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# Emancipating Modern Slaves: The Challenges of Combating the Sex Trade

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EMANCIPATING MODERN SLAVES:  
THE CHALLENGES OF COMBATING THE SEX TRADE

By

Rachel J. Mann

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of the requirements for  
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## ABSTRACT

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The trafficking and enslavement of women and children for sexual exploitation affects millions of victims in every region of the world. Sex trafficking operates as a business, where women are treated as commodities within a global market for sex. Traffickers profit from a supply of vulnerable women, international demand for sex slavery, and a viable means of transporting victims. Globalization and the expansion of free market capitalism have increased these factors, leading to a dramatic increase in sex trafficking.

Globalization has also brought new dimensions to the fight against sex trafficking. Increasingly, governments and multinational corporations are collaborating with newly established United Nations offices, non-governmental organizations, and regional coalitions to address international supply, demand, and transit in the sex trade. This paper evaluates the complexities of sex trafficking and efforts to control it through a case study analysis of Thailand. While significant barriers remain in the fight against sex trafficking, a comprehensive analysis of all aspects of this trade provides insight to efforts needed to combat modern slavery.

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## ACRONYMS

ASEAN – Association of Southeast Asian Nations  
CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women (UN)  
COMMIT – Coordinated Mekong Ministerial Initiative against Trafficking  
DSI – Department of Social Investigations (Thailand)  
EU – European Union  
Europol – European Police Office  
FBI – Federal Bureau of Investigation (U.S.)  
GDP – Gross Domestic Product  
IGO – Intergovernmental Organization  
ILO – International Labour Organization  
IMF – International Monetary Fund  
Interpol – International Criminal Police Organization  
Lao PDR – Lao People’s Democratic Republic  
MNC – Multinational Corporation  
MoU – Memorandum of Understanding  
NGO – Non-governmental organization  
TIP – Trafficking in Persons  
TVPA – Victims of Trafficking and Violence Protection Act  
UN – United Nations  
UNASUR – Union of South American States  
UNDP – United Nations Development Programme  
UN.GIFT – United Nations Global Initiative to Fight Crime  
UNIAP – United Nations Inter-Agency Project on Human Trafficking  
UNESCO – United Nations Educational, Scientific, and Cultural Organization  
UNODC – United Nations Office on Drugs and Crime  
USD – U.S. Dollar  
USSD – U.S. State Department  
UNTC – United Nations Treaty Collection

## Preface

This year marks the 150<sup>th</sup> anniversary of the Emancipation Proclamation, legally ending slavery in the United States. This landmark legislation, issued in 1863, was part of an international movement that had been taking place for 200 years to end the slave trade.<sup>1</sup> Slavery is not a recent phenomenon, but instead has existed since the beginning of civilization. The institution of slavery has built the city-states of Athens and Rome, tied peasants to their land in Medieval Europe, and, most recently, brought millions of Africans to work in the Americas through the transatlantic slave trade.

The abolition of legal slavery took immense international cooperation, and was by no means easy to achieve. As such a major sector of many domestic economies, many governments were reluctant to eradicate this institution. Slavery had become increasingly globalized through an international slave trade, incorporating the mass purchase, trade, transport, and exchange of individuals across transnational borders. Slavery had become universally engrained in society, and was upheld by ideals of racial and cultural superiority. Abolishing slavery meant the disruption of these ideals, as well as of the entire global economy. Cooperation among states, organizations, non-governmental religious groups, and every day citizens was necessary for its success.

Laws were first enacted in Great Britain, Europe, and some North American States to criminalize and end slavery. The transatlantic slave trade itself was banned in 1807 from British colonies and in 1808 from the United States. While the Congress of Vienna condemned the slave trade in 1815, further action was needed to ensure its

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<sup>1</sup> In the 17<sup>th</sup> century, English Quakers and evangelical religious groups first condemned slavery. It wasn't until the 18<sup>th</sup> century, however, that abolitionist movements were really formed. Enlightenment theorists joined religious groups' condemnation, and official state acts to abolish slavery began in England and certain states in the United States. The movement to abolish slavery continued throughout the 20<sup>th</sup> century (Robinson 2007).

eradication. Britain established a number of bilateral treaties, which allowed the Royal Navy to seize foreign vessels to prevent illicit traffic in slaves. European nations also signed anti-Slavery treaties with African rulers and took action against those who refused to agree to these treaties (Davis). In the United States, measures were introduced to incentivize reporting any information known about illegal slave trade and to punish offenders.<sup>2</sup>

Disrupting the transatlantic slave trade decreased slaveholders' profits significantly, and slavery became less financially desirable. Abolishing slavery, however, took more than simply disrupting the trade, but additionally required an overhaul of many domestic economies and societal ideals. Developments from the industrial revolution were essential in decreasing the relative profitability of slave businesses in Great Britain, and thus to the abolition of slavery (Packer 2007). Likewise, tariffs on imported goods to the United States, introduced to protect northern factories became detrimental to the southern slave-labor cotton industry (which relied on manufactured imports from Europe and the North), making domestic slavery less profitable (Tax Analysts 2013). These tariffs prompted a civil war between the North and the South, which drastically increased American political interest in abolishing slavery. As slavery became increasingly unacceptable on an international scale, shaming institutions and slaveholders for upholding and participating in this institution became fundamental to its abolition.

After over 400 years of non-governmental advocacy, international and regional protocols and legislation, commitment to physical interference of slave routes, and even significant overhaul in the global economy, the international community finally, in 1981,

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<sup>2</sup> In 1819, there was a \$50 bounty granted to informers of illegal slave trade. In 1820, there was a death penalty assigned for U.S. citizens engaged in illegal slave trade (Academic American History 2012).



was able to legally abolish slavery.<sup>3</sup> The international community further recognizes that “all human beings are born free and equal,” and no one person or group has legal privilege over another (United Nations [hereafter UN] 1948, Article 1). These efforts are illustrative of the increasing power of global cooperation to ensure that basic human rights and freedoms are upheld throughout the world.

Despite this terrific feat, the unfortunate reality is that today, slavery continues to exist in greater numbers than ever before. Just as in traditional slavery, modern slaves are kept under complete or near complete control, and must live and work as ordered. Some slavery continues to exist in the public sector, such as forced military service in either the state or rebel armed forces. The majority of modern slavery, however, takes place in the private sector. This often resembles traditional forms of slavery, specifically in the case of forced labor, which has been linked to “West African countries, sugar from the Dominican Republic, carpets woven in northern India, luxury handbags and leather goods counterfeited in China, fish caught from any of the world’s oceans, steel produced in Brazil, oranges picked in the United States” (Cullen-DuPont 2009, 4). Forced labor can also include forced begging and domestic servitude.

The other primary source of modern slavery today, and the focus of my research, is forced sexual servitude. Modern slavery, and sex slavery in particular, is too often ignored by U.S. media. In 2009, Nikolas Kristof and Sheryl WuDunn shocked the world with these realities, telling stories of girls who were kidnapped and sold into brothels, forced to have sex with ten or more customers a day, and beaten if they tried to resist.

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<sup>3</sup> Today, every country in the world has adopted international instruments or enacted laws to criminalize and abolish slavery. Mauritania became the last country to abolish slavery in 1981, and slavery was criminalized in 2007 (Sutter 2012).

One girl, Meena, enslaved in India, explains: “I wasn’t even allowed to cry. If even one tear fell, they would beat me” (Kristof and WuDunn 2009, 5–6).

These horrifying stories are not nearly as rare or regionally concentrated as most would believe. In fact, modern slavery can be found in nearly every part of the world. Unlike traditional slavery, modern slavery exists cross-culturally, and can affect anyone, regardless of distinction.<sup>4</sup> Despite international illegality of slavery, the International Labour Organization (ILO) estimates that 20.9 million people worldwide are currently enslaved in jobs that they cannot escape (2012, 13). This estimate includes those currently enslaved, as well as current victims of human trafficking. The trafficking, or trade, of humans into slavery reportedly affects 161 countries, each listed as a country of source, transit, destination, or a combination of these (United Nations Global Initiative to Fight Human Trafficking [hereafter UN.GIFT] 2007).

Human trafficking involves “the recruitment, transportation, transfer, harbouring or receipt of persons” for the purpose of exploitation (UN 2000). Trafficking, which in some respects can be considered the modern form of the transatlantic slave trade, is one way individuals enter modern slavery (Weissbrodt 2002, 18).<sup>5</sup> Because trafficking subjects its victims to exploitation, this process itself is also a form of modern slavery. Exploitation in trafficking is defined by the methods used to maintain control, which include coercion, abduction, fraud, deception, the abuse of power or of a position of

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<sup>4</sup> While slavery can affect anyone, some individuals are significantly more vulnerable to trafficking and slavery, which will be discussed in detail in Chapter 1.

<sup>5</sup> Trafficking is not the only way individuals enter slavery today. In some cultures and legal institutions, it is possible for individuals to be born into slavery through family lineage. In Mauritania and possibly other West African countries, there is evidence that descendants of slaves are born into some form of slavery today. Others born into slavery today are done so because of family debt-bondage obligations. In Pakistan, a man’s descendants inherit his debt, and can thus be enslaved from birth in a debt-bondage obligation. One can also sell themselves and their families into debt-bondage if they need money (Cullen-DuPont 2009, 20).

vulnerability, or the giving or receiving of payments or benefits to achieve consent (UN 2000). Any person trafficked through these means is being exploited of their rights, and is thus internationally recognized as living in a modern form of slavery.

Trafficking is an illegal underground operation, making it difficult to estimate the number of victims. Definitions of trafficking have further complicated these estimates. The UN.GIFT (2007) estimates that at any one time, 2.5 million individuals are enslaved in forced labor, including sexual exploitation, as a result of trafficking. This estimate relies on ILO estimates in 2005 that 12.3 million individuals were enslaved in forced labor. Since the release of this data, however, the ILO (2012, 11) has altered its estimate to 20.9 million victims. ILO estimates in 2012, unlike those 2005, recognize human trafficking as exploitation instead of simply by movement (U.S. State Department [hereafter USSD] 2012). Redefining trafficking as exploitation, and thus, as a form of slavery, significantly increased ILO estimates of enslaved individuals today, which consequently has altered any other estimates, such as UN.GIFT estimates, that were based on previous ILO data.

The UN.GIFT (2007) estimate of 2.5 million individuals enslaved in forced labor because of trafficking differs from estimates by organizations that analyze annual migration patterns. The U.S. Department of State (2008), for example, uses such patterns to estimate that 800,000 people are trafficked annually across international borders, and that an additional one to three million are trafficked internally (U.S. Congress 2010). Migration estimates, such as these, only address the trade of humans, but trafficking is internationally defined as any level of the recruitment, transportation, transfer, harbor, and receipt of a victim. These estimates fail to address situations where victims may be

harbored in one job and enslaved for over a year before being further traded. Taking these factors into consideration, I estimate that the actual number of trafficking victims, at any given point, is much higher than these previous estimates.

