hand, the victims' advocates are mainly interested in the protection and restoration of the victims, including dealing with very complex issues involving trauma, immigration (in the case of foreign victims), medical care, clothing, and shelter. Too often, the victims' advocates or NGO's sometimes have their own distrust of authority/police abuse of their victims and do not fully cooperate, while law enforcement feels that the victims' advocates do not fully

cooperate with law enforcement while also criticizing the prosecutors for not cooperating in accepting their cases.

True collaboration means understanding each other's roles, while minimizing turf issues and egos and realizing that pursuing trafficking investigations and prosecution needs the support of state, local and federal law enforcement, victims' services agencies, and related NGO's to stabilize the victims so that they can assist in the prosecutions. The United States Department of Justice ("DOJ") developed and funded a "task force" approach to encourage collaboration. The majority of funds were awarded to local law enforcement agencies to run and operate the anti-trafficking forces. As with many federal grants, however, when the grant funds ended many of the task force initiatives dissolved.

### **The Southwest Florida Regional Task Force Model**

We have found that when sponsorship of the Southwest Florida Regional Human Trafficking Task Force (HTTF) is coordinated through the effort of the U.S. Attorney's Office, both law enforcement and victim's services agencies tend to give it more credibility. Additionally, attendance is greater than individually-funded one agency task forces who had minimal attendance and coordination. The HTTF meetings are under the umbrella of and chaired by the U.S Attorney's Office and are attended by 30-50 participants. The United States Attorney's Office for the Middle District of Florida is dedicated to protecting trafficking victims from exploitation and abuse. Internet predators, child pornographers, and individuals who recruit and coerce human beings into prostitution in our cities or who travel abroad to sexually abuse foreign children shatter lives and rob youth of their innocence. This office is committed to aggressively prosecuting offenders who abuse and exploit individuals for labor and/or sex trafficking.

The HTTF procedure for human trafficking cases uses a collaborative team effort to bring each case from start to finish. Victims are identified through reports from local service agencies or private individuals. These reports are taken by individuals at local police departments and sheriff's offices tasked with human trafficking investigations. Law enforcement will then contact the designated Assistant U.S. Attorney (AUSA) regarding the identified victim or victims. The AUSA, in turn, notifies all appropriate local, state, and federal law enforcement agencies, who then coordinate investigation procedures. The AUSA also contacts the Human Trafficking Resource Center at Florida Gulf Coast University (FGCU). The coordinator at the Center assesses the needs of each case and coordinates with other community and faith-based service providers to ensure each victim has access to food, shelter, immigration services, and educational/vocational training as needed.

This team effort has helped those tasked with investigating human trafficking to identify gaps in the investigation process. One of the main services that the task force investigation team asked for was a professional victim's assessment at the initial investigative contact, whether the victim be domestic or foreign, minor or adult. In many cases, law enforcement investigators, even the best trained, are not equipped to quickly and professionally assess the level of the victim's trauma and/or situation, often resulting in creating further distrust of authorities. Obviously, without the full cooperation and protection of the victim, there can be no case. This gap in services led to the loss of several cases. As a result, a Forensic Interview Team (FIT) concept was developed and is now being implemented.

The purpose of the FIT model is to implement trained mental health professionals to interview potential or suspected victims of human trafficking for the purpose of assisting law enforcement and prosecutors with human trafficking cases. This model was developed by Dr. Amanda Evans, co-director of the Human Trafficking Resource Center at Florida Gulf Coast University in conjunction with the Lee County Sheriff with funding by the Bureau of Justice Assistance (BJA) to assist law enforcement in efforts to appropriately interview suspected human trafficking victims from a trauma-informed perspective. Dr. Evans developed the model based in part on recommendations from the World Health Organization and the International Society for Traumatic Stress Studies, as well as advances in neuroscience.

A gap in both the investigative and victim centered approach to human trafficking is evident at the interview phase of discovery. Extensive discussions with the law enforcement officers directly involved in these investigations reveals a concern related to the outcomes of interviews with suspected victims. The emotional and psychological well-being of the victim is not always addressed during law enforcement interviews. The law enforcement officers who are most knowledgeable in these cases state that they feel a more specialized approach to interviewing would greatly benefit all involved. The FIT model addresses this issue by allowing professional mental health practitioners to lead victim interviews. This gap is not unique to Lee County and has been identified as a concern in related literature (Clawson, Small, Go, & Myles, 2003; Hodge & Lietz, 2007).

Successful cases require not only specially trained investigators, legal services, and short and long term victims' support and services, but a true team approach and not just coordination or communication. Prosecutors, victims' services providers (NGO's), and federal, state, and local law enforcement should establish formalized channels of consistent communication rather than relying on traditional, informal, and reactive solicitation of information. Attention should be given to institutionalizing inter-agency agreements and relationships for training

and cross-training resources and information sharing. Turf issues and individual egos are destructive and cannot be tolerated in a collaborative system. Successful task forces identify training at all levels; police, prosecution, counselors, victims' services, NGO's, etc. are essential to the collaboration needed to have a successful case. Task force members repeatedly cited the need for open-mindedness, frank discussion, and patience. This is a process (building partnerships) that takes time and risk. Each side has to "bend a little" to end up best serving the client.

Given the difficulties reported by many state and local law enforcement respondents the author has communicated with regularly regarding working with victims (lack of trust, lack of cooperation, difficulty communicating, etc.), it is important for law enforcement to receive training from local victims' services providers and NGO's on how to interact with victims of human trafficking (e.g. their experiences and the impact of trauma on their behavior). The development and dissemination of formal protocols and written policies, practices, and procedures allows agencies to begin to learn the boundaries of their work and the work of others. Further, this collaboration will minimize overlap and duplication of services.

### **Essential Ingredients of Building True Collaboration**

The successful collaboration of any group requires more than the establishment of protocols and policies. Larson and Lafasto (1989) identified characteristics shared by highly effective teams. To be truly effective, all members of the team must share a clear goal and vision. To combat human trafficking, this involves four key components: to arrest the traffickers, to prosecute the traffickers and remove them from society, to prevent trafficking, and to rescue and restore the victims. Often the entities involved in trafficking work at cross purposes to the vision. The main interest is to build an investigative case against the traffickers that will be accepted by prosecuting attorneys, whether at the federal level or the state level, depending on the charge. In some cases they do not use the trafficking laws at all, but instead use RICO, as it is easier to prove at the state level and the sentences may be just as severe. However, when this occurs, the statistics do not reflect a trafficking prosecution.

A second component to effective collaboration includes a results-driven structure. The importance and success of a formal structure, such as a task force, is on whether or not it is appropriate for the achievement of the performance objectives. To be successful, a team's structure should be designed around the results to be achieved. The team must have the right assets, agencies, and personnel in place, including law enforcement (local, state, federal); prosecution (state and federal); and a primary victim's services coordinator or team (one for adults and

one for children) with said support specialists on hand to meet the needs of individuals, whether foreign nationals or domestic. Minors present very special situations and problems in dealing with other jurisdictional issues, such as the juvenile justice and child welfare systems.

Strong and principled leadership is another foundation required of effective collaboration. Effective leadership can make or break any collaborative endeavor. Effective leaders draw together the team's vision; a belief in the opportunity for change and the ability to meaningfully involve others. Another important component to the collaborative approach is strong discipline. The team must have the will to stick to the task and not degenerate into a social club. Finally, there must be open lines of communication so that everyone on the team can provide meaningful input to others.

A collaborative climate is most commonly described in the old adage "the whole is greater than the sum of its parts." Teams operating in a truly collaborative climate work well together, and trust is a major benefit. Trust is produced in a climate that includes three elements: honesty (integrity and truthfulness), consistency (predictable behavior and responses), and respect (treating people with dignity and fairness).

In any group, there are obstacles that may create friction or cause dissention within the group. The natural barriers to be faced and overcome in building such a true collaborative task force include personnel issues, such as staff turnover in key positions, turf issues or egos, or a lack of leadership. A lack of identified goals and measureable objectives is a second area of concern, and must be addressed to maintain group cohesion. Finally, the group will require formal protocols when working within the group and with outside agencies. Specifically, a human trafficking task force must have formal protocols when interacting with human trafficking victims. A victim-centered approach is necessary in order to enhance communication as well as minimize the duplication of victim interviews. In addition, formal protocols between federal, state, or local law enforcement and state and federal prosecutors is required to clarify jurisdictional issues when they arise.

### **Multi-Disciplinary Team Approach**

A major strategy implemented by The Resource Center at Florida Gulf Coast University and used to enhance communication and coordination of specific human trafficking cases and related victims service issues is the Multi-Disciplinary Team approach. The multi-disciplinary approach to combat trafficking has been recognized on a national level to be one of the most effective methods to prevent, identify, and ultimately defeat this crime. According to the U.S. Department of

Justice (Massachusetts Interagency Human Trafficking Policy Task Force, 2013), “It is now well accepted that the best response to the challenge of child abuse and neglect investigations is the formation of an MDT.” For similar reasons, this is the most effective approach to child victims of sexual exploitation, in part because so many survivors are involved in multiple public systems (sometimes labeled “cross-over youth”) and are subject to multiple jurisdictions.

It is not unusual to observe many service provider agencies attempting to assist victims within a vacuum and to be the sole providers of all the needs of a human trafficking survivor, whether they are victims of sex or labor trafficking. This type of approach tends to lead to fractured communication between agencies and an increase in competition while at the same time decreasing collaboration between them. This typically fosters poor relations between law enforcement entities and the service providers due to the inconsistency of service provisions and the overall lack of effective communication.

This issue has plagued the Southwest Florida area for many years. The Southwest Florida Region is comprised of seven counties; Collier, Charlotte, Lee, Hendry, Glades, Desoto, and Sarasota. The geographic and demographic characteristics of these counties include miles of isolated shoreline and mangroves, acres of agricultural lands, thousands of farm laborers and other transient workers. Pair this with I-75 corridors running from Miami to north Florida, and an environment prime for human trafficking and smuggling is created, making this region ideal for traffickers of both adults and minors. There are many sections of the seven counties that are deemed to be low-income neighborhoods, serving not only as recruiting grounds for traffickers, but also as places where the crimes they perpetrate can be hidden in plain sight.