Women and children are particularly vulnerable to trafficking, and many are trafficked for sexual exploitation into markets for prostitution, pornography, forced marriage, and domestic servitude. The UN.GIFT (2007) estimates that 43% of victims are trafficked for forced commercial sexual exploitation, and 98% of these victims are women and girls. From these estimates, it is clear that sex trafficking presents a pressing problem. This will only get worse, as the sex trade is continuing to grow at an alarming rate.

One hundred and fifty years after the signing of the Emancipation Proclamation and the crux of global collaboration to end the transatlantic slave trade, the international community is once again challenged with the issue of slavery. The international community recognizes this reality, and has been working to counter this phenomenon with similar political, economic, and enforcement tactics as it used two hundred years ago. It is a test to the new complexities of modern slavery, however, that immense international cooperation, greater today than ever before, has failed to materialize into success.

The trafficking of women or girls for sexual exploitation, or the modern sex trade, brings with it new complexities, spanning the physical operation of the trade, its existence in the international market, and its perpetuation by global patriarchal social structures and institutions. While recent international cooperation has proved somewhat effective in certain ways, only by addressing the issue-specific complexities of the sex

trade can we begin to combat this phenomenon. As the market for sex trafficking continues to grow, and an increasing number of women and girls are left vulnerable to sexual exploitation, it is now more than ever necessary for the international community to understand and address these issues.

## **Chapter 1**

### **Exploring the Sex Trade Within a New Global Environment**

The enslavement of millions of women and girls today exists within the context of a drastically changing global environment. Globalization has cultivated a host of new actors, redistributing power among them. Security and its maintenance have become arbitrary. Globalization has increased international communication, facilitating a greater capacity for cooperation among intergovernmental organizations (IGOs), non-governmental organizations (NGOs), multinational corporations (MNCs), and non-state groups and individuals. The 21<sup>st</sup> century is thus characterized by a set of new cooperative and communicative methods. As a result of new communicative procedures, cultural norms are continuously challenged and reconstructed. New organizations have increasingly collaborated with state and non-state actors to counter threats. Cooperation has helped foster the development of civil society, and increased the ability of the international community to address global human rights concerns. Further, the increasing interconnectivity within the international system is making actors more accountable for human rights violations.

#### **The Vulnerability of Women**

Globalization has allowed for the significant modification of women's roles. Traditional practices and customs that may have formerly oppressed women are now confounded by burgeoning opportunities for women's participation in the global economy, such as the increased ability of women to migrate for employment. The mobility of the individual actor has exploded as a result of the rapid proliferation of

technology, improvement in access to information, and instantaneous communication. Consequently, civil society developed, expanding economic and social rights for all citizens. Across the world, new organizations have developed to lobby for greater access to rights and participation. International legislation such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) commits states to ending discrimination against women. Increased political accountability has further ensured that greater gender equality is upheld.

While women are progressing and have raised their economic and social status, discrimination against women continues to exist in every region of the world. Today, women and girls, regardless of social, economic, or political class, are left disadvantaged. A 1998 study measuring the progress in women's economic and social rights in all countries that had ratified the CEDAW in the prior two years found that "women lag behind men in every indicator of economic and social rights," even in areas of nominal gender equality (Apodaca 1998, 151).

Women are predominantly excluded from opportunities and participation in regions where there is heightened patriarchy and masculinity. This is evident in the exclusion of women from post-conflict reconstruction. Post-conflict societies have "an element of heightened aggression and militarization, and prevailing constructions of masculinity promoted during conflict" (Al-Ali 2005, 742). After a war or conflict increasing societal patriarchy, women are marginalized and sidelined from peace initiatives, political transitions, and reconstruction efforts.

Women are particularly excluded from opportunities where gender discrimination and poverty combine. The right to health is one indicator of this. Maternal mortality is

extremely high in developing countries, and countering this is not seen as a priority (Hung and Bueno de Mesquita). Women and girls are perceived as less valuable in these societies, and thus, as not being worth the cost of healthcare. This is illustrated in China, where parents give more attention and medical care to their sons than to their daughters. If a boy gets sick, he is brought to the hospital immediately, but if a girl gets sick, parents often wait. One study found that 39,000 baby girls die in China each year because of exclusion from proper healthcare (Nygren 1991).

Female mortality rates reflect this exclusion from resources. Women with equal access to healthcare and nutrition generally live longer than men, and thus there are more females than males in most societies. Economist and Nobel laureate Amartya Sen found that while the ratio of women to men in Europe and North America is around 1.05 or 1.06, in South Asia, West Asia, and China, the ratio is as low as 0.94 (1990). While women and men have relatively similar birth rates, mortality rates of women are significantly higher in developing countries immediately following birth. Sen explains that these rates indicate that there are over 100 million “missing women,” or women who have died prematurely from inequality and neglect (1990). In a further study, it was discovered that as many as 107 million females today are missing (Klasen and Wink 2003).

Women are also largely excluded from education where gender discrimination and poverty combine. Worldwide, 70 million out of the 115 million children not in school are girls. Further, out of the 850 million illiterate adults, 600 million are women. Illiterate and uneducated women are often excluded from justice in many of these areas. Women without these skills are often unaware of their rights, and thus cannot legally defend



themselves if their rights are violated. Moreover, exclusion from educational opportunities bars women from employment, and is one of the reasons that women represent 70% of those living in extreme poverty in developing nations (UN.GIFT 2008, 30).

Even where women are able to obtain similar qualifications as men, access to equal employment continues to be limited. About 60 countries restrict women from obtaining at least one job. Even where legislation requires equal opportunity for employment, there remains a significant gap between legislation and practice (Economist Intelligence Unit 2010, 15). Women are often confined to domestic work, allowing less time for work outside the home. These gender stereotypes enforce the economic dependence of women on men, and limit their ability to change these realities. Women who do enter the work force often are drawn to jobs that are “extensions of conventional domestic roles” (D’Cunha 2002, 6). Even worse, in most countries, women work longer hours than men, but are usually paid less (United Nations Population Fund [hereafter UNFPA]). In some areas of the United States, women on average are paid 55 cents for every dollar that men are paid (Kirk 2012). While many countries have legislation mandating equal pay for equal work, this legislation is often not enforced (Economist Intelligence Unit 2010, 14).

Women living in societies valuing patriarchal and masculine ideals are more vulnerable to these exclusions, as well as to violence and exploitation. Violence against women occurs everywhere. Sexual assault and intimate partner violence affect women in nearly every society, and are vastly underreported. Young girls are subject to female genital mutilation to “prevent men, who are easily tempted, from being distracted from

their social and religious duties” (Abdo 2000, 57). Women are murdered for bringing shame to the family, or out of harassment to increase their dowry. Women are also subject to maternal death and female infanticide, or are raped, beaten, and murdered with impunity in these societies.

While globalization has created opportunities for women to break free of traditional restraints, raise their status, and demand equality, it has also further exacerbated certain insecurities and violence for many women. This is most evident in the case of human trafficking. Greater ease of migration, allowing women more opportunities to flee violence, oppression, and discrimination, increases the likelihood that these women will be exploited and trafficked. Greater ease of migration has also expanded the ability of trafficking organizations to operate, and these organizations are increasingly targeting these vulnerable women.

The expansion of trafficking is further found in the spread of free market capitalism, which has brought new economic instability to many developing countries. International Monetary Fund (IMF) measures taken to restore the economies of former Soviet republics actually prolonged the recovery period for these states. IMF-mandated fiscal austerity measures cutting government expenditures on social services worsened the economic situation of already-deprived individuals. Prices dictated by market forces fostered massive inflation of local currency. Rapid market liberalization, which was intended to open markets to foreign interest, in reality simply devastated local markets, while privatization enriched a few corrupt individuals and further impoverished the majority. Finally, interest rate increases intended to attract foreign currency brought defaults on loans and bank foreclosures. Opening these markets and international efforts

to restore these economies significantly increased poverty and civil strife in Central and Eastern Europe and East Asia (Kara 2009, 25–6). Economic instability increases the incentive for individuals and organizations to participate in illicit activities, as well as discourages officers and society from taking action to prevent these activities (Farr 2004, 80).

Increased poverty in some regions has excluded more women from social, economic, and political participation. The status of women declined dramatically in newly independent states after the fall of the Soviet Union. Of those who lost jobs in these states, 80% were women (Farr 2004, 11). Economic difficulties leave women, who represent 75% of all trafficking victims, particularly vulnerable to trafficking (United Nations Foundation 2013). The widening of the global wealth distribution gap has also expanded the market for exploitation and trafficking within the commercial sex industry.

### **How Sex Trafficking Operates: Recruitment, Transportation, and Control**

The sex trafficking industry is run by a number of unconnected transnational criminal networks. The UN Convention against Transnational Organized Crime defines an organized criminal group as “a structured group of three or more persons existing for a period of time; acts in concert with the aim of committing one or more serious crimes or offences; [and] obtains, directly or indirectly, a financial or other material benefit” (UNGIFT 2008, 23). Unlike criminal organizations for other illicit markets, organizations in sex trafficking are primarily “nonhierarchical” (Farr 2004, 58). Even highly organized criminal groups, such as the Russian mafia or Chinese Triads, rely on outside business partners. These relationships and networks are flexible, and the “small-group exchanges”

that characterize the sex trafficking business are modified based on the market (Farr 2004, 58). The fluid and flexible nature of these networks provides protection, as leaders and members of the organization can be replaced or the organization itself can completely relocate if necessary. While different networks vary greatly in recruitment, operation, and control, there is some consistency in the basic methods of operation.

### *Recruitment*

In order to understand the operation of sex trafficking and the vulnerability of women (particularly of women living in unequal and impoverished societies) to trafficking, it is important to understand the methods of recruitment. Recruitment for trafficking can be carried out in a number of ways, but can be primarily divided into three categories: abduction, sale by family, and deception of an opportunity for employment, education, or travel abroad.

Women and girls are sometimes kidnapped by trafficking organizations for the purpose of commercial sexual exploitation. This can affect any person, and girls are sometimes kidnapped from France, England, and Germany and sold to African or Arab states (Shannon 1999, 121). Throughout Eastern Europe, the Albanian mafia abducts victims for recruitment into sex trafficking (Farr 2004, 73). This is so common that sometimes families keep their daughters out of school to prevent them from being kidnapped (Farr 2004, 73, 110).

While families in some areas seek to protect their daughters from trafficking, others in certain economic and social situations sell their daughters directly to sex traffickers. As poverty levels and economic instability increase in certain areas, this is

becoming more common. Parents may sell children for immediate cash, for the promise of remittances, or to service a debt. Some girls sold by their family into slavery continue to live in their family home while working in the sex trade. This may occur with younger girls forced to be prostitutes only until they are old enough to become pregnant (Shannon 1999, 122).

Even children who consent to this sale are trafficking victims. When any girl under the age of 18 is exploited for prostitution, regardless of her consent, she is considered trafficked. The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children states that “the recruitment, transportation, transfer, harbouring or receipt of a child [any person under the age of 18] for the purposes of exploitation shall be considered ‘trafficking in persons’” regardless of the means or situation used. Children are legally minors, so even if a child consents to this exploitation, and is not deceived or forced, she is still considered a victim of trafficking (UN 2000).

While women and girls can be abducted by or sold to traffickers, the most common means of recruitment into sex trafficking is deception. Many women are deceived about an opportunity for employment, study, marriage, or travel abroad, but then forced into the sex trade (UN.GIFT 2008, 11). This is particularly common for women in unequal and impoverished societies, who are seeking to escape violence, oppression, and discrimination to pursue “better access to productive resources and independence” (True 2012, 63). Globalization has significantly increased this migration, and thus, it has heightened the possibility for women in these situations to become trafficking victims.

The false promise of economic opportunity abroad is a common way women are pressed into the sex trade. Migrants often consent to illicit smuggling, but may be indentured or forced into crime or prostitution upon arriving in their destination state. This commonly occurs with the Chinese mafia in organizing illegal migration for Chinese citizens into the United States. Illegal Chinese migrants are kept in basements, often shackled or handcuffed, and indentured into forced labor or prostitution under the watch of enforcers until they pay off the debt accrued from smuggling (Williams 1999a, 1).

The UN definition of “trafficking in persons” specifies that the consent of a victim to trafficking is irrelevant if dishonest means, such as deception or abuse of a position of vulnerability, are used to achieve consent (UN 2000, Article 3). An individual who does consent to being trafficked because of deception or a position of vulnerability, but is then subject to exploitation, is a victim of human trafficking. A woman consents to a job abroad in a restaurant, bar, karaoke venue, or massage parlor may be forced into prostitution to pay off her debt upon arriving.

Recruitment by sex trafficking organizations is not the only way women enter the commercial sex industry. In certain economic and social conditions, women voluntarily enter prostitution. Many sex workers explain that they willingly chose prostitution because it was “the best alternative available.”<sup>6</sup> In many instances, women will earn more money as a prostitute than in a factory. Social structures excluding women from other economic opportunities encourage women to enter this type of work. Voluntary sex work is separate from trafficking, and is thus outside the scope of this paper. However, it is

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<sup>6</sup> Veronica Monet, a voluntary sex worker, explains in Gauntlet Magazine (1994): “We chose sex work after we did a lot of things we couldn’t stand. Sex work is better. For me, sex work isn’t my first choice of paying work. It just happens to be the best alternative available. It’s better than being president of someone else’s corporation. It’s better than being a secretary. It is the most honest work I know of” (ProCon 2009).

important to note that the same processes of globalization (bringing new poverty and increased opportunities for migration) that encourage voluntary prostitution also leave many women vulnerable to recruitment by exploitative sex trafficking organizations.

### *Transportation*

After recruitment, sex trafficking may occur in a number of ways, based on the trafficking network and environment in which the trade occurs. Sex trafficking organizations worldwide vary, but generally include a recruiter, broker (agent), contractor, employment/travel agent, document thief/forgery, transporter, employer, and enforcer/guard (Farr 2004, 63). After recruitment, a broker (or a middleman) may buy a woman from a recruiter and sell her to an employer. Where a woman is recruited for a job, there is an employment agent who arranges the trip for a “legitimate” job and job description. If a woman is simply recruited for travel, a travel agent in the organization arranges for her trip. The document thief/forgery generally arranges for travel documentation, but the employment/travel agent can also fill this role.

The victim is generally accompanied on the trip by a transporter, who delivers her to a broker in the destination country. Victims are trafficked by aircraft, boat, rail, ferry, road, or on foot to the country of destination, through either covert means, such as smuggling, or overt means, such as presenting forged or stolen documents (UNGIFT 2008, 13). The employer who purchases the woman provides her a place to live and work. Employers are often bar, club, or brothel owners or managers. The entire operation is organized and overseen by a contractor (Farr 2004, 63).

While sex trafficking organizations have clearly defined roles, participants may have no affiliation to a criminal organization, and may include “import-export businessmen, community leaders, restaurant owners, workers, gamblers, housewives, and the unemployed,” with “sporadic rather than continuous” participation (Chin et al. 2001, 150). This reality significantly complicates efforts to attack the organization. Participation of law enforcement or legitimate agencies also plays a fundamental role in bypassing border restrictions and transporting the victim. In areas of higher regional economic instability, the participation of individuals or law enforcement in the sex trafficking business (which has such high profits) is increasingly more attractive, aiding the ability of trafficking organizations to function. Moreover, as international travel becomes easier, the operation of trafficking has become less costly, and the industry has become much more profitable.

#### *Methods of Control*

Upon reaching the destination, the victim may be subject to continuous control by the trafficking organization itself. The organization may include an enforcer, who provides protection to the business against other criminal gangs, extortionists, and police raids at the destination. This enforcer further ensures that women follow the rules of the house, and that they do not escape. An enforcer who is part of the trafficking organization may extort money from a brothel for those involved in the trafficking process (Farr 2004, 63). The presence of the trafficking organization throughout this process, even once the victim is purchased, increases control over the victim and leaves her likely to be further trafficked by the network.



Employers use a number of methods to control victims. Victims may be enslaved through imprisonment, torture, violence, fear, reprisals against the victim's family, confiscation of identification and/or travel documents, linguistic or social isolation, or magical beliefs and practices (UNGIFT 2008, 14). Drug addiction is also a common means of enslavement. Many brothel owners keep their slaves compliant and dependent by creating and maintaining an addiction to methamphetamines. One young Cambodian girl that Kristof and WuDunn (2009, 38–9) rescued from a brothel, Momm, escaped from her home to voluntarily return to the brothel three separate times to feed her addiction.

Debt bondage also plays a key role in controlling modern slaves. Many victims technically earn their own wages, but must use them to pay for the slaveholder's cost of purchasing them, transportation fees, job-finding fees, broker payments, and travel escort payments. A slave's debt may also include room and board costs and a medical insurance or "protection" fee. Debt may further be accrued by various fines, which are often inflated. At one Japanese brothel, a Thai woman was charged and fined \$43,000 for giving the brothel phone number to her parents. Other Thai women reported that their manager fined girls for gaining weight, up to \$75 USD for each kilogram (Farr 2004, 26–31).

Despite variability in the method and degree of control, most sex trafficking organizations operate on a similar business model, which begins with traffickers "break[ing] the spirit of the girls" through humiliation, rape, threat, or violence. If the victim resists, she is beaten (Kristof and WuDunn 2009, 10). Expert on forced labor Siddharth Kara explains that breaking a victim's spirit early on, such as during transport, increases their value: "the more broken a girl's spirit was, the more accepting she was of

the life of a slave. This meant that the slave was less likely to escape, and traffickers could charge higher prices at sale to brothel owners” (2009, 11).

Once the victim is “broken,” she may not even need violent control, and customers may assume she is a voluntary prostitute. This illustrated with Panadda, a 15-year-old trafficking victim in Thailand. She explains that she had once tried to escape, and the broker found her in her village and explained to her parents that she did not repay her debt, so they forced her to return. She remains because of the remittances sent to her parents, and a “duty to care for them” (Kara 2009, 159). This broken spirit is also seen with released trafficking victims who remain as prostitutes voluntarily because “they know nothing else and are too stigmatized to hold other jobs” (Kristof and WuDunn 2009, 5). Sometimes previously trafficked individuals are even brought into a position of management in the brothel, where “the slave [becomes] the overseer” (Kristof and WuDunn, 40).

The line between “enslaved” and “free” in sex work is often blurred. Technically, any woman selling sex on her own terms is a voluntary sex worker, and is not enslaved. In reality, however, the distinction is not so clear. Sometimes women working in prostitution do receive some wages, but not enough to pay off their debts, so they are bound to their work. Sex slaves may also be allowed to leave with customers, where they can easily escape, but remain due to a lack of alternatives, a fear of authorities, language barriers and isolation, an inability to return home, family ties to others enslaved in the same brothel, or a drug addiction fed by the brothel.

## **The Market for Commercial Sexual Exploitation**

Women and girls are trafficked into the sex trade as part of a global market for sex. Trafficking for sexual exploitation creates an estimated \$27.8 billion USD in profits per year (Belser 2005, 15). In some regions, sex trade accounts for a critical sector of a nation's economy. The ILO estimates that the sex trade is between 2–14% of the Gross Domestic Product (GDP) in Indonesia, Malaysia, the Philippines and Thailand (Farr 2004, 23). Due to its economic prevalence, some recent literature further suggests that sex trafficking and sex tourism is actually part of the economic development policies of certain countries, such as Thailand and the Philippines (Piper 2005, 204).

Transnational crime expert Phil Williams (1999b) provides a market analysis of the sex trade, explaining that the markets for women and children are similar in essentials to any other illicit market, and that women and children are products. The sex trade, at that, is even more appealing than other illicit markets due to markedly higher profits. Women are purchased at extremely low cost, and then “treated as consumer durables to be used and abused repeatedly by clients,” earning the brothel owner significant profit (1999, 148). Moreover, women and girls are often resold several times in the sex trade, with each sale bringing more profit.

The profits to be gained in sex trafficking are extremely high, while costs are generally negligible in comparison. Victims can be purchased for \$200 – \$1000 USD in Asia, or \$1,000 – \$2,000 USD in Western Europe. Victims are often prostituted to multiple men a day and make profits of over 1,000% each year (Kara 2009, 24). Any costs that do occur in this system (i.e., costs of transport, purchase, and living expenses) are shifted to the victims enslaved in debt-bondage, and thus those enslaved in this

system are “disposable” (Bales 1999, 4). This has significant human rights consequences. Girls who are enslaved in brothels can be killed with impunity. With such low costs, there is often no need to preserve the health of these slaves, and those who test positively for HIV are simply “thrown out of the brothels to develop AIDS and die on their own” (Cullen-DuPont 2009, 8). The supply of and demand for women in the sex trade are increasing with globalization and improved communication networks. Over the Internet, pimps can create a website to market women and children to “johns” for trafficking (Cannuli 2008, 77).

### *Supply*

The market for the sex trade, like any other market, exists due to basic supply and demand. Factors contributing to the supply of slave labor include “poverty, bias against gender or ethnicity, lawlessness, military conflict, social instability, and economic breakdown” (Kara 2009, 23). As discussed above, women are particularly vulnerable in regions where they are largely excluded from employment, education, and legal and political parity. Violations such as rape, domestic violence, and gender-biased traditional practices increase one’s vulnerability to exploitation, as they may add to the victimization of a person at the beginning of the trafficking process (UNGIFT 2008, 18). Young girls are vulnerable to being trafficked because children are more likely to bend to the will of authority figures than adults, and may even be trafficked by their own family.