Historically, this area of Florida has been home to many federally-funded initiatives by the Bureau of Justice Assistance, the Office for Victims of Crime, and the Department of Health and Human Services. Because of the influx of funding to combat trafficking, there are many individuals and agencies in this area that have developed a certain level of expertise regarding the crime of human trafficking. Despite this historical context, efforts in the region continued to be fractured with frequent miscommunications and clashes between agencies.

Because of this observed roadblock to effective collaboration, a service gap analysis was conducted, together with the United States Attorney’s Office Task Force (in Lee County, FL), and it was determined that a centralized neutral entity would be an effective way to attempt to unite efforts in the area. For this reason, the Human Trafficking Resource Center at Florida Gulf Coast University was initially conceived.

The mission of the center is to work toward the prevention and elimination of human trafficking and modern day slavery by providing a centralized resource

center to serve as a catalyst for public and private agencies, task forces and advocacy groups in the spirit of partnership and inclusiveness that will enhance collaboration and cooperation while engaging faculty and students in supporting and conducting research specific to the crime and related issues of trafficking in persons, both domestically and internationally.

It was the vision of the center staff that a multi-disciplinary approach could be developed and implemented by the various entities that comprised the anti-human trafficking effort of Southwest Florida, and after a great deal of cooperation and buy in by many local agencies, the first Multi-Disciplinary Team of Southwest Florida met on October 24, 2014. The purpose of the group is to provide a multi-faceted look at currently active human trafficking cases and provide solutions to the identified problems. In the spirit of maintaining with prevention, protection and prosecution, identified as the three main elements of a multi-disciplinary approach to combat trafficking (Gonzalez & Collins, 2011), the Southwest Florida MDT is comprised of local law enforcement, prosecutors, medical care providers, mental health and substance abuse treatment providers, child protective services, immigration attorneys, case management providers, and other experienced professionals. Information is shared between members in a cooperative fashion and services are made available in a collaborative manner, ensuring ease of access.

The team meets on a monthly basis and has so far been a great success in unifying efforts and services. However, the team is not by any means complete. There are still areas that are unrepresented, leading to gaps that should be addressed. There are no public officials present, federal law enforcement is not actively involved, and none of the local school boards are represented. Until leaders and representatives from all areas recognize the importance of participating in collaborative efforts, there will continue to be a problem with identifying, rescuing and assisting survivors of human trafficking. There will also continue to be a major problem regarding the prosecution and arrest of the perpetrators. It is not unusual to find within anti-trafficking movements that many case workers, clinicians, advocates, and officers have a profound interest and passion when it comes to combatting human trafficking on the ground level, yet many high level administrators offer only cursory support or none at all.

### **Human Trafficking Today in Southwest Florida**

The Southwest Florida MDT has staffed 21 open, unduplicated cases as of September 2015 since its inception, and this number will only grow moving forward. As efforts continue to develop and evolve, it is the expectation of the center staff that the MDT will eventually include an emergency response team. The team will be able to assist law enforcement officers immediately following the



rescue of a victim to ensure rapid commencement of services, and the forensic interview team may conduct forensic assessments for both adult and minor victims, potentially strengthening cases against perpetrators. However, these efforts require not only long term sustainability, but the support of public officials, both on local and statewide levels. These efforts also require that all entities involved continue to collaborate and remain committed to the fight against human trafficking.

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# Human Trafficking at the US-Mexico Border and the Role of the Commercial Sex Trade Client

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In spite of efforts initiated in 1926 by the League of Nations, (presently, the United Nations, 1946) or by the members of international organizations that signed the most recent protocols to address the issue of human trafficking in November of 2000, the problem persists and positive outcomes have not materialized.<sup>1</sup> Subsequently, Mexico has introduced national efforts to eliminate human trafficking. In fact, these initiatives are subsequent to the efforts launched by the United Nations in 2000 and were passed in 2007, specifically to address these human rights violations: the first one, “The General Law Granting Access to Women to a Violence-Free Life,” and a second decree, specifically addressing human trafficking, “Law to Prevent and Condemn Human Trafficking” (Acharya 2012, 638-9). These laws are significant, since prior to their creation no legal framework existed in Mexico to address human trafficking.

In 2012 Mexico passed a new and more comprehensive law to combat human trafficking. The regional Non-Governmental Organization (NGO) the Coalition Against Trafficking of Women and Girls in Latin America and the Caribbean (CATWLAC) reported in 2010 that 1.2 million people in Mexico were victims of human trafficking in a country that is a source, transit, and destination of trafficked women (Cawley 2014). However, in spite of the highly centralized nature of the Mexican government, the implementation of these laws may vary from state to state. Arun Kumar Acharya (2011) conducted a study where he categorized Mexico’s 31 states and the Federal District of Mexico using four levels of legislation criteria against human trafficking. *Level 1* states have the strongest legislation and efforts in this struggle and *level 4* states show very low or a complete absence of any structure to address this problem. Border states like Baja California were identified as *level 1*, enacting legislation against trafficking with codes in synchrony with international and federal statutes. The irony is that many

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<sup>1</sup> Unless otherwise specified all translations were made by the authors of this article. (Acharya 2012, 638-9).

cities within those states adopting anti-trafficking legislation are considered hot spots for human trafficking. These results support the findings of the United States State Department indicating that Mexico constitutes the second most important supplier of prostitution to the United States, just after Thailand.<sup>2</sup> The Mexican states most prominent in this trade were Baja California, Chiapas, Mexico City's Federal District, Hidalgo, Quintana Roo, Nayarit, Sonora, Veracruz, and Yucatán. *Level 2* states, Baja California Sur, Nuevo León, Puebla, San Luis Potosí, Sinaloa, Tabasco, Tamaulipas and Tlaxcala have specific laws against human trafficking, but didn't have preventive measures to resist this crime. *Level 3* states, Colima, Oaxaca and Zacatecas had no laws targeting human trafficking, but some efforts existed in the creation and application of public policy, crime prevention and law enforcement. Finally, *level 4* states, Jalisco, Morelos and Michoacán where human trafficking was not considered a crime in their local legislation or in the Penal code (Campos Garza 2012).

The problem then is the existence of a confusing legal framework, which according to *Mexico Social*, result from impunity and corruption of Nation States. Consequently, with or without a legal and political framework that addresses human trafficking for sexual exploitation in Mexico, the outlook remains bleak.

To complicate matters, many cities throughout Mexico, including Mexico's northern border, currently sanction a regulationist approach to prostitution, which endorses the intrinsic symbiosis that we argue exists between prostitution and human trafficking. That is to say, the legality of prostitution in certain areas of Mexico may camouflage the trafficking of women. A study carried out by Jakobsson and Kotsadam (2013) suggest that "Trafficking of persons for commercial sexual exploitation is least prevalent in countries where prostitution is legalized." Thus, in Mexico as in many places worldwide, it can be inferred that at least some of the sex trade is supplied by trafficked women, hence the difficulty in detaching individuals who voluntarily join the commercial sex trade from those who are forcibly coerced into this practice.

Consequently, these nuances in practice and legislation allow neoliberals to argue that human trafficking is not necessarily linked to prostitution, but that prostitution is a transaction wherein two parties are exercising a free choice regarding their bodies and sexuality. This view also stipulates that men should be able to pay for sex with impunity. According to Adrienne Sanders (2012) "The sex market commercializes females through the acts of buying, selling and trading their bodies as a sexual resource." The significance of this view lies in the fact that

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<sup>2</sup> There is a difference in the connotation of the labels 'commercial sex worker' and 'prostitute.' Although, it may seem trivial, how we choose to label or address this occupation has socio-ideological and perceptual implications. The designation prostitute conjures up negative images and stereotypes of a "bad woman" who singlehandedly threatens societal norms. While commercial sex worker may diminish or deflect the debasing and corrupt nature of a prostitution label. Thus whenever possible we will use the term sex worker. (Guillén 2011)

if a connection can be established between prostitution as an intrinsic factor of human trafficking and a key link in the trafficking of women, then it follows that societies such as Mexico who endorse a regulationist approach would be compelled to abolish this system. It is then our argument, that not only are prostitution and human trafficking intrinsically linked, but more importantly, that the *sex buyer* and the act of trafficking women for the purpose of sexual exploitation are correlated. Even though the client isn't always cognizant that the woman is a victim of human trafficking, he is likely aware of her lack of options and vulnerability, especially with the economic disparities associated with transnational sex workers. In addition, it can be inferred that the purchase of sex as a commodity is ultimately the reason this form of exploitation persists. The proposed relationship between the client and human trafficking is fundamentally skewed by the geographical location of the 2000 US-Mexico border and the approximately 50-mile-wide zone that stretches north and south of the dividing line linking these two countries. Specifically, the US-Mexico border is considered the entryway into wealth and advanced economies, and many people, specifically women and undocumented migrants, are especially vulnerable to capture by groups operating outside the law.

Having briefly introduced the broad perspective of the sex trafficking of women in Mexico, and having ascertained that neither laws nor government are able to eradicate this problem by criminalizing the webs of traffickers, it is vital to discern an often hidden aspect of the human traffic chain: the client, the commercial sex buyer, who has remained "forgotten" in this trade. This individual, who originates and promotes the hegemonic relationship between himself and the sexual worker, frequently remains immune to any responsibility in the human trafficking chain.

Thus, the objectives of this analysis are two fold; first we will examine how the political, legal, economic, social and ideological factors at the US-Mexico border play a significant role in the symbiotic relationship that we propose exists between the prostitution client and human trafficking for sexual exploitation. In other words, what factors prompt the North American and Mexican-American client living in the United States to resort to the US-Mexico border in search for this commodity? Second, we will analyze how all these factors, but ultimately the client, are equally if not primarily responsible for human trafficking for sexual exploitation. Thus, in spite of acknowledging the importance of criminalizing the sex exploiter - the pimp - and the importance of reinforcing and implementing human trafficking laws, we focus on the client, not as the only factor in human trafficking, but as a key aspect of a multi-layered practice and the one factor that is frequently missing in the strategy to combat human trafficking for sexual exploitation.

## Legal and Political Factors

Since the media's "discovery" of human trafficking and its horrors, politics has remained the lens through which this subject is viewed. This issue has been regarded as a political problem, and this singularity has determined how the penal code is applied in regards to commercial sex work or prostitution. That is to say, who must be penalized for commercial sex practices remains a matter of politics. A complementary part of this section is further supported with political initiatives against human trafficking that have become laws.

First, having suggested that at least some prostitution venues are supplied by trafficking, we can state that the lack of global consensus in criminalizing prostitution is the direct result of cross-border patriarchal codes that ultimately makes commercial sex more readily available to the client. Countries like Mexico who adhere to a regulationist approach to prostitution have created a lenient pathway for trafficking gangs to operate within their geographical boundaries. Pimps and procurers assert that they avoid setting up business in countries like Sweden, Iceland or Norway where prostitution is banned or severely hampered. Pimps prefer to market women in other countries like Denmark, Germany, Netherlands or Spain where the operating conditions are more attractive and buyers are not criminalized (Ekberg 2004, 1200-1).

Second, there exists a failure in political circles to recognize the need to penalize the real promoter of this lucrative business, the client, as opposed to the trafficker or the sex worker. Clearly, very few countries opt to penalize the client. With a few exceptions like Sweden (1999), Norway and Iceland (2009); on July 2, 2010 Anna Skarhed (2008), Chancellor of Justice in Sweden, submitted a report enacted by these countries showing a marked decrease in the commercial sex trade since the implementation of new laws prohibiting the purchase of sex.<sup>3</sup> These countries were the pioneers of what is known now as the Nordic model.<sup>4</sup> According to Gunilla Ekberg "This law recognizes that it is the man who buys women (or men) for sexual purposes who should be criminalized, and not the woman" (2004, 1191). Ekberg further reports that, "since 1999 to now [2004], when this law went into effect the percentages of women involved in street prostitution [in Sweden] decreased by at least 30% to 50%" (1193).

However, other sources contend that this decrease in street prostitution is not a faithful measure to determine if an actual decrease in prostitution has occurred.

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<sup>3</sup> "Prohibition Against Purchase of Sexual Services. An Evaluation of the Government 1999-2008" <http://www.nj.se/produkt/9789138234198>.

<sup>4</sup> The Nordic Model institutes a set of laws and policies that penalizes the demand for commercial sex while decriminalizing individuals involved in prostitution and providing them with support services, including help for those who wish to exit prostitution.

The National Board of Health in Sweden argues that the practice has merely been transformed and that the initial contact between sex worker and client takes place through the use of technology, rather than face to face (The Board of Health and Welfare 2007, 63). In addition, there are those who assert that the Nordic Model has not had an impact on client behavior.<sup>5</sup> Regardless of whether the Nordic Model has had a direct impact on this trade or not, it can be inferred that to some extent, the consequences of being caught and penalized with imprisonment, fines, or a blemished reputation have served to deter at least some clients. In either case, Mexico doesn't adhere to the Nordic Model, but observes a regulationist approach which effectively decriminalizes prostitution. Still, the few states in Mexico that have laws to decrease or eliminate human trafficking for sexual exploitation penalize the sex worker and the pimps, even when the sex worker is a child (Walters and Davis 2011, 9). The aforementioned study by Acharya (2011), points out the lack of consensus, training of police officers and void in services to victims, which result in the lack of proper implementation of laws to protect victims and penalize traffickers. This inability to implement and properly coordinate the few laws regarding human trafficking effectively eliminates any repercussions toward the commercial sex client.

Third, Mexico's disparity between the legal framework and the implementation of laws is evidenced in other areas, as noted by Gonzalez-Murphy and Kowalski (2011): "Immigration laws, even if unenforced, are frequently used by the police and corrupt officials to extort bribes from undocumented immigrants." This attitude and lack of enforcement leads to the perception of a corrupt state as a quasi-normality. Thus, the migratory force at the border, even though not illicit in itself, represents a source for corruption where some border officials are bribed or corrupted by traffickers (Rosenblum, Bjelopera, and Finkea 10). Undocumented and economically vulnerable women are often treated as commodities and exchanged for clandestine border entrance. Traffickers offer free sex with undocumented women to border officers who effectively become non-paying clients of women controlled by these groups. Consequently, this exchanges corrupt the officer and permit the trafficker to smuggle the undocumented women to the United States to supply this country's sex industry (de la Cruz 2009). The reality at the border is that implementation and enforcement of the laws against human traffickers at the border may rely on a prostitution buyer, who may be simultaneously an immigration officer and a client of organized human trafficking gangs.

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<sup>5</sup> This statement was the conclusion reached by the Prostitution Knowledge Center in Malmö and the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights after interviewing clients, (Dodillet and Östergen 2011, 2).

At Mexico's border, many of these trafficking organizations control multiple illicit activities such as arms or drugs trafficking leading to overlapping of different legal transgressions by both the criminals and the United States and Mexican border officials. The physical border between US and Mexico becomes a place where the lack of law enforcement and the lack of a strong legal framework leads to the impunity of traffickers and officers who violate these laws. For all these reasons, human trafficking in relation to prostitution demands remain a quasi-legal act in a transnational border where this practice is not diminishing, but it is increasing at an alarming rate.

Fourth, legislative policies in Mexico decriminalizing the client for the purchase of sex are a projection of patriarchal values, which are an exemplification of both quantitative and qualitative representations, since most members of political parties and law enforcement officers are male. According to Tania Rodríguez Mora:

Although the number of women participating in politics is increasing, and the rights of gender and equity are formally recognized, sexism and male discourses of supremacy still remain in practice. In addition, the national imaginary and discourses, preclude compliance with the principles of equity and democracy which impose permanent, symbolic-cultural, socio-economic, organizational, political and institutional constraints in the recognition and full exercise of citizenship for women (2005, 51-75).

The Nordic Model, whose principles were written by a legislative body that is composed largely of women with an understanding of gender differences, represents a shift in focus and thus a decriminalization for the female sex worker and accountability for the commercial sex client and pimp.

Fifth, a regulationist approach to prostitution allows for legal commercial sex businesses that provides the client with more options for paid sex such as brothels, strip tease bars, discotheques, massage parlors, sex room service, and sex hotline phones that may be at least partly supplied with trafficked women.

Sixth, a political agreement between the United States and Mexico allows Americans easy entry into Mexico. For United States citizens entering Mexico for less than 72 hours and remaining within 25 miles of the border, the only documentation required is a valid passport. Likewise, US tourists staying less than a 180 days require just a valid passport, a tourist card, and no need for entry visas. Either of these types of entry facilitates transnational sex for Americans traveling within the border zone or further into other Mexican states.

Finally, the militarization of the United States-Mexico border as part of political measures intended to protect the United States' border territory has caused



an increase in commercial sex clients and thus an increase in the need for female sex workers. The irony in the increased demand for sex-for-hire by military men is that these men were placed at this location to decrease or eliminate criminal activity; engaging in commercial sex catalyzes criminal activity on the very border that the men were sent to protect.

In conclusion, it can be said that a regulationist approach to prostitution openly legitimates a sex industry that promotes female availability to a client, who in turn promotes the woman's subordination. In effect, a difference which exists between the client and the sex worker in whatever realm imaginable (financial, ethnic, social, cultural, etc.) can be equated to what Susan J. Smith argues about this concept of difference: "The concept of difference is inherently political and politicized. Some individuals define themselves through the access and control over material, symbolic and territorial resources" (129). It is ultimately politics that readily allows a transnational client access and availability to commercial sex; be it through Mexican political legislation supporting prostitution, or a policy which permits American citizens territorial and symbolic access to resources within Mexico that perpetuates this practice.

## **The Economic Factor**

The economic aspect of human traffic in relation to the client in the context of the border is one that responds to the hierarchy that can be established in three different spheres: between countries, Mexico and the US, where Mexico's per capita rent is one-fourth that in the US (Cohen 2013); between individuals, client and trafficked sex worker, where the client has financial resources in excess of the trafficked worker, as determined by the nature of her trafficked condition and by the economic sanctions imposed on her by her pimp or facilitator; and between gender gaps where there exists a feminization of poverty on a global scale, which prompts more women than men to enter the sex industry. In all cases, a hegemonic relationship of economic power is established where women remain in a subaltern position.

First, the earning power of the client allows him to buy sex and to access a hierarchy of services where commercial sex is not a homogenous service. There are different qualities of commercial sex signaled by differences in nominal price that are often reflected in the location in which the sex takes place as it is not any other good or purchase (Ahlburg and Jensen 1998, 151). In the same way that different client incomes allow the purchase of different commodities, the client can access a spectrum of differently priced services within this trade. Commercial sex allows the client's earning power to play out a role in human trafficking, the chain of sexual exploitation, and the treatment of women as commodities, reinforced by

the lack of options of the trafficked women and by a Mexican economy where nearly half of the population lives in poverty (Cohen 2013). In addition, transnational sex in this context allows for a favorable currency trade to increase the acquisition power of the client, leading to a perpetuation of the practice of commercial sex trade at the border, and ultimately for the potential of continued supplying of brothels with trafficked women.

Second, the economic factors by which a client can pay for commercial sex at home and afford that service extraterritorially, has its roots in the capitalistic structures of both nations, which can't be detached from the gender structures within a patriarchal ideology resulting in a continuation of the hegemonic practices between the transnational client and the trafficked Mexican female. As Heidi Hartman states, "patriarchal societies are not just psychic structures, but social and economic ones and an accumulation of capital has rested on a patriarchal social vision for a society that contributes to its perpetuation, and is not confined to a specific geographical region, but that transcends frontiers" (2-3).