Ethnicity and class also play a factor in the supply of sex trafficking victims. Lower-caste individuals and minorities, such as “*Dalits* in India, Tamang in Nepal, hill tribes in Thailand and Vietnam, Karen in Burma [Myanmar], Roma in Albania, and

Gagauzes in Moldova” are more vulnerable to exploitation and were found to be the most frequently trafficked in recent studies (Kara 2009, 32). Due to the prevailing concept that minorities are subhuman, “exploiting them for labor [is] similar to exploiting animals, [and] enslaving them for sexual exploitation [is] an unabashed statement of racial superiority” (Kara 2009, 32). Gender, class, and ethnicity play key roles in socioeconomic and political development, which are fundamental in creating a supply for the sex trade.

Victims are typically found in impoverished areas, which may be known as “supply states” (Maack 2008, 1). Girls trafficked from poor areas are treated as “sacrifices” for the maintenance of “harmony” so as to ensure that “middle-class girls are safe” (Kristof and WuDunn 2009, 24).<sup>7</sup> Victims are often trafficked from the developing to the developed world. Globalization, in transferring wealth, raw materials, and commodities from newly opened developing economies to developed ones, has made trafficking victims “easy to procure, easy to transport, and easy to exploit in an increasing number of industries” (Kara 2009, 24). Women and girls are significantly more vulnerable to being sold by their family or deceived about employment abroad if living in poverty, which in many areas is increasing relative to more developed states as global income inequality begins to grow (ILO 2008, 1).

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<sup>7</sup> Kristof and WuDunn (2009) interview a border control officer in India. When discussing prostitution, Kristof asks if the “best solution [is] really to kidnap Nepali girls and imprison them in Indian brothels,” to which the officer replies that it is unfortunate, but that “these girls are sacrificed so that we can have harmony in society. So that good girls can be safe” and that these girls are peasant girls from the countryside, who can’t even read, and thus, not as valuable as the middle-class girls (Kristof and WuDunn, 24).

## *Demand*

The demand for sex trafficking is found in the demand from the commercial sex industry. While these markets operate separately, and customers of low-end prostitution are different than those who purchase high-end prostitutes, demand for commercialized sex fuels the demand for sex slavery. The demand for prostitution is consistent, and has existed for centuries. While only a small amount of men are responsible for this demand,<sup>8</sup> it is a present force and will continue to be so. Globalization and technological advances have increased the demand specifically for sex tourism. International travel is becoming easier and more affordable. Moreover, destinations for sex tourism are also increasingly advertised over the Internet (Shirk and Webber 2004, 3). Sex tourism largely fuels a demand for voluntary prostitutes, as Western men often visit visible sex destinations, which are comprised mostly of voluntary sex workers. These women are able to negotiate their own prices and have sex with clients off site (Kara 2009, 155).

It is important to note, however, that the demand for sex tourism sometimes enters into the realm of sex trafficking, specifically in dealing with children and virgins. In different cultures, there are certain myths that sex with virgins and young girls has rejuvenating power. In China, for instance, men believe that having sex with a virgin adds to their longevity (Williams 1999b, 162). Another myth of “virgin cleansing,” or the belief that sex with a virgin will cure sexually transmitted diseases such as HIV/AIDS, is found in sub-Saharan Africa, Asia, Europe, and the Americas (Groce and Trasi 2004, 1663). One survey of nearly 500 workers in South Africa illustrates that 18% of those surveyed believed the virgin-cleansing myth (AIDS Global Education Information

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<sup>8</sup> Kara (2009, 33) estimates that only 0.5% of males over the age of 18 must purchase commercial sex on any given day to account for the number of trafficked sex slaves. Only 6 – 9% of males over 18 actually purchase sex from slaves at some point each year.

System 2002). Large numbers of girls are captured from villages to supply the demand for virgins (Kristof and WuDunn 2009, 33).

The demand in the commercial sex industry affects the demand for sex trafficking. A high level of prostitution impacts societal perceptions of the status of women, promoting “a culture of sexual exploitation” (Kara 2009, 156). Prostitution forces women to abandon control of their own sexuality, and thus reflects the sexual power of men over women. International researcher on trafficking in women and children Donna M. Hughes argues that prostitution is intended to “degrade, humiliate, and express domination over women” (2000). This domination is found in the business of the sale of sexual labor. Labor is an “inalienable property of the human individual,” and thus cannot be separated from the laborer (Braverman 1974, 54). Consequently, workers do not sell labor, but they sell the power to labor for an agreed period of time. Sociologist Julia O’Connell-Davidson relates this specifically to prostitution, explaining that prostitution is an institution that “allows certain powers of command over one person’s body to be exercised by another” (1998, 9). The client pays to command the prostitute to “submit to him as he desires” (1998, 9). In encouraging this dominance, the industry of prostitution encourages exploitation. David Shirk and Alexandra Webber explain that this relationship is reflected with pornography on the Internet and the demand for sexual exploitation. They argue that advances in “video-, digital- and file-sharing technologies used to disseminate pornographic materials” have expanded the commercial sex industry and the demand for sexual exploitation (2004, 3).

The market for sex trafficking is self-perpetuating. As demand increases, it provides traffickers a powerful profit incentive to trap more victims (Cullen-DuPont

2009, 25). This is illustrated in areas where AIDS is widespread. When a woman is discovered to have AIDS, she is often abandoned and left on her own, increasing the demand for prostitutes at that brothel. Moreover, the AIDS epidemic in Africa and Asia has led to more orphaned children, who are thus increasingly vulnerable to exploitation themselves (Williams 1999b, 161). The supply and demand for commercial sexual exploitation are inherently related, and as processes of globalization increase market supply and demand, as well as heighten profits for agents in the industry, the sex trade continues to expand.



## **Chapter 2**

### **The Response of the International Community**

Over the past few years, sex trafficking has become a pressing concern for the international community. While globalization has led to the expansion of the sex trade, it has also encouraged more international cooperation in the fight against sex trafficking. Increasing political, economic, and social ties among states, corporations, and NGOs has brought new checks and balances to the actions of these international actors. In such a connected global environment, states are expected to address human rights concerns, such as sex trafficking.

Globalization has also increased international capabilities for cooperation. Over the past decade, the UN has held a number of conventions to address sex trafficking. International legislation and conventions have increased global awareness about modern slavery and human trafficking, encouraging states to implement national legislation designed to eradicate these practices. Domestically, countries have experimented with a number of initiatives to introduce greater costs and risks for traffickers, from physically disrupting criminal networks to decreasing the market supply and demand of the sex trade. Other initiatives have expanded to the broader relationship between the sex trade and prostitution by experimenting with the legalization and regulation of prostitution as a means of identifying and preventing sex slavery. Many of these national initiatives, however, have not been effectively implemented. In response, international actors have increased cooperation to support the implementation of anti-trafficking legislation. Some measures have improved the fight against sex trafficking in particular areas, but as the

sex trade continues to expand, it is now more important than ever to combine forces and increase cooperation on the most effective initiatives.

### **International Conventions**

One way the international community has sought to deal with modern slavery and sex trafficking is through international treaties (including conventions), declarations, resolutions, and protocols.<sup>9</sup> International legislation has been introduced to address many different aspects of the trade, including slavery, forced labor, the vulnerability of women and children, and trafficking. This legislation has developed throughout the 20<sup>th</sup> century, tightening definitions of modern slavery and increasing international accountability.

International legislation to combat modern slavery can be traced to responses to traditional slavery and the legal slave trade. While international actors have sought to end slavery since the late 1700s, the League of Nations 1926 Slavery Convention was the first truly international initiative to address this issue. This convention, later adopted by the UN in 1953, encouraged the abolition of slavery, which was defined as “the status or condition of a person over whom any or all of the powers of ownership are exercised” (1926, Article 1). While this definition is still relevant today, it oversimplifies the complexities of modern slavery. This definition, for example, fails to even mention forced labor, which was not addressed until the ILO Convention (No. 29) Concerning Forced Labor (1930).<sup>10</sup>

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<sup>9</sup> Treaties are legally binding conventions or covenants; protocols are additions to treaties that must be agreed upon separately; declarations indicate political commitment, but are not binding; and resolutions are formal statements calling for action, and are also non-binding (Pearson 2000, 11-12).

<sup>10</sup> This ILO convention called for all ratifying states to undertake measures suppressing forced and compulsory labor.

The Universal Declaration of Human Rights (1948) significantly altered international action in defining modern concepts of slavery. This document is not legally binding, but is symbolic in its recognition of inalienable rights for all people, stating: “all human beings are born free and equal in dignity and rights,” and all are entitled, without distinction of any kind,<sup>11</sup> to “life, liberty, and security of person” (UN 1948, Articles 1–3). This idea breaks with traditional concepts of slavery, which historically have been legally justified through ethnic, religious, or cultural superiority. Africans, for example, were transported in the transatlantic slave trade into the United States because of an idea of white supremacy. Today, however, most states now recognize equal rights for all citizens, regardless of ethnicity, race, or religion. This leads to a new reality where any person can be at risk of being trafficked into slavery. Moreover, in recognizing that there is no legal justification for slavery, the Universal Declaration forces slavery underground. Because modern slaveholders can no longer maintain power through any legal justification, they instead use other means to recruit victims and maintain control, such as coercion, deception, and debt-bondage, as discussed in Chapter 1.

As the institution of slavery itself began to change throughout the 20<sup>th</sup> century, the international community began to incorporate these realities into new definitions. The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956) extends the 1926 definition of slavery to fit these changes. Specifically, this Convention adds debt bondage, serfdom, and forced marriage to the definition of slavery, and calls for the abolition of these practices. The convention further defines the movement into known exploitation of anyone under

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<sup>11</sup> Distinction of any kind includes “race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status... [or] on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs” (UN 1948, Article 2).

the age of 18 as slavery, even with the consent of their legal guardians (UN 1956, Article 1).

Protections for children from modern slavery were further expanded in the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (1999), which defines child labor as any practice of forced labor, recruitment in armed conflict, recruitment for illicit activities, prostitution, or any practice “similar to slavery,” including the sale and trafficking of anyone under the age of 18 (1999, Article 3). Protection against the sexual exploitation of children is addressed in the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000), which adds provisions to the 1989 Convention on the Rights of the Child prohibiting commercial sexual exploitation of children for prostitution and pornography (2000a, Article 1).