Third, the border represents an economic territory of its own, where the sex buyer becomes a regular tourist placed at the center of an industry where sex becomes just another of the many attractions that the area offers. From this, it can be inferred that sex tourism in Mexico, and specifically at the border, is an integral part of regular tourism. An example of this is the border city of Tijuana where "twenty-five per cent of people living here are considered a floating population," whether tourists, people on business transactions or other (Katsulis 24). As Katsulis also states, "This district is tightly integrated into the tourist economy and is in close physical proximity to tourist and commercial sex establishments" (73). Thus, it's not hard to imagine that transnational sex by American clients becomes a common practice in a country given the appropriate political (legalized prostitution) and economic conditions. The sex client, who is in charge of determining what services to choose or exclude, becomes ultimately responsible for a commercial transaction that may be provided by a trafficked woman. In addition, if this act occurs between an American client and a minor, in another country, it is deemed an extraterritorial crime under United States law. Given the fact that child sex tourism and child exploitation is becoming a trend within the sex business—due not only to its increasing demand by customers, but also because of its profitability—, and that transnational sex with a minor is a form of human traffic, also referred to as "child sex tourism" (US Department of State 2010), it's possible that a number of American clients engage in commercial sex at the Mexican border with trafficked girls. Child sex tourism is an economic transaction where the child does not need to be transported in order for the act to constitute a human trafficking crime, but rather requires the exploitation by a third party (Walters and Davis 2011, 2). Since many of the sex workers are minors and since the Mexican

border is an international center for child sex tourism (9), we can infer that at least a fraction of the sex workers whom American clients hire fall within the auspices of this crime. Also, whether this client is situational<sup>6</sup> buying sex as a result of being “at the right place at the right time”—or a regular one, transnational sex by the American client results in an aggression on multiple levels (9). The victimization of these individuals has facilitated a global patriarchal society based on gender exclusions that result in the ease of this illicit human trade. One in which the client remains a catalyzing factor moving with impunity between a permeable US-Mexico Border. In conclusion, the demand for sex tourism, combined with the decriminalization of prostitution in Mexico, allows for the US-Mexico border to be overrun with brothels and other places that offer paid sex where the trafficked woman becomes just another commodity.

## **The Social Factor**

Social studies focused in the contributing factors to the purchase of sex emphasize its common practice regardless of social class or status. According to these studies, men from all socioeconomic strata engage in this practice (Ben-Israel and Levenkron 21). This section examines the social aspects that facilitate the travel of many American and Mexican-American males to the Mexican border in search of commercial sex.

First, there exists a discrepancy between the social perceptions of commercial sex in Mexican versus American societies, rooted in each culture's views of paid sex as it relates to male sexuality. In the US, commercial sex in relation to human traffic holds a negative social stigma, due in part to the sensitivity toward human rights for minorities and a sense of equality between the sexes. Due to the extensive publicity that human trafficking has roused in the United States, the client is likely aware of the potential for the commercial sex provider to be a victim of human trafficking. In addition, transnational paid sex exists partially because clients are trying to avoid the social stigma that this practice carries at home. The prohibitionist approach to prostitution that the United States adheres to within its jurisdiction - except for most of the state of Nevada - results in fewer legal opportunities for paid sex in this country. In contrast, the cities on the Mexican border offer the client a perfect place to procure sex. Mexico offers the possible anonymity that the commercial sex client seeks in order to avoid blemishing a reputation. Paying for sex there is not only accepted, but is also seen as a source of revenue for the local economy, a fact that ultimately promotes its demand and supply.

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<sup>6</sup> Jim Walters and Patricia H. Davis, “Human Trafficking, Sex Tourism, and Child Exploitation on the Southern Border,” *Journal of Applied Research on Children* (2011): 6.

Second, the American sex tourist on the border epitomizes an image of a powerful and dominant individual associated with concepts of nation, citizenship, and race; one that ultimately fulfills the hegemonic need the client might be lacking in his home country. This unequal power structure is accentuated by the negative social stereotype that the sex worker holds in a society that accepts and encourages commercial sex at all levels, yet, still attaches a negative connotation on a commercial sex worker or trafficked subject.

Third, the social construction of masculinity portrayed as powerful and aggressive, combined with a patriarchal view of the role of women and the notion that paid sex should be a normal and socially accepted alternative to satisfy male sexuality, contributes to the idea that paid sex is a legitimate choice by a client that travels to Mexico in search of these services. Sex has always provided a venue in which gendered relationships have displayed the difference of masculinity in a country like Mexico where patriarchal ideals are an intrinsic part of social, political and economic values. Thus, commercial sex in Mexico provides the perfect arena where men can exert a masculinity that is derived from aggression and power, and where the patriarchal values that the West has fought against in recent decades due to feminist efforts can be restored (Cauduro et al. 2009, 13). Consequently, the American client then simultaneously contradicts and represents a paradox of the very values of equality that his country stands for.

Finally, male bonding and the importance of male heterosexual practices in a global patriarchal society are far more accentuated in Mexican cultures, and play a significant role in becoming a commercial sex client. Initiation rituals constitute an important factor for Mexican-American clients who resort to paid sex. Having sex while still a teen, and certainly by the age of eighteen is considered a coming-of-age ritual in which older members of the family encourage and facilitate a young man's passage to adulthood through his first sexual experience. The event often takes place in a brothel or through a call girl. In most cases, the use of prostitutes begun in this coming-of-age ritual remain a part of the individual's sexual practice throughout his life as it is perpetuated by similar adult bonding experiences.

This rite of initiation has been highlighted in a public-awareness campaign supported by the Coalition Against Trafficking of Women (CATW). The campaign has produced a video featuring a young Mexican man's coming-of-age party in several languages featuring different nationalities. As he faces the young woman with whom he is about to experience his first sexual encounter, he realizes that this person could be his mother or sister and, making a choice to break this cycle, exits the room.

In contrast to the male ritual of reaching manhood through sexual initiation, under this patriarchal society a woman must uphold moral principles and in some cases is expected to either remain a virgin until marriage, or at least to maintain the

appearance of a virtuous life. The difference between social values in both countries represents a new moral code by which the client shifts his behavior regarding commercial sex, social values contingent on age and male-to-male or male-to-female interaction, and are also derived through race, class, and citizenship.

## **The Ideological Factor**

The ideological aspects contributing to the intrinsic relationship between the prostitution client and human traffic for sexual exploitation are related to the client's profile and his attitudes regarding prostitution and human trafficking attitudes that on the border acquire different connotations based on a *spatial* concept. In terms of an American or Mexican-American client conducting this business on this border seems to nuance an already ambiguous point. In effect, crossing a geographical border legally releases the client while it perpetuates a practice that few on either side of the border consider damning. A study conducted by Ronald Weitzer found that although many Americans considered prostitution immoral or distasteful, a large minority disagreed, forty seven percent of those surveyed (52 percent of men, 43 percent of women) agreed that, "There is nothing inherently wrong with prostitution, so long as the health risks can be minimized. If consenting adults agree to exchange money for sex that is their business" (2007, 31). Clearly, these views underscore that American attitudes toward prostitution can differ greatly between practice and legislation. This study's outcome notwithstanding, it is important to ascertain that adding human trafficking for sexual exploitation to the survey would likely produce a different outcome.

A different study focusing on men who bought sex examined their behavioral and psychological traits. A sex client's profile on prostitution examining the prototype of a commercial sex buyer as that of "peculiar man" versus "every man," showed that male customers of female street sex workers were less likely to be married, less likely to be happily married if they were married, and more likely to be unhappy (Monto and McRee 508).

To date, most prostitution research ignores the importance and makeup of the commercial sex client. However, there are strong indications that the clients belong to a diverse and ever-expanding group.<sup>7</sup> For purposes of this study, we conducted a brief informal survey in which we asked three male commercial sex clients several questions regarding paid sex at the border; two were Mexican-

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<sup>7</sup> This study cannot offer any clear statistical data on North American clients since this type of information is rarely available through official channels. We have personally contacted several governmental agencies on both sides of the border and all have chosen to ignore our request.

American and one was Anglo-American. The first two men responded that they had started paying for sex at the age of 18 and 23 respectively; the Anglo-American had started a bit later, at 27 years old. One of the most striking differences between the men was that the Anglo-American client resorted to paid sex in a more structured and habitual manner, twice a month, while the other two described it in annual rather than monthly terms. Although this was a very small sample, and as such cannot be used to draw any conclusions regarding clients' attitudes, the men did share certain characteristics. Specifically, all three held stable jobs and were either divorced or single with none having a steady partner; these characteristics and others like not obtaining sex from their regular partner, mirror findings from previous findings on the subject of male clients (McKeganey, 1994; Chetwynd, & Reed, 1997; Di Nicola et al. 2009).

While these studies focused on the clients' backgrounds and attitudes in general, it is important to understand the specific aspects of the commercial sex buyer on the border zone that are related to the clients' knowledge of the sex worker's origin and circumstances. Is the sex worker a willing participant in this act, or is he/she being coerced? As we continue to examine the clients' attitudes in connection with human trafficking, we need to respond to the following questions: Is there a choice made by the client on trafficked prostitution as opposed to prostitution? Does the client know the difference between the two? Does he know where to find one or the other? Perhaps the most vexing question of all, does the client *want* to know if the woman from whom he is purchasing sex has been trafficked or not? If he knew, would this knowledge have an effect? And finally, does the client resort to transnational sex in an effort to escape cultural condemnation and/or potential punishment? In order to address these queries, more research needs to be conducted regarding transnational clients' profiles and attitudes, although a few extant studies conducted on the topic have shed some light. For example, Anderson and O'Connell Davidson found that clients usually know that traffickers exploit prostitutes (23). One of the initial and most important attempts to study client attitudes toward prostitution was conducted by Andrea Cauduro; her study found that indeed some customers not only knew there was a difference between an exploited commercial sex worker and a "free" one, but also that some clients preferred the former from whom they could have higher expectations of compliance (2009, 3). Other studies state that clients use what is referred to as *neutralization techniques* or "arguments to deny the existence of trafficking or its size so as to justify their behavior" (quoted in Di Nicola et al. 65).

With regards to child prostitution and neutralization techniques, the US Department of Justice states that:

Some perpetrators rationalize their sexual encounters with children with the idea that they are helping the children financially better themselves and their families. Paying a child for his or her services allows a tourist to avoid guilt by convincing himself he is helping the child and the child's family to escape economic hardship. Others try to justify their behavior by reasoning that children in foreign countries are "less sexually inhibited" and through the belief that their destination country does not have the same social taboos against having sex with children.

The significance of this reasoning lies in the ever-increasing demand both in the local and greater transnational sex tourism industry for commercial sex with minors. Whether the border client is seeking minors or not, there seems to be some logic to suppose the client's tacit acceptance of trafficked prostitution as opposed to prostitution, especially when the client is a regular one. This corresponds to the client's higher expectation, likewise a higher vulnerability of the woman especially in a place like the border where commercial sex between adults can be conducted openly. O'Connell Davidson points out that, "sexual tourists consider the prostitutes that they meet abroad to be women who have accepted their role of subjugated beings who must satisfy men's sexual needs" (13). This ideology could be expressed in the views some clients hold toward a specific race or ethnic group, which results in stereotypes that are attached to the woman as "other." A typical stereotype may depict Latina women as hot and liking sex, as opposed to other races.

As Jennifer Lobasz argues,

The social construction of human trafficking highlights the destructive role that sexist and racist stereotypes play in the construction of the human trafficking victims. The attachment of certain stereotypes not only functions as a *neutralization technique*, but it reinforces the practice of transnational sex in a place where human trafficking is a big part of the underground economy. (2009, 1)

In addition, according to Alberta M. Gloria, "gender stereotypes are believed to be both *descriptive*—Latino women are hot, sexy and hyper sexual - and *prescriptive*, which means should be accommodating to others, should be feminine" (2009, 11). As such, prostitution clients seeking transnational sex have higher expectations of

Mexican women that are consistent with cultural stereotypes. In the case of the Mexican-American client, assimilation levels acquired through the adopted culture and the subsequent identification with his new country may shape the ideological views held toward the sex worker and the trafficked women in terms of race and ethnicity.

## Conclusions

This study of human trafficking and the men who seek sexual services of the so-called “oldest profession” endeavors to contextualize this topic from a multi-level perspective. Since commercial sex and prostitution is often presented as a victimless crime, it is essential to highlight factors that demonstrate that society at large is exposed through this practice. While the authorities have consistently focused on criminalizing the female sex worker and the pimp, it is important to note the statistics concerning arrests of prostitution clients which contrasts with a statement by Nicholas Kristof in the February 27<sup>th</sup>, 2014 *New York Times*, who argues that “a man has about a 1 in 100,000 chance of being arrested while doing so”. However, these statistics may be changing in light of the realization that finding ways to decrease the demand is the fastest means to impact this problem. Thus, any measures that deter the client of this trade would be the most effective approach for any nation, city or state seeking to curb human trafficking for sexual exploitation.

Perhaps a multi-pronged approach would best address the demand for commercial sex, one that extends not only to developed countries with a large demand for these services, but also includes developing countries where a large number of the trafficked women originate. Carlos Botrán, (quoted in Portas 2009) Head of the Illegal Immigration Brigade in Spain, argues that, “The more highly developed a country is, the less people are likely to be involved in or exploited sexually, conversely there is a higher sex consumption.” The implication being that the demand/supply cycle probably will continue responding to a developed/developing countries pattern. These women are caught up in the cycle of human trafficking due to socio-economic adversity and long-term solutions need to be identified, perhaps with the help of well-organized campaigns to address both the supply and demand. De-politicizing the issues and not resorting to the criminalization/decriminalization of commercial sex, and the implementation of educational strategies through youth programs may, in the long run, have an impact on this problem. The same parallelism that is established between developing and developed countries can be established at the border, between the two kinds of “travelers”, the migrants and the tourists.



As Nancy A. Wonders states:

By juxtaposing the way that nations construct and enforce borders differently for tourists and migrants, much is revealed about the racialized, gendered, and classist divides that borders actually seek to enforce...in many wealthy countries, national borders are rapidly being reconstituted to function as a hard metal sieve, sifting and sorting people in ways that reproduce global stratification (2006, 64).

Finally, the financial disparity between a North American client and a sex worker most likely confined to a limited space, places the client in a position of advantage, resulting in hegemonic practices based on a binary system of male/female, North America/South America, wealthy subject/poor subject, tourist/migrant and ultimately client/trafficked woman. Overall, economic, political, social and ideological factors endorse the availability and subordination of trafficked women to the client, an act that is further facilitated by Mexico's regulationist approach to the border zone's commercial sex trade. The effect of these factors results in the preservation of a lucrative commercial sex trade that continues to benefit the facilitators and clients of this nebulous trade, and ultimately the real promoters of human trafficking for sexual exploitation.

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# **A Quantitative Analysis of Commercial Sex Advertisements During Super Bowl XLVIII**

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## **Abstract**

The Super Bowl is commonly known as the single largest human trafficking incident in the United States where an inordinate number of children may be trafficked in or around the host area to engage in commercial sex (Jee, 2011; Jervis, 2011). To examine this claim, our research team mined publicly available data from a major website known to host commercial sex advertisements for three months before and two months after Super Bowl XLVIII, held in East Rutherford, New Jersey.

## **Introduction**

A review of the existing literature base involving domestic sex trafficking shows a line of research in its infancy; there are very few empirical studies within the field in which to base proper theories or substantive understanding. The limited work that has been conducted generally involves two distinct research paradigms: the victim/survivor approach and the conduit approach. Both of these paradigms can encounter the same problem in research methodology, the potential for researcher speculation and potential bias. Literature as examined from the victim/survivor perspective often includes “calls to action” or “emotional appeals.” The researcher generally gathers this information from advocacy groups, victim shelters or gatekeepers; therefore, the work cannot be assumed to be representative of the population of trafficked victims as a whole (Tyldum, 2010; Brunovskis & Surtees, 2010; Fedina, 2014).

The victim/survivor method, a distinct paradigm of sex trafficking research, examines the specific scenarios the trafficker uses to build a stable, or an inventory of individuals to be sold for sex. This method includes three specific avenues of

recruitment including the economic survival approach, the relationship approach, and kidnapping. The economic survival approach of recruitment often begins as a consensual venture with the trafficker acting as a manager or pimp. The recruitment process generally begins in economically depressed, socially disorganized areas with promises of food, shelter, material possessions, and/or illegal drugs. Despite the initial willingness to participate in commercial sex, if there is any attempt by the victim/survivor to leave or change the agreement, the trafficker exerts control through methods of physical force, fraud, and/or coercion (Williamson, 2012).

The second approach of victim/survivor research examines the relationship between the trafficker and victim. This method is increasingly being used as modern Internet-connected technologies have given direct, unprecedented access to unmonitored adolescents (Laterno, 2011). During the relationship approach, a trafficker trolls social media looking for individuals who are online often and unlikely to be unsupervised (Malesky, 2007). In addition, they may have young sounding and/or provocative screen names that discuss or inquire about any form of sex (Malesky, 2007). The trafficker makes contact and conducts an online relationship, a period of conditioning where the victim/survivor becomes emotionally dependent on the attention. When the two meet in person, two differing scenarios can occur. The trafficker may ask to be repaid for the expenditure of financial or emotional capital via commercial sex, or they may use threats or physical violence against the prospect or their family (Skinner, 2009). Cialdini's (2006) reciprocity rule identifies that humans have been socially conditioned to repay a debt they feel that they have incurred and that by capitalizing on this, individuals can promote unequal exchanges by triggering a feeling of indebtedness. Feeling obligated by pressure to repay an imaginary debt, or fearing violence against themselves and/or their families, the victim of the relationship approach yields to being sold for commercial sex.

The final approach of victim/survivor research is kidnapping. The literature identifies that traffickers generally avoid kidnapping as a recruitment scenario as it often involves an immediate police presence and poor economic return on investment (Skinner, 2009). The sexual services of kidnapped victims cannot be advertised through local commercial sex markets, as they would most likely be identified. Additionally, a kidnapped victim must be controlled extensively through physical force or drugs and/or moved to an unfamiliar area to avoid escape. All of these items require an outlay of physical and financial capital and as such represent a low return on investment coupled with unnecessary risk of being caught.

The second paradigm of sex trafficking research, the conduit method, investigates the descriptive statistics and/or methods of communication between trafficker and consumer, also known as a "John". Researchers using this approach

generally investigate Internet-based advertisements for commercial sex, believing that trafficked minors are represented amongst the bulk of online commercial sex advertisements. The undetermined ontological and anonymous nature of the Internet (Berry, 2004) makes conduit research exceedingly difficult as advertisements involving willing commercial sex workers and trafficked victims are listed together. Deciphering between willing advertisements and forced advertisements for commercial sex involves a certain measure of speculation, which can potentially negate the validity and findings of the model.

Sex trafficking is an issue that is currently garnering attention from all sides of the political spectrum and the respective electorate. Generally, the conversation is supportive of efforts employed in anti-trafficking efforts; however, a vigorous debate is beginning to arise surrounding the rate of suspected sex trafficking around large sporting events. As of 2011, the Super Bowl has been commonly known as the single largest human trafficking incident in the United States where an inordinate number of children may be trafficked into or around the host area to engage in commercial sex (Jee, 2011; Jervis, 2011). In the three years since that observation numerous parties have used the Super Bowl as a yearly platform to promote or discredit anti-human trafficking work.

Involved in this debate is a general lack of quantitative research surrounding sex trafficking and major sporting events. It is exceedingly difficult to examine sex trafficking from a quantitative perspective as there is no census or survey developed that can be properly administered to those who are currently being sold for sex against their will. However, there is a small but emerging research base that investigates Internet-based advertisements for commercial sex in an attempt to discern the extent of sex trafficking.

In the near past, there has been some measure of speculation in deciphering advertisements for willing prostitution as opposed to unwilling, forced sex trafficking. It is our opinion that it is nearly impossible to decode, via quantitative means, an advertisement featuring a willing consensual prostitute acting of their own volition as opposed to one that contains an unwilling trafficked victim. It is for that reason that within this research project, we do not attempt to speculate in this line of research the difference between a willing and unwilling commercial sex worker; we are unable to do so. We are, however, able to state that advertisements for unwilling, trafficked victims are often posted together with ads featuring willing, consensual prostitutes and, by gaining a greater understanding of commercial sex patterns, one gains a greater understanding of sex trafficking.

## Methodology

Over the course of five months, from 1 November, 2013 through 31 March, 2014, a team of 14 researchers engaged in a project that recorded the descriptive statistics of advertisements for commercial sex in Manhattan and North New Jersey from backpage.com, a major national website that hosts such ads. North New Jersey is defined by backpage.com as including the cities/regions of Elizabeth, Hoboken/Union City, Jersey City, Newark, and Paterson. These particular areas were chosen due to their proximity to Super Bowl XLVIII, which was held in East Rutherford, New Jersey on 2 February 2014.