The international community has also taken significant action to prevent and criminalize the practice of trafficking itself, which, like slavery, has seen a number of definition changes throughout the 20<sup>th</sup> century. The first international condemnation and definition of “trafficking” can be traced to the International Agreement for the Suppression of the ‘White Slave Traffic’ (1904).<sup>12</sup> In this agreement, the term “traffic” referred to the migration of white European women for the purpose of prostitution into Arab and Eastern States. The Agreement (1904) defined “trafficking” as general migration of women into prostitution, even if this was voluntary (Pearson 2000, 20). The

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<sup>12</sup> The agreement was ratified by Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden and Norway, Switzerland, and the United Kingdom. Austria-Hungary, Brazil, Bulgaria, Colombia, Czechoslovakia, Lebanon, Luxembourg, Poland, and the United States of America later acceded to the agreement. The Agreement was further declared applicable in a number of colonies, dominions, and protectorates of ratifying states. Moreover, accession to the 4 May 1910 on the White Slave Traffic guaranteed succession to the 18 May 1904 agreement due to Article 8 of the Convention in 1910. The agreement was registered to the League of Nations on September 7, 1920. The full list of countries that have accepted this document can be accessed at: United Nations Treaty Collection (UNTC) 1904.

Agreement sought to deal specifically with the transnational migration of white women, but it soon became evident that this definition must be expanded to include any race or ethnicity, as well as to include internal trafficking.

The first UN convention against trafficking, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), uses a similar definition of trafficking as did the 1904 agreement, defining trafficking as migration into prostitution. The 1949 UN Convention calls for states to “punish any person who, to gratify the passions of another: (1) procures, entices or leads away, for the purposes of prostitution, another person, even with the consent of that person; [or] (2) exploits the prostitution of another person, even with the consent of that person” (1949, Article 1). It also encourages the punishment of any person involved in the management or business transactions of a brothel (1949, Article 2). This document is internationally recognized as an ineffective treaty and has only been ratified by 72 countries (Pearson 2000, 18).

Modern understandings of trafficking have been further developed since this ineffective convention. While there is still no international definition of trafficking, the most accepted definition is found in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Crime (2000). The Protocol defines trafficking as the “recruitment, transportation, transfer, harbouring or receipt of victims” for exploitation, and calls for states to prevent and criminalize trafficking, and to protect victims (2000b, Article 3).

The Protocol's definition is integral in recognizing the realities of modern slavery as utilizing exploitative means, such as:

threat or the 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" (UN 2000b, Article 3).

In this, the Protocol recognizes that trafficking is inherently exploitative, and thus is a form of slavery itself.

This part of the definition is also important from a legislative perspective. In recognizing that abusing "a position of vulnerability" is one way trafficking occurs, the Protocol, which as a whole encourages states to combat trafficking, specifically encourages states to address factors leaving women vulnerable to exploitation. Poverty and gender discrimination, for example, subject women to exploitation in the sex trade, and thus must be addressed in any action to combat trafficking. Already-drafted legislation, such as CEDAW, creates a practical application to decrease vulnerabilities for women, and thus to decrease trafficking. CEDAW recognizes that discrimination against women is an obstacle to equal participation in political, economic, and cultural life (UN 1979). Without this equal access, women are highly vulnerable to trafficking and exploitation. CEDAW includes 187 total parties, while the 2000 UN Protocol includes 154 total parties (UNTC 1979; 2000b).<sup>13</sup> These two documents, which are closely related, leave room for international action to decrease the vulnerability of women to trafficking

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<sup>13</sup> The term "total party" refers a state that has given its "explicit consent to be bound to the treaty," in the form of ratification, acceptance, approval, or accession (Inside Justice 2010).

### *Barriers to Implementation*

Despite these conventions tightening the definition of trafficking and encouraging national initiatives, international legislation is not easily implemented into national policy. One of the barriers to effective implementation is that these conventions often do not go far enough. UN legislation is drafted with vague language to attract the greatest number of signatories, as is illustrated in the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000). The Protocol condemns trafficking into exploitation, which “include[s], at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (UN 2000b, Article 3). This definition does not fully define “sexual exploitation” because negotiations failed to develop a common meaning for this term (Pearson 2000, 25). Instead of defining sexual exploitation, delegates added the explanation:

“The travaux préparatoires should indicate that the Protocol addresses the exploitation of the prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms ‘exploitation of the prostitution of others’ or ‘other forms of sexual exploitation’ are not defined in the Protocol, which is therefore without prejudice to how State Parties address prostitution in their respective domestic laws.” (Pearson 2000, 25).

Failure to define other forms of exploitation requires governments to develop their own definitions of criminal code, which if they are not clear, prosecutions and convictions of trafficking cannot be effective.<sup>14</sup>

Forcing states to develop their own definitions of trafficking and sexual exploitation can actually leave women more vulnerable. Some domestic legislation, for

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<sup>14</sup> In response, the Global Alliance Against Trafficking in Women suggests that sexual exploitation should be further defined in this definition as: “the participation by a person in prostitution, sexual servitude or the production of pornographic materials as a result of being subject to deception, coercion, abduction, force, abuse of authority, debt bondage, or fraud” (Pearson 2000, 25-6). This is, however, unlikely to materialize because many states were opposed to this specification when the protocol was drafted.

example, continues to confuse the definition of “trafficking” with undocumented migration into prostitution. This confusion presents an inherent problem for both enforcing legislation and for protecting the rights of trafficking victims. Under the pretext of countering trafficking, some destination countries have adopted strict immigration policies designed to limit the movement of women, while some countries of origin have adopted policies to prevent women from leaving their country (Pearson 2000, 20). Failing to distinguish between trafficking and voluntary prostitution can encourage law enforcement to punish the victim instead of the trafficking organization.

Even if the language in international legislation was clearly defined, there are no international mechanisms to ensure that these conventions are implemented into domestic legislation. While most countries have ratified, acceded, or agreed to these international conventions and protocols, many have not undertaken similar legislative measures domestically. Often, there are cultural barriers to domestic implementation of laws designed to combat modern slavery.

Forced marriage, for example, presents a problem for some countries. Under the Supplementary Convention on the Abolition of Slavery (1956), forced marriage, where “a woman, without the right to refuse, is promised or given in marriage or payment of a consideration in money or in kind to her parents, guardian, family or any other person or group,” was added to the definition of slavery (1956, Article 1). This Convention further defines the movement of minors into exploitation as slavery, including by family members. Forced marriage of minors is internationally recognized as a form of slavery.

In many cultures, however, marriage arranged by family members is common, and even expected. Marriage is often arranged for minors, as it is shameful if a girl is not



married young. In Afghanistan, while consent is legally required for girls over the age of 18 to marry, girls can be legally wed at the age of 16 (and, with parental consent, at the age of 15). Frequently, girls under the age of 18 are not consulted about their marriage, and, as Islamic law stipulates, a male guardian represents a woman in negotiations. Arranged marriage of minors is inherent in traditional Afghani culture, and implementing legislation prohibiting this would be difficult. Moreover, if it were possible to introduce legislation that protected children from forced marriage, traditional practices would make this legislation almost impossible to implement. A young woman may “consent” to forced marriage because if she does not, the alternative is that she may be subject to honor killing by her family (USSD Consular).

Implementing anti-trafficking legislation into domestic law is not only inhibited by traditional cultural practices, but also by the culture of global capitalism. The increasing idealization of free trade and open markets often stands in opposition to certain measures needed to combat trafficking. Regulations on the production and movement of consumer goods, for example, impair processes and economic benefits of free market liberalism, and many countries are thus wary to implement such protections.

States are not obligated by any international force to implement international conventions into domestic legislation. In today’s globalized environment, it is almost politically necessary for states to ratify or accept UN conventions and protocols protecting human rights, but these international conventions have no jurisdiction over the states that accept them. Despite increasing checks and balances in the international community, accountability cannot be enforced without impeding on state sovereignty. While UN conventions and protocols are essential in gaining broader international

support, they cannot be effective without any ability to hold member states and local actors accountable.

### **National Legislation**

Even though the international community lacks tangible means to enforce global anti-trafficking legislation, many governments have introduced national initiatives to combat human trafficking. The United States, for example, began implementing anti-trafficking legislation as early as 1910 with The Mann Act, which criminalizes the persuasion, enticement, or coercion of an individual to cross state lines to enter prostitution (Department of Homeland Security). U.S. domestic action to combat trafficking has increased dramatically over the past 15 years. The federal government issued the Victims of Trafficking and Violence Protection Act (TVPA) in 2000, which protects and assists victims of trafficking, issues prevention methods, strengthens prosecution and punishment of traffickers, and provides assistance to foreign countries. The TVPA was reauthorized in 2003, 2005, and 2008 to establish the Office to Monitor and Combat Trafficking in Persons, as well as the President's Interagency Task Force to coordinate anti-trafficking efforts (USSD 2013).

In 2000, the U.S. government also passed the Civil Asset Forfeiture Reform Act, which notifies property owners if their property has been identified in harboring or smuggling aliens. In 2003, the U.S. introduced the PROTECT Act to prevent abuse and sexual exploitation, as abuse is a "common element of child human trafficking" (Department of Homeland Security). The Intelligence Reform and Terrorism Prevention Act of 2004 established a Human Smuggling and Trafficking Center to heighten

integration of U.S. response efforts, as well as to collaborate with foreign governments. The Customs and Facilitations and Trade Enforcement Reauthorization Act of 2009 amends the Tariff Act of 1930 to prohibit the importation of goods into the United States made by forced labor (Department of Homeland Security). These acts facilitate anti-trafficking initiatives in state-to-state relations within the United States, as well as in foreign affairs, such as through trade.

Some governments have sought to combat sex trafficking by tightening scrutiny on immigration and increasing the ability of border control to identify false documents. Certain destination countries in Western Europe have stricter visa requirements for dancers or artists. In 1993, Belgium issued legislation changing immigration requirements for women working under special “artist” contracts, which require the performer to obtain her work permit in person. During the visa process, immigration officials are required to provide visa applicants information about employment rights, as well as a contact list of local NGOs should they need assistance. Switzerland also changed its immigration policies in 1992 to complicate the marriage of foreign women to Swiss men, which was a common tactic for traffickers to avoid obtaining dancers permits for victims (International Organization for Migration 1995, 23–4)

Other national anti-trafficking legislation has sought to decrease the market supply and demand of the sex trade. Some initiatives have focused specifically on diminishing the supply of vulnerable women and girls. As discussed in Chapter 1, women and girls are particularly vulnerable to trafficking in environments where gender discrimination is common. Legislation to combat gender discrimination, such as mandating equal education and employment opportunities, thus serves to combat human

trafficking. It is important to create compulsory education requirements to ensure that both boys and girls have the same access to school and are educated equally on literary and technical skills needed to seek employment. Sending girls to school prevents them from seeking employment abroad at a young age to support their family, and further allows them to build social networks, which limit their vulnerability to being trafficked.

Other national education initiatives have focused specifically on educating citizens about the dangers of sex trafficking. Specific objectives include educating women and girls about the tactics used by recruiters so they can better defend themselves against trafficking. Education about the dangers of trafficking, particularly in impoverished areas, is important as well for parents who may be tempted to sell their children or encourage them to accept an opportunity for employment in the entertainment industry. Similarly, sexual health education initiatives decrease the vulnerability of women. Educating women about the risk of HIV and AIDS encourages those who voluntarily choose prostitution to do so on their own terms, and to assert control over their own sexual health.