The researchers were each assigned a specific day and location (e.g., Tuesday in Manhattan, Wednesday in North Jersey) to log on to the specific website and record data in a collaborative spreadsheet. Researchers were expected to enter their data within 48 hours of the posted date (e.g., if an advertisement was posted on Monday, the researcher had until Wednesday to capture it). This was done with the expectation that advertisements for commercial sex would not be posted on the website for long, and the sooner the team could record them, the more accurate the data picture would be generated.

The researchers reviewed each advertisement for commercial sex in their assigned area and day of the week recording the following information within the collaborative spreadsheet:

- |                            |                            |
|----------------------------|----------------------------|
| 1. Researcher initials     | 2. Day of the week         |
| 3. Date                    | 4. Post ID                 |
| 5. Phone number            | 6. Area code               |
| 7. Race                    | 8. Face shown              |
| 9. Price incall            | 10. Price outcall          |
| 11. Number of people in ad | 12. Secondary phone number |

(1) Researcher initials were recorded as a matter of internal tracking and if the leaders of the project had any questions regarding the data. (2) The day of the week reflected the actual day assigned to the postings and not the day of recording (which could have been up to 48 hours after the day the advertisement was posted). (3) The date was the actual date that the advertisement was posted and not the day of recording (which could have been up to 48 hours after the day the advertisement was posted). (4) The Post ID was the unique identifier given to each advertisement by the website and was generally a six or seven digit number. (5) The phone number was the number listed in the advertisement one would call in order to



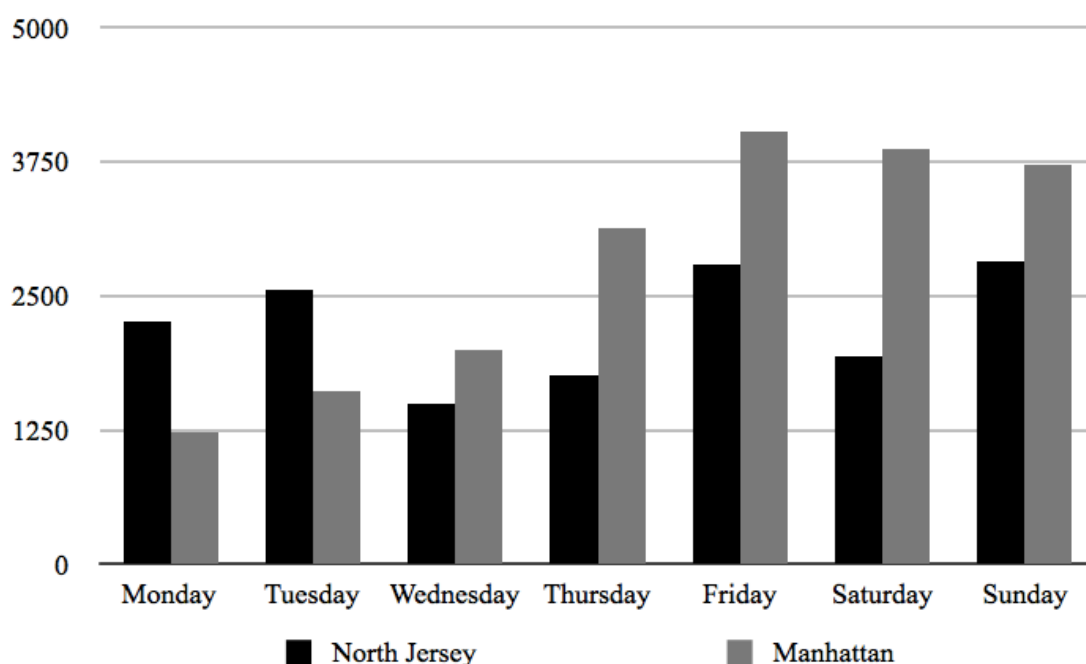
schedule a commercial sex appointment; it was recorded area code first as xxxxxxxxxx. (6) The area code was recorded separately both as a measure of internal consistency to make sure that the phone number was being recorded accurately and to make a separate level of analysis easier. (7) Race was recorded by the researchers as “White”, “Black”, “Asian”, “Hispanic”, “Pacific islander”, “Indian”, “Native American”, “Other”, and “None”. It is very important to note that recording race did involve a certain measure of speculation by the researchers. While some advertisements specifically listed race within the narrative, others did not. Additionally, in a situation of trafficking, the individual may be intentionally concealing the identity/race of the victim. It is for this reason that our conclusions regarding race may not be highly accurate. (8) Face shown or not shown was a binary category where the researcher recorded if a face or identifying facial features were shown within the photograph featured in the advertisement. If a face was evident in the advertisement, the researcher recorded a “0”; if there was no photograph, or if the face was obscured, blurred, omitted, or otherwise not shown the researcher recorded a “1.” (9) Price in-call was a unit of measure recorded that corresponded to the price per hour listed for in-call services. In-call is where the consumer travels to the commercial sex workers location to facilitate the transaction. Researchers listed the per hour rate for commercial sex as in-call if the advertisement specifically listed the wording or similar wording such as “at my place”, “private and discreet apartment”, or “in my home.” (10) Price outcall was a unit of measure recorded that corresponded to the price per hour listed for outcall services. Outcall is where the commercial sex worker travels to or is taken to the consumer’s location to facilitate the transaction. Researchers listed the per hour rate for commercial sex as outcall if the advertisement specifically listed the wording, or similar wording such as “at your place”, “I travel to you”, or “at your home.” (11) Number of people in advertisement was recorded as the actual number of different people feature in the advertisement. If there was no picture featured in the advertisement it was recorded as 0. (12) Secondary phone number was listed as an area to be recorded as some advertisements featured more than one phone number.

## Findings

### *Frequencies by Day and Date*

The data was cleaned and coded in Microsoft Excel and then run through IBM’s SPSS Data Analytics Software package to generate a descriptive statistics report. During the data capture period of 1 November 2013 thru 31 March 2014 there were a total of 35,199 advertisements for commercial sex placed (15,623 in

North Jersey, 19,576 in Manhattan). On Mondays, there were a total of 3,492 advertisements for commercial sex in our observation area (2,261 in North Jersey and 1,231 in Manhattan). On Tuesdays, the research team recorded a total of 4,163 (2,551 in North Jersey and 1,612 in Manhattan). Wednesdays featured 3,489 (1,497 in North Jersey and 1,992 in Manhattan). Thursdays held 4,885 advertisements (1,761 in North Jersey and 3,124 in Manhattan). Fridays contained 6,816 ads (2,791 in North Jersey and 4,025 in Manhattan). Saturday showed 5,801 advertisements (1,934 in North Jersey and 3,867 in Manhattan) and Sunday had 6,553 advertisements (2,828 in North Jersey and 3,725 in Manhattan).



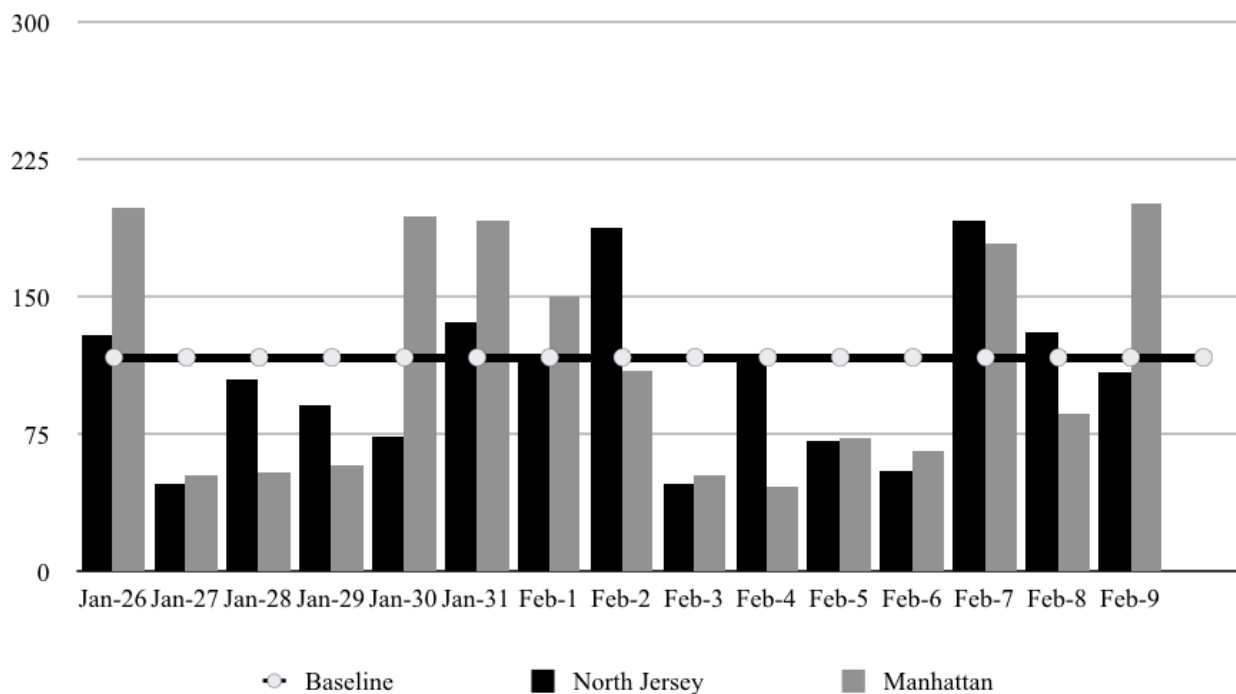
**Figure 1**

*Frequency of Commercial Sex Advertisements Per Day in North Jersey and Manhattan*

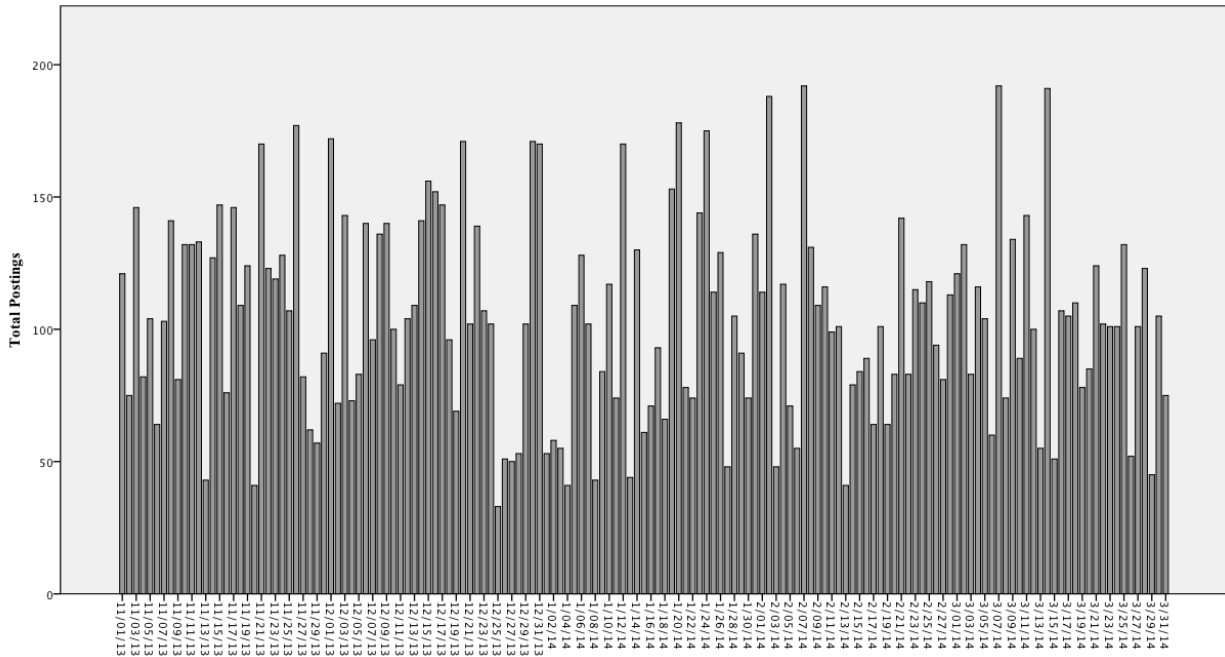
When the dates (rather than days of the week) are charted beginning with 1 November 2013 (the first day of data capture) and 31 March 2015 (the final day of data capture), we find overall posting frequencies ranging from 33 advertisements per day on 25 December 2013 to 192 per day on 2 July 2014 in North Jersey, and 11 advertisements per day on 25 December 2013 to 360 per day on 14 December 2013 in Manhattan. We calculated the mean of data values to establish a frequency baseline of commercial sex advertisements and established a North Jersey base of

104 advertisements per day ( $15,623 \text{ total advertisements} / 150 \text{ days} = 104.15$ ) and Manhattan base of 130 advertisements per day ( $19,576 \text{ total advertisements} / 150 \text{ days} = 130.50$ ) for a total baseline of 117 advertisements per day ( $104 + 130 / 2 = 117$ ).

During the week leading up to the Super Bowl, held on Sunday 2 February 2014 we recorded a total of 328 advertisements on Sunday 26 January 2014 106 on Monday 27 January 2014, 159 on Tuesday 28 January 2014, 50 advertisements on Wednesday 29 January 2014 268 advertisements on Thursday 30 January 2014, 328 on Friday 31 January 2014, 264 on Saturday 1 February 2014, 98 on Sunday 2 February 2014. The week following the Super Bowl we recorded 101 advertisements on Monday 3 February 2014, 164 on Tuesday 4 February 2014, 144 on Wednesday 5 February 2014, 121 on Thursday 6 February 2014, 371 on Friday 7 February 2014, 217 on Saturday 8 February 2014, and 310 on Sunday 9 February 2014. Figure 2 (below) identifies the totals for the two locations on each date.

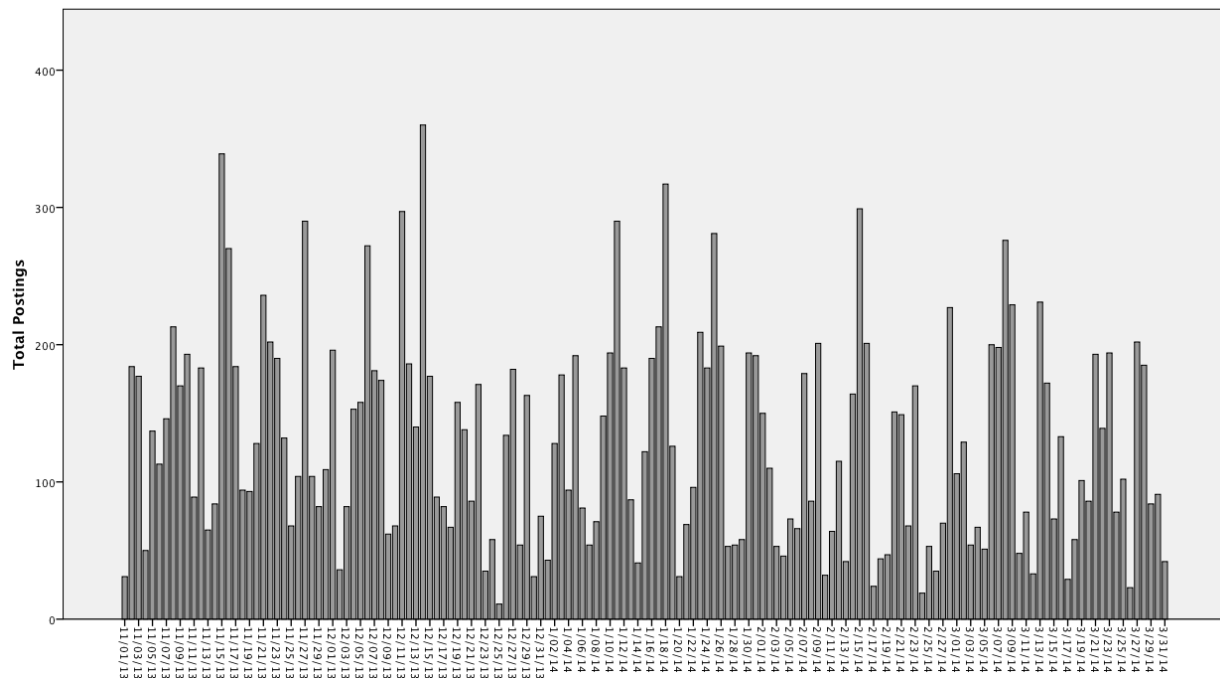


**Figure 2**  
*Frequency of Commercial Sex Advertisements During Super Bowl Week*



**Figure 3**

*Overall Frequency of Commercial Sex Advertisements in North Jersey During Data Capture Period*



**Figure 4**

*Overall Frequency of Commercial Sex Advertisements in Manhattan During Data Capture Period*

### *Price Per Hour and People Per Ad*

Advertisements, at times, contained varying numbers of individuals within photographs. The advertisements which contained identified races of White, Black, Asian, and Hispanic were generally lower in number, and contained only one advertised person. However, advertisements featuring Asian and Hispanic individuals often contained more individuals per ad than the advertisements featuring other races. Within North Jersey and Manhattan, Asian advertisements were much more likely to advertise three or more people per ad than any other identified race.

Within the accompanying data chart, there is a row stating “0” advertised. This was used when there was wording corresponding to race but no specific number of individuals within the advertisements (e.g. “All American White girls at your service”). Additionally, there is a column marked “none”. This column corresponds to advertisements that contained no pictures but did have exact numbers of people featured in or mentioned in the ad (e.g. “four girls to meet your needs”).

People Per Ad	White	Black	Asian	Hispanic	Pacific Islander	Middle Eastern	Native American	Indian	None	Other
0	9 / 6	19 / 0	42 / 3	13 / 0	0 / 0	0 / 0	0 / 0	0 / 0	8 / 0	12 / 0
1	3902 / 7477	3585 / 2022	954 / 2164	2958 / 1732	8 / 15	24 / 70	9 / 5	53 / 84	209 / 39	860 / 616
2	151 / 544	197 / 66	32 / 229	212 / 75	0 / 0	1 / 1	0 / 0	0 / 1	8 / 4	160 / 115
3	12 / 100	16 / 14	52 / 462	75 / 11	0 / 0	0 / 1	0 / 0	0 / 0	0 / 0	68 / 64
4	9 / 36	7 / 4	184 / 466	54 / 1	0 / 0	0 / 0	0 / 0	0 / 0	0 / 4	45 / 45
5	4 / 19	6 / 2	144 / 776	37 / 1	0 / 0	0 / 0	0 / 5	0 / 0	0 / 0	35 / 21
6	6 / 16	1 / 1	268 / 848	48 / 1	0 / 0	0 / 0	0 / 0	0 / 0	0 / 1	45 / 33
7	2 / 3	3 / 1	187 / 402	40 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	27 / 11
8	1 / 3	0 / 0	238 / 360	32 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	19 / 29
9	0 / 5	0 / 0	21 / 220	16 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	12 / 13
10	3 / 1	10 / 0	64 / 74	31 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	73 / 4
11	2 / 0	0 / 0	38 / 68	48 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	24 / 7
12	2 / 0	0 / 0	72 / 132	58 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	50 / 3
13	0 / 0	0 / 0	3 / 16	1 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	2 / 2
14	0 / 0	0 / 0	0 / 9	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
15	0 / 0	0 / 0	0 / 13	1 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
16	0 / 0	0 / 0	0 / 3	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
17	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
18	0 / 0	0 / 0	0 / 0	5 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0
19	0 / 0	0 / 0	0 / 0	2 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0	0 / 0

**Table 1**  
*People In Advertisement Subjugated by Race (North Jersey/ Manhattan)*

Not all advertisements for commercial sex in our data sample listed a dollar amount corresponding to sexual services offered. However, there were a considerable number that did list prices; these particular advertisements constitute a distinct sample of our population. Our findings indicate an economic difference pertaining to race and region of sample. Without being separated by race, prices for North Jersey averaged out at \$154.10 per hour for outcall (sex worker travels to consumer's location) services and \$123.70 for in-call (consumer travels to sex worker's location) services. Per hour prices were considerably higher in Manhattan, averaging \$175.21 per hour for outcall services and \$205.97 for in-call. When accounting for race, individuals in the advertisements who self-advertised or who were identified by researchers as White had a higher per hour price in most categories. In North Jersey, White individuals performing outcall services held a mean per hour price of \$175.57 and individuals performing in-call services held the highest per hour price with \$166.21. In Manhattan, individuals who self-advertised as Pacific Islander held the highest outcall per hour price at \$220.00; however, their population of 15 individuals somewhat skews these results. The second highest per hour price of outcall services in Manhattan were White individuals with an hourly rate of \$212.63. Prices pertaining to in-call services in North Jersey and Manhattan were highest for White individuals at \$166.21 and \$266.19 respectively.