Educating citizens about the dangers of sex trafficking increases the likelihood that trafficking organizations or operations will be recognized. Many hotlines have been established to accompany awareness campaigns for this reason. With increased awareness, victims are more likely to be recognized, treated appropriately, and allowed access to legal and social services. This also decreases the market supply, as it reduces the possibility that these victims will be trafficked again.

National legislation can further reduce the vulnerability of women if instituted through a specific gender and rights development lens. Togo has recently introduced

legislation to fight gender violence that “emphasiz[es] economic empowerment of women, allowing them access to land, credit, equipment and training in the agricultural sector” (United Nations Entity for Gender Equality and the Empowerment of Women). Technical Advisor on Migration and Trafficking in India Jean D’Cunha (2002, 7) argues that introducing legislation designed to protect and empower women is necessary to diminish the gender inequalities that perpetuate sex trafficking. Altering patriarchal social structures that promote sex trafficking significantly reduces the vulnerability of women to exploitation.

Other national initiatives have sought to decrease the market demand in the sex trade. Criminalizing prostitution is one way to do this. Criminalization drives prostitution underground, decreasing social acceptance of this institution, and thus decreasing the demand in the commercial sex industry. Customers of low-end prostitutes (who are primarily sex slaves) are typically poorer men who cannot afford to pay for sex with for higher-end prostitutes (who are typically working for themselves). If the demand for commercial sex across society decreases, then the demand for low-end prostitution and sex slavery decreases, as well.

In 1999, Sweden introduced legislation to reduce the demand for prostitution by criminalizing the actual purchase of sex, where the customer is fined, but the prostitute is not punished. While criminalization may encourage law enforcement to penalize the prostitute, Sweden’s initiative of fining the customer treats the prostitute as the victim, and thus complements combating sex trafficking. In the first five years of introducing this legislation, the number of prostitutes dropped 41%. The price of sex dropped as well, indicating decreased demand for prostitution. While voluntary prostitutes in Sweden were

unhappy about falling prices, this made Sweden a less profitable trafficking destination (Kristof and WuDunn 2009, 31–2). Israel is currently discussing implementing a similar method of criminalizing the consumer (Eglash 2012).

Legislation to decrease the demand for sex trafficking, but not prostitution, is also possible through criminalizing sexual relations with underage girls. This relates to rape laws, as sexual relations with girls under a certain age is statutory rape. While sexual relations with minors are criminalized in almost every nation, imposing harsher punishment for these crimes is necessary in combating certain types of sex slavery. Increasing the punishment on consumers of child prostitution serves to decrease the demand of trafficking of minors specifically. Customers purchasing commercial sex will be more likely to ensure that a prostitute is of age if there is a distinct possibility of a serious fine or prison term. Likewise, a customer will be more likely to ensure that a prostitute is not trafficked if there are strict punishments on this as well. By imposing harsher punishments on the customer purchasing underage or trafficked girls, the market demand for this type of prostitution will decrease.

Another national legislation initiative utilizes the opposite response to sex trafficking – legalizing prostitution. Legalization allows states to introduce and enforce standards for prostitutes’ health and working conditions, and to establish a minimum age, discouraging the exploitation of sex workers. This initiative also benefits states’ economies if prostitution is common. The ILO released a report in 1998 which called for sex industries to be “recognized as a legitimate economic sector because they are already ‘integrated into the economic, social and political life’ of countries and ‘contribute in no small measure to employment, national income and economic growth’” (Senate

Committee on Foreign Relations 2003, 3). Instead of forcing prostitution underground (as criminalization does), legalization benefits states economies and allows regulation of the industry.

In Sonagachi, India, a recent health initiative to legalize prostitution seemingly worked to counter sex trafficking. Health experts, backed by the World Health Organization, created the Durbar Mahila Samanwaya Committee, or a union of sex workers to encourage the use of condoms to reduce the spread of HIV. Studies showed that this project successfully increased consistent condom use by 25%, and that less than 10% of Sonagachi sex workers were infected with HIV, compared to 50% infected in Mumbai. This union began to advertise its success to the outside world, offering tours of Sonagachi and explaining that this regulation blocked trafficked women and girls from entering the brothels and allowed unskilled female workers to earn a decent living (Kristof and WuDunn 2009, 29). Worldwide, legalization and regulation of the sex trade has been introduced in twenty-one countries.<sup>15</sup>

Some countries have introduced national legislation to combat human trafficking beyond their own borders. The United States, for example, uses foreign policy to counter human trafficking abroad. Each year, the U.S. State Department releases a Trafficking in Persons (TIP) Report, placing each country on a four-tier scale (Tier 1, Tier 2, Tier 2 Watch List, and Tier 3) based on the extent of the government's efforts to comply with TVPA standards to eliminate human trafficking (USSD 2012, 37). Tiered rankings provide real incentive for foreign governments to not only implement international anti-trafficking language into domestic legislation, but also to address how effective law

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<sup>15</sup> Prostitution is completely legalized in Cote d'Ivoire, Senegal, Austria, Germany, Greece, Hungary, Latvia, the Netherlands, Switzerland, Turkey, Mexico, Panama, Australia, New Zealand, Bolivia, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela (Ivon 2012).

enforcement is in carrying out anti-trafficking initiatives. These rankings have proved somewhat effective in Cambodia, which cracked down on police corruption and developed a task force of government, law enforcement, and international agencies in 2007 because of its TIP ranking (Delauney 2007). Foreign governments have economic incentive to meet U.S. standards, as countries ranked “Tier 3,” the worst ranking, can be subject to economic sanctions, such as withholding or withdrawing non-humanitarian non-trade related assistance, as well as possible U.S. opposition to assistance from international financial institutions (USSD 2012, 44).

### *Structural Barriers to Effective National Legislation*

While many countries have implemented domestic legislation to combat human trafficking, there are many structural barriers to effective enforcement. This is illustrated in the barriers countries face in implementing U.S. TIP recommendations. Even with strong financial incentives (such as loss of U.S. assistance) many countries have struggled with structural barriers such as inefficient or corrupt law enforcement, insufficient funding, or opposition with other laws. Unfortunately, TIP sanctions can even further impair anti-trafficking efforts for these countries. In the summer of 2012, the U.S. Embassy in Quito, Ecuador struggled with this reality when Ecuador was placed on the Tier 2 Watch List for the second consecutive year. A country can only be placed on the Tier 2 Watch List for two consecutive years before being either moved up to Tier 2 or demoted to Tier 3, which will occur automatically if anti-trafficking initiatives have not improved. If ranked Tier 3 next year, Ecuador will possibly be subject to withholding or withdrawing non-humanitarian and non-trade related assistance. The funds in question if



Ecuador receives this rating, however, are those that train and supply police and army units, which are fundamental to disrupting transnational organized criminal networks and trafficking operations. Thus, if Ecuador does not improve its ranking within one year, it is at risk of losing necessary U.S. funding and consequently being forced to take over all of these expenses on its own. The government, which cannot adequately fund these units, will thus face further barriers in effectively implementing anti-trafficking initiatives.

A country's success in combating human trafficking is inherently tied to effective implementation of anti-trafficking legislation and initiatives. National legislation must be enforced in every sector of society. This is particularly true for gendered empowerment legislation, such as that introduced in Togo to decrease the vulnerability of women to discrimination and exploitation. Effective implementation of this legislation is sometimes impaired by local cultural and societal ideals. Just as culture can prevent a country from creating legislation (as is the case with forced marriage of minors in Afghanistan), culture can also inhibit how effectively legislation is introduced. While gendered empowerment legislation can be nominally implemented in any country, women will be treated the same in their home and in the workplace if their social status does not change. Thus, women, regardless of this legislation, will remain vulnerable to exploitation.

Barriers to enforcement are also found in other domestic laws. In the United States, for example, privacy laws prevent police raids without significant evidence and a search warrant. In countries where individual freedom is championed, certain government regulation is highly controversial and can be in opposition to other laws and freedoms. This impairs the implementation of anti-trafficking initiatives. Similar barriers can also occur based on the jurisdiction of the government implementing legislation. In the case of

the United States, the federal government does not have authority over states in terms of trafficking laws. Federal anti-trafficking legislation can only specifically address state-to-state relations or foreign trade affairs. Consequently, state laws regarding trafficking vary across the nation, and not all states have even passed legislation against human trafficking.<sup>16</sup> Anti-trafficking legislation cannot be implemented if these regulations are at variance with other domestic laws or political structures.

Even if the government does have the authority to implement anti-trafficking legislation nation-wide, whether or not this implementation is successful depends on a number of factors. Effective implementation requires significant financial and institutional resources. Resources such as educational programs, job training, employment connections, and health services are needed to prevent trafficking and protect victims. Law enforcement capabilities in investigating and prosecuting trafficking also requires supplying and training police and judicial officers for operations and prosecution. Financial constraints can consequently play a key role in the implementation of anti-trafficking initiatives.

Successful enforcement of legislation relies heavily on the capabilities of the police and the judicial system. Unfortunately, reliance on law enforcement officers often impairs government initiatives because of high levels of corruption in the sex trade. Criminal organizations face tremendous risk if caught, which increases incentives to establish patronage links with legitimate businesses and local law enforcement. Sex trafficking organizations specifically attain marginally high profits, and thus have ample resources to bribe local police officers. Brothels are often upheld by police corruption,

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<sup>16</sup> As of 2013, Wyoming has still not passed legislation criminalizing human trafficking. However, as of January 21, 2013, House Bill (HB) 133, punishing traffickers and providing support for victims, passed the House Judiciary Committee and Representatives are calling for full passage (Polaris 2013).

and many police themselves become customers of sex slaves. Transparency International estimates that human trafficking is a \$32 billion USD industry, and states that it “relies on pay-offs to police, judges, and ministers at all levels” (2011,1). Links to legitimate business and patronage further contribute to the counter-intelligence of the organization, increasing the difficulty of prosecution (Williams and Senova 1996, 30).

Even without corruption, law enforcement is often inefficient in countering this issue specifically. Rath, a young girl who escaped sex slavery in Malaysia with three other girls, tells of how they went to the police, who first tried to “shoo them away,” before arresting the girls for illegal immigration. After serving a year in prison, a Malaysian policeman took Rath to the Thai border, sold her to a trafficker, and she was soon enslaved again in a Thai brothel (Kristof and WuDunn 2009, xiii). Instead of an all-encompassing statewide effort, different law enforcement sectors often work separately, and in prosecution, will arrest the prostitutes instead of the organization. Maack (2008, 6) explains that in countries where prostitution is outlawed, the victims of involuntary sex-slavery are treated as criminals, while the organized sex-traffickers often go unpunished.

Inefficiencies in law enforcement impair the implementation of national initiatives that specifically require effective law enforcement, such as criminalization. Criminalizing the purchase of sex, designed to hurt the customer, as illustrated in Sweden, cannot function without effective investigative and operational ability. Inefficient law enforcement for criminalization can significantly hurt the victim. In a society where voluntary prostitutes are common, and it is socially acceptable for young men to visit brothels, local law enforcement may be inclined to penalize the prostitute instead of the customer. If this occurs, criminalization drives the commercial sex industry

further underground, which can also be dangerous for prostitutes. In such situation, voluntary prostitutes may turn to pimps or johns for protection against law enforcement and gaining insurance of customers, instead of operating on their own. These pimps or johns may use this dependence, or create further dependence through fostering drug addictions or the threat or use of violence, to exploit the girls for money and control their business, and sex workers are more vulnerable to becoming enslaved.

Successful legalization initiatives also require effective law enforcement to check and regulate the market. This is illustrated in the Sonagachi project in India. While the workers union advertised to the world that they were regulating prostitution, this is much different in practice. In terms of health, this project was not as successful as it seemed. While sex workers originally claimed to use condoms all the time, only 56% had used condoms consistently with their last three customers (Kristof and WuDunn 2009, 29). Regulation of prostitution in this project also failed to prevent trafficking. Kristof and WuDunn explain that “anyone can walk through Sonagachi in the evening and see the underage girls” and customers were not “allowed to take them off the premises, presumably for fear that they would flee” (2009, 29).

Even with effective regulation, legalization does not prevent sex trafficking. Prostitution and sex trafficking exist separately and thus regulating one industry does not necessarily affect the other. Voluntary sex work often involves women negotiating in bars, on the streets, and soliciting sex on their own terms, while sex trafficking victims are generally confined to the brothels in which they work. Thus, regulating voluntary sex work in the commercial sex industry does not pose a threat to separately located illicit brothels. Trafficking organizations are accustomed to operating under the radar; so

regulating prostitution (an industry that operates separately from sex trafficking) does not offer these organizations any more risk than does criminalization.

Legalizing prostitution can actually increase trafficking to that nation. Legalization encourages the perception of a country as a viable sex tourism destination, and thus, increases the demand for the commercial sex industry. This occurred in the Netherlands in 2000, when legalization made Amsterdam an internationally recognized center for sex tourism, which in turn made it a viable destination for trafficking. Kristof and WuDunn (2009, 32) compare this to Sweden's criminalization method, explaining, "some traffickers believe that trafficking girls into Sweden is no longer profitable and that girls should be taken to Holland instead." After Germany introduced legalization, sex trafficking into Germany increased significantly. In 2010, the German police chief reported that sex trafficking increased 11% from the year before and over 70% over a five-year period. Not only did forced prostitution of European and African women and children increase significantly, but also legalization did not change the stigma of prostitution, and thus, did not help regulate health or economic conditions for voluntary sex workers. Youngbee (2010) explains that in Germany, pimps and landlords often exploit prostitutes and take the majority of their earnings.

In the developing world, debate on the most effective national legislation, such as the debate between criminalization and legalization, is "mostly just a distraction [because] in poorer countries, the law is often irrelevant" (Kristof and WuDunn 2009, 32). While many states have introduced anti-trafficking legislation, this cannot be implemented without proper resources, a centralized state system, and collaboration

among many different actors. Implementing national legislation often fails to effectively attack criminal networks.

National law enforcement cannot disrupt transnational networks without significant resources and support. Human trafficking is often a transnational operation, encompassing multiple countries of origin, transit, and destination. Criminal networks are also extremely flexible, operating with “fluid networks and functional cooperation,” instead of fixed structures (Williams and Senova 1996, 30). Thus, if a transnational criminal network is at risk in one specific country, it is able to respond rapidly and relocate. Moreover, transnational criminal organizations are increasingly creating strategic alliances with one another, sharing information, experience, and market distribution (Williams and Senova 1996, 31). Farr (2005, 58) explains that profits are already so high in the sex trade that competition among criminal networks is not an issue. Cooperation, instead, lowers the costs and risks of trafficking, and is thus mutually beneficial. The organization of sex trafficking networks and their ability to cooperate with one another creates significant obstacles to law enforcement investigations and operations.

### **Multilateral Cooperation**

Many international actors, recognizing the difficulties of domestic implementation, have increased multilateral efforts to train law enforcement, share intelligence and information, and build up state capacity to combat human trafficking across the world. International actors have also collaborated to protect victims and

prevent trafficking from occurring. This cooperation is fundamental in combating such a complicated transnational network.

Human rights groups, labor unions, and women's groups play a role in this process by lobbying for more protection on workers standards. As a result of this lobbying and international pressure, many individual MNCs, such as Nike, Coca Cola, and more recently, Walmart, are working to ensure better working conditions (such as a minimum wage, minimum age, and standards for workers safety) in their factories. International coalitions have also developed methods to incorporate labor standards in Free Trade Agreements and ensure these standards through a monitoring mechanism by the strengthened Generalised Scheme of Preferences, or GSP+ (Council of the European Union 2012; European Commission 2013). Integrating human trafficking regulations into treaties and agreements among states and corporations considerably increases state accountability to combat human trafficking.

The international community has also increased multilateral efforts to enhance law enforcement capabilities around the world, specifically in high-risk regions. Effective law enforcement is essential in disrupting networks and punishing traffickers. Law enforcement can also seize trafficked women and girls and place them in shelters. Removing these women from the market increases the monetary cost of trafficking and further discourages its occurrence. Law enforcement cooperation, allowing transnational investigations and operations, addresses trafficking in a way individual states cannot. Institutions such as the UN, Interpol, and Europol, as well as individual governments, such as the United States, have sought to counter sex trafficking by enhancing law enforcement cooperation.

International law enforcement cooperation can be traced back to 1848, when there was an increasing desire throughout Europe to keep political agitators in check. Cooperative law enforcement to combat international crime developed soon after this, and was first discussed in a series of police conferences held in Europe from 1899 to 1914. Some of these conferences were held specifically to suppress the “white slave trade,” or the trafficking of European women into prostitution in Arab and Eastern states, a phenomenon that was becoming a growing international concern. In 1902, 16 countries established white slavery offices, each collaborating with one another. In 1923, the International Criminal Police Commission, which later became the International Criminal Police Organization, or Interpol, was established. Interpol functions so it’s 186 member states’ criminal police departments can share criminal records and fingerprint analyses, and utilize a shared communication system to facilitate cooperation. At any time, Interpol’s Secretariat can create ad hoc working groups with officers from the Secretariat, as well as from different member states, combining the expertise of these officers, while also benefitting from Interpol’s status as an independent organization. Increasing cooperation between Interpol and the UN has also aided the fight against transnational organized crime (Madsen 2009, 97–8).

Many other international organizations and agreements are also forming to investigate trafficking and to stop its occurrence. Europol, which exists as the law enforcement of the European Union (EU), facilitates cooperation between EU member states to counter transnational organized crime, such as drug trafficking, terrorism, counterfeiting, money laundering, and human trafficking. Europol, the European Police Office, is better funded than Interpol, and also benefits from cooperation with outside



organizations and countries. Other regional organizations, such as the Union of South American Nations (UNASUR) are currently discussing increased collaboration on training a joint police and prosecution force, as well as implementing an Integrated Care Service to protect victims and witnesses.

Other transnational coalitions have developed to carry out joint operations, such as raiding hotels, brothels, bars, and border points and rescuing victims. In 2002, ten Southeast European police forces launched collaborative Operation Mirage, which searched and raided areas of possible criminal activity, as well as targeted recruitment and transportation of victims. The South Eastern Cooperative Initiative Center for Combating Transborder Crime coordinated police cooperation and provided technical assistance, the International Organisation for Migration aided in coordinating the attack, and local NGOs provided victims' assistance. Two U.S. agencies – the Federal Bureau of Investigation (FBI) and Immigration and Naturalization Service – participated as well, along with other observer states. By strengthening information exchange and border checks, and participating in police raids, in one week, this international police coalition identified 237 women as victims of trafficking, 1762 illegal immigrants, and 293 persons as involved in trafficking organizations (Papanicolaou 2011, 1–3).

International coalitions are also developing to create more efficient legal frameworks for prosecution. Some organizations, such as the American Bar Association's Rule of Law Initiative, are working abroad to enhance prosecution of transnational organized crime. Phil Williams and Ernesto Senova explain that assistance is needed through “establishing the legal framework, training personnel to implement it, providing support to protect the criminal justice system and its members against corruption,

intimidation and violence” (1996, 96). It is important to establish a legal framework that is international in standards and norms, but also adapted to the unique economic, social, and political environment of a country. Implementing these improvements requires bilateral and multilateral cooperation among developed and developing nations. Developed nations, which have adequate resources, can provide assistance in creating a legal framework, training personnel in technical and technological skills, and in weeding out corruption. At the Anti-Human Trafficking Symposium at Georgetown, Award-winning actress Mira Sorvino explains that this training must extend past law enforcement, into “first responders and medical personnel, those in education and janitorial professions, in institutional licensing, and in the travel and hospitality industry,” who also must have the skills to identify trafficking victims and treat them appropriately (2013). Human trafficking is an international phenomenon, which cannot begin to be countered without allowing developing countries resources and support and increasing cooperation.

Senior Lecturer in Criminology at TESSIDE University UK Georgios Papanicolaou explains that transnational policing today does not simply include information and technology sharing, but exists within a broader framework of legal processes. In order to enforce these legal processes, there must also be complementary action to encourage “the emergence of supporting ideas, rationales and policy objectives and the production and application of relevant types of knowledge” (2011, 14). Some regional coalitions, such as UNASUR, are discussing court systems specifically designed for the prosecution of transnational crime (Cisneros 2012).

International cooperation has also increased among states, NGOs, and global businesses<sup>17</sup> for education and empowerment initiatives to reduce vulnerabilities of women.<sup>18</sup> These initiatives, which also occur on the national level, are strengthened by international cooperation of local NGOs and foreign governments, which provide greater networks and resources. Similar to education and awareness, international cooperation can also help women gain skills for economic self-sufficiency. Economic self-sufficiency significantly reduces vulnerability to trafficking. Women seeking jobs abroad from unknown employers place themselves at risk of deception into trafficking. Women working in factories are often subject to sweatshop conditions and human rights violations, and can be vulnerable to debt bondage obligations.

Women who are economically self-sufficient are not only less susceptible to violation by a position of authority (as they are their own economic authority), but also are often empowered to fight against further injustices. It is important to promote economic self-sufficiency as a means of women's empowerment and combating sex trafficking through education and assistance. International support can provide women resources, such as microloan funds, to allow them to start their own business without constraints, such as high startup costs. This assistance must be complimented with educational initiatives about successful business management. International cooperation among developed and developing countries provides necessary financial resources, as

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<sup>17</sup> On September 25, 2012, ManpowerGroup, NXP, ExxonMobil, the Coca-Cola Company, Carlson, Delta Air Lines, LexisNexis, Microsoft, and Travelport joined together in The Global Business Coalition Against Human Trafficking (gBCAT) to fight human trafficking for forced labor and sex trafficking, with an emphasis on the trafficking of children (Kopp and Allen 2012).

<sup>18</sup> The Coalition Against Trafficking in Women (2011), for example, utilizes anti-trafficking programs in schools to educate women and children about actions of recruiters and teaches students prevention and defense mechanisms. This initiative is the primary initiative in their Latin America and the Caribbean offices.

well as technical and development assistance, to high-risk areas to help combat sex trafficking and modern slavery.

### *Obstacles to Success*

While international cooperation provides significant benefits, and multilateral operations are steadily increasing, there are still inherent obstacles to success. This is primarily seen in international law enforcement cooperation. Interpol specifically has issues in its organization. Interpol is vastly underfunded, which inhibits its operations. Additionally, countries generally offer their second rank officials to Interpol's Secretariat, which has unfortunately impaired the leadership of the international police force (Madsen 2009, 98). Interpol also suffers from historically estranged relations with the United States. Congress did not accept Interpol membership until 1938, and J. Edgar Hoover pulled the FBI out of Interpol in 1950 for unknown reasons while he was FBI director. The FBI and Interpol began to restore relations under the leadership of U.S. Attorney General Robert F. Kennedy, and in 1969, a U.S. branch for Interpol, the U.S. National Central Bureau was created. Despite reconciliation, U.S. officials still do not trust Interpol with American intelligence information, and consequently does not place most of its international terrorism cases in Interpol databases (AllGov). Lack of trust among governments makes it difficult for Interpol to operate effectively, and inhibits the fight against trafficking.

Another inherent barrier to international law enforcement cooperation is that the power to arrest and prosecute traffickers remains with the domestic state. There is no international court system in place today to prosecute transnational crime. While the

International Criminal Court provides a means to prosecute international criminals who may be able to escape trial due to national legal obstacles, its jurisdiction is currently only over “the crime of genocide, crimes against humanity, war crimes, [and] the crime of aggression” (UN 1998, Article 5). There is currently no institution to prosecute transnational trafficking organizations that may escape trial on a national level.

The ability of law enforcement to effectively investigate and prosecute sex trafficking is significantly complicated by the structure and operation of the networks themselves. Trafficking networks are not always large-scale organized trafficking rings like the mafia, and instead can be individuals or “mom and pop” operations. In fact, as the market expands, sex trafficking is increasingly being defined by smaller professional groups, or two or three pimps, trafficking a small number of women (Farr 2005, 56–7). The operation of sex trafficking networks through flexible exchanges, as well as the increasing participation of individuals with no previous criminal record and no affiliations to crime, complicates investigations and crackdowns.

The operation of international law enforcement itself is also a problem. International law enforcement relies on local law enforcement to function. This not only provides necessary resources for information gathering, but also in actual operation, it is the only politically viable action. International actors cannot physically operate on the ground in another country due to domestic political opinion and fears of imperialist intervention, and thus action can only be accepted through collaboration with local officials. This, however, can inhibit international law enforcement when local law enforcement is corrupt. This provides a serious obstacle to cooperation and makes surprise attacks nearly impossible.

Unfortunately, corruption is often inherent in cooperation itself. Many international peacekeeping personnel have become involved in sex trafficking networks in conflict zones, aiding already-thriving sex trafficking rings in these areas. These occurrences are more common than one may think. UN International Police Force monitor Kathryn Bolkovac brought this to the world's attention in 2001 by filing a lawsuit against U.S. Company DynCorp, which she had been working for under a UN contract. DynCorp unfairly dismissed Bolkovac because of her discovery and protected disclosure of instances of UN peacekeepers participating in sex trafficking organizations in Bosnia. UN officers in Bosnia were found to have "forged documents for trafficked women, aided their illegal transport through border checkpoints into Bosnia, and tipped off sex club owners ahead of raids" (Kole and Cerkez-Robinson 2001). The image of this reality was later exposed in *The Whistleblower* (Kondracki 2011), a film documenting her story.

Such instances not only perpetuate international corruption and increase difficulties for law enforcement, but also hurt the prestige and local acceptance of international law enforcement officials. UN peacekeepers sometimes aid the transport of girls, and a significant number of them visit illicit brothels. This relationship complicates international police raids. Victims rescued from brothels will be less likely to trust international police forces rescuing them, which became a problem for Kathryn Bolkovac in Bosnia. Corruption impedes cooperation with local NGOs and law enforcement for prevention methods, as well.

While the international community is making significant strides to counter sex trafficking, there are inherent difficulties in regulating the sex trade. International

conventions cannot be effectively implemented in today's state system. National legislation, varying among states to attack the supply, demand, or regulate the sex trade, also faces inherent structural barriers. In response to the difficulties of implementing national legislation and initiatives, many international actors increased multilateral action and support to combat human trafficking. While international cooperation is increasing, the sex trade unfortunately continues to expand, subjecting more and more women and girls to exploitation.

## **Chapter 3**

### **The Sex Trade in Thailand**

The complexities of the international sex trade and the barriers to solving these issues are exemplified in Thailand. Thailand is known throughout the world as a hub for sex trafficking. With some of the highest numbers of reported cases globally, Thailand is uniquely categorized as a major source, destination, and transit country for human trafficking (United Nations Office on Drugs and Crime [hereafter UNODC] 2006 18-20).<sup>19</sup> The government recognizes these realities, and through national and cooperative initiatives, has attempted to address the sex trade on all of these levels. Despite these initiatives, women and girls continue to be trafficked into sexual exploitation. Thailand, with such an expansive market for supply, demand, and transit, illustrates some of the complexities of countering the various aspects of the sex trade on a more global scale.

#### **The Scope of the Sex Trade**

All aspects of the sex trade – a hefty supply of vulnerable women and girls, a thriving demand for commercial sex, and various routes for transporting victims – exist within Thailand’s national borders. The trade of victims into, out of, and through Thailand operates for both national and international markets. Thai women and girls are trafficked to a number of destinations abroad, as well within national borders to domestic destination cities, while foreign women are trafficked into Thailand to further fuel the country’s demands. Thailand also serves as a major transit route for international

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<sup>19</sup> The UNODC (2006, 18-20) categorizes each nation’s frequency as an origin, transit, or destination country as “very high, high, medium, low, [or] very low” based on incidence reporting. Thailand is the only country listed as “very high” in all three categories.





the transport of victims through Thailand. International market factors of supply, demand, and transit overlap, and the global sex trade is categorized by these relationships. By analyzing these routes in Thailand, the complexities of sex trafficking on a global scale can be better understood.

An analysis of the sex trade in Thailand is complicated by the expansiveness of the country's commercial sex industry. Immigration to Thailand for work in its commercial sex industry does not simply occur through exploitation, but often voluntarily for legitimate work opportunities. Due to widespread acceptance of prostitution within Thailand, women may willingly emigrate from Thailand for sex work abroad. Migration for voluntary prostitution is even more common within Thailand's national borders. Most Thai sex workers in cities such as Bangkok or Chiang Mai are not enslaved. Alongside these patterns, however, many women and girls are coerced or deceived and trafficked into forced prostitution. While these migration patterns may occur for similar reasons (such as a lack of economic opportunities in villages or cultural acceptance of prostitution), voluntary migration and sex trafficking occur separately. Recognizing this distinction, the discussion of the scope of the sex trade in Thailand in this chapter specifically deals with trafficking and exploitation.

#### *Thailand as a Source/Origin Country*

Large numbers of Thai women and girls are trafficked internally and abroad each year. Internationally, Thai women are often trafficked to a number of wealthier countries in Northeast Asia, the Middle East, and Europe (United Nations Inter-Agency Project on Human Trafficking [hereafter UNIAP] 2013c). Most identified Thai victims of human

trafficking across the world are found in the sex trade, and in the past year, were discovered in “Bahrain, Japan, Macau, Russia, South Africa, the Maldives, Oman, and Indonesia” (USSD 2012, 338). Thai victims are also subject to exploitation in “Australia, Canada, China, Germany, Israel, Kuwait, Libya, Malaysia, Qatar, Saudi Arabia, Singapore, the Republic of Korea, Sri Lanka, Taiwan, Timor-Leste, the United Arab Emirates (UAE), the United Kingdom (UK), the United States, Vietnam, and Yemen” (USSD 2012, 338). While many Thai victims are trafficked to these international destinations, most are internally trafficked to urban and tourist centers in Chiang Rai, Phayao, and Nong Khai (Kara 2009, 161).

Regionally, Thai victims are commonly trafficked by foot or bus to Malaysia (or further on to Singapore) through Haat Yai or at a sea entry point in the Indian Ocean or Gulf of Thailand. Victims are sometimes trafficked over land borders or across the Mekong River to Myanmar, Lao People’s Democratic Republic (Lao PDR), and Cambodia, though trafficking into Thailand from these nations is more common. Thai women and girls are also trafficked into China either on large cargo ships, or by river from an entry in Chiang Saen. The Bangkok and Chiang Mai airports are used to traffic victims internationally (Kara 2009, 161–5).

Gender discrimination in Thailand has largely increased the vulnerability of women and girls to trafficking and exploitation. The sizeable supply of Thai women and girls into the international sex trade is largely related to the position of women in Thai society. The 2012 Global Gender Gap Report, ranking 135 countries, places Thailand as 65th most equal, with a score of 0.6893. The scores range from 0 (least equal) to 1 (most equal). While Thailand scores favorably in educational attainment (0.9888) and health

and survival (0.9796), significant barriers to equality remain in economic participation and opportunity (0.6990) and in political empowerment (0.0898) (Hausmann, et. al. 2012, 10). Women excluded from economic participation are significantly more vulnerable to exploitation. In a recent survey, 30% of citizens stated they would choose a man over a woman for a job position if both were equally qualified (United Nations Development Programme [hereafter, UNDP] 2010, 96). Without political participation and empowerment, women cannot begin to change these gender inequalities. Thai women fall below the global average (which was 20.3% in 2011) in political participation in the House of Representatives (with 11.7%) and the Senate (with 16%). Women fare even worse in local elections, with only 9% of the seats (UNDP 2010, 96; Inter-Parliamentary Union 2013). Exclusion from economic and political participation increases the likelihood that Thai women will be trafficked and exploited.

Culture plays an additional role to the vulnerability of women in becoming trafficking victims. In the traditional family unit, women are expected to manage family finances. Specifically, the youngest unmarried daughter of a family is responsible for caring for her parents, and in case of the death of the senior male authority figure, the youngest daughter is given the family home (Phongpaichit 1982, 