The lowest prices for per hour outcall services were Pacific Islander in North Jersey with \$120.00, but, again, considering their low population size it is more feasible to examine the per hour price of Black individuals at \$150.84. In Manhattan, individuals who self-advertised or were identified as Asian were advertised at the lowest per hour out call price at \$121.67. The lowest price for in-call services both in North Jersey and Manhattan were identified as Asian, listing at \$59.27 and \$152.07 respectively.

### *Face Not Shown or Obscured*

The absence of identifying facial features were recorded in our data as it would prevent the identification of a trafficked individual amongst the bulk of commercial sex advertisements. In North Jersey, 43.9% of the total individuals advertised within the postings had their facial features not shown, obscured or the advertisement did not contain a photograph. Individuals who self-identified or were identified by researchers as White had their facial features omitted 38.8% of the time; 48.3% Black facial features were omitted; 16.2% of Asian facial features were not shown; 53.5% of Hispanic facial features were absent; 50% of Pacific Islanders did not have faces shown; Middle Eastern facial features were omitted 48% of the time; Native American 77.7% of the time; 35.2% of Indians had their

facial features absent; and individuals who did not self-identify their race, or who were unable to have their race identified by researchers had their facial features omitted 60.1% of the time.

In Manhattan, 43% of the total individuals featured within commercial sex advertisements had their facial features not shown, obscured or the advertisement did not contain a photograph. Individuals who self-identified or were identified by researchers as White had their facial features omitted 37% of the time; 38.3% of Black facial features were omitted in the cases; 46.7% of Asian facial features were not shown; 49.5% of Hispanic facial features were absent; 40% of Pacific Islanders did not have faces shown; Middle Eastern facial features were omitted 58.3% of the time; Native American facial features were omitted 50% of the time; 61% of Indians had their facial features absent; and individuals who did not self-identify their race, or who were unable to have their race identified by researchers had their facial features absent 61.5% of the time.

	Total Commercial Sex Advertisements	Face Not Shown Or Obscured	Mean Price Per Hour Outcall	Mean Price Per Hour Incall
White	4100 / 8210	1594 / 3042	\$175.57 / \$212.63	\$166.21 / \$266.19
Black	3835 / 2110	1853 / 808	\$150.84 / \$158.15	\$142.83 / \$194.85
Asian	2299 / 6247	374 / 2924	\$156.00 / \$121.67	\$59.27 / \$152.07
Hispanic	3631 / 1821	1944 / 902	\$157.17 / \$186.41	\$137.95 / \$220.43
Pacific Islander	8 / 15	4 / 6	\$120.00 / \$220.00	\$80.00 / \$210.00
Middle Eastern	25 / 72	12 / 42	\$150.00 / \$154.62	\$172.00 / \$199.62
Native American	9 / 6	7 / 3	\$0.00 / \$0.00	\$0.00 / \$0.00
Indian	54 / 85	108 / 52	\$113.33 / \$185.33	\$108.00 / \$165.65
Other	1432 / 963	862 / 44	\$171.78 / \$168.15	\$117.51 / \$209.40
None	23 / 47	188 / 592	\$192.22 / \$170.00	\$130.30 / \$235.71

**Table 2**

*Total Commercial Sex Ads, Face Not Shown or Obscured, and Mean Price Per Hour  
(North Jersey/Manhattan)*

### *Phone Numbers and Area Codes*

During our data capture period, there were 35,199 advertisements for commercial sex. However, within those advertisements, there were 5,831 unique



phone numbers represented (2389 in North Jersey, and 2992 in Manhattan). The phone numbers originated from a fairly diverse area. The phone numbers listed for commercial sex in North Jersey phone numbers contained 239 differing area codes and Manhattan advertisements had 225. The largest representations of area codes were generally local, coming from the state of analysis or adjoining states. However, some of the larger representations of area codes came from a distance including Florida, Nevada, and California.

	Area Code	Frequency	Origin Area		Area Code	Frequency	Origin Area
North Jersey	201	375	Brooklyn, NY	Manhattan	212	139	Manhattan, NY
	267	29	Philadelphia, PA		305	45	Miami, FL
	305	36	Miami, FL		310	38	Inglewood, CA
	347	225	Queens, NY		323	35	Los Angeles, CA
	415	31	San Francisco, CA		347	602	Brooklyn, NY
	510	29	Oakland, CA		415	58	San Francisco, CA
	516	25	Hempstead, NY		516	48	Hempstead, NY
	551	29	Hoboken, NJ		631	29	Holbrook, NY
	609	58	Trenton, NJ		646	415	Manhattan, NY
	646	110	Manhattan, NY		702	75	Las Vegas, NV
	702	64	Las Vegas, NV		718	84	Queens, NY
	718	34	Brooklyn, NY		786	29	Miami, FL
	732	113	Lakewood, NJ		818	29	Glendale, CA
	786	33	Miami, FL		914	36	White Plains, NY
	845	29	Newburgh, NY		917	428	Manhattan, NY
	856	30	Moorestown, NJ		929	46	Brooklyn, NY
	862	215	Morristown, NJ				
	908	115	Plainfield, NJ				
	916	25	Sacramento, CA				
	917	127	Manhattan, NY				
	973	259	Newark, NJ				

**Table 3**  
*Unique Area Codes Represented Over 25 Times in North Jersey and Manhattan*

## Discussion

According to Federal Bureau of Investigations (FBI), there were 45 people arrested and 16 juveniles rescued during the period of Super Bowl XLVII. The children ranged in age from 13-17 and included high school students and children reported missing by their families. The arrests and rescues are a result of “some 3000 law enforcement agents and civilians trained to spot people who might be the victims of human trafficking”, and arrests were made and survivors were recovered in New York, New Jersey, and Connecticut (Lopes, 2014). These arrests and rescues, while a very good thing, do not seem to correspond to the narrative surrounding sex trafficking and the Super Bowl, which suggests that up to 100,000 children are trafficked in for the event (Jee, 2011; Jervis, 2011).

When we began this project, we hypothesized that we would see frequencies of commercial sex advertisements corresponding to a somewhat normal curve when plotted with the high point occurring the day of the Super Bowl, pertaining to the belief that the Super Bowl was the leading sex trafficking event of the year. We did not find this. What we found was seemingly random patterns of frequencies that fluctuated from an average baseline. There were distinctive low posting days corresponding with the Christmas holiday (25, December 2013) Valentine’s Day (14, February 2014) and well as several other seemingly random days (13 November 2013, 20 November 2013, 5 January, 2014) in North Jersey. However, there were also fairly high frequency days in North Jersey such as the day of the Super Bowl 2 February 2014, six days after the Super Bowl 8, February 2014, as well as 8, March 2014, and 14, March 2014. While the Super Bowl did represent a high day for overall postings, it was not that far out of line with some of the other high post days that we recorded. In actuality, there were 188 advertisements for commercial sex posted on the leading commercial sex website in North Jersey the day of the Super Bowl, only 84 ads above the averaged 104 advertisement baseline.

The frequency patterns were somewhat similar in Manhattan in that there were low points corresponding with holidays, Christmas (25, December 2013) and New Years Eve (31, December 2013) and unexpected high points such as 14, November 2013 and 14 December 2013. However, in Manhattan, there was not an increase in frequency during the Super Bowl as there was in North Jersey. Manhattan had an averaged base line of 130 commercial sex advertisements per day, and on the day of the Super Bowl, 2 February 2014, there were 110 postings; a decrease of 30 from the baseline.

Regardless of the minor increase in North Jersey and the minor decrease in Manhattan, we can say definitively that on the leading website for commercial sex,

during our data capture period, there was not a drastic increase in the frequency of commercial sex postings pertaining to the time around the Super Bowl. Critics of these findings may state that the increase in commercial sex postings could have been stymied by the presence of “3000 law enforcement agents and civilians trained to spot people who might be the victims of human trafficking” (Lopes, 2014), and that may be true. But the question that is also raised is one of correlation and causation. Would 3000 law enforcement agent and civilians working in concert to find trafficking victims find them in that area no matter what the time of year or event?

The larger issue found in this research is not what happened in or around the Super Bowl, but what happened during the other five months of our data capture period. There was a tremendous amount of human capital, financial resources, and awareness raising campaigns corresponding with the big game. However, this effort may take away from our more important findings, that there were potentially trafficked victims in our data every day, not just on 2 February. During the Super Bowl, there were roughly 198 advertisements for commercial sex in North Jersey and Manhattan. This pales in comparison to the 35,199 that were posted the other 149 days of our data capture period. We are concerned that linking large sporting events with sex trafficking may convince law enforcement, volunteers, and the general public that trafficking only occurs during specific times of the year or in certain areas. In short, the attention given to trafficking and sporting events may inadvertently remove attention from the trafficking that occurs every day around the country.

### **Limitations**

Within this project there are several limitations to note. First, our team only researched one website; backpage.com, a major national website used in commercial sex. It is completely possible that traffickers may have used websites other than backpage.com. Additionally, researchers were allocated 48 hours in which to capture data. It is possible that individuals may have posted additional advertisements and deleted them prior to investigation. Our team also only investigated two sub-sections of the website corresponding to the proximity of the Super Bowl. It is not unreasonable to assume that other areas may have seen differing frequencies or patterns not visible in our data. Finally, pertaining to the costs associated with commercial sex, many advertisements did not contain pricing so our conclusions are based off of a small amount of advertisements that did. It is possible that the in-person price (non-advertised price) could be different from that contained within the published advertisement.

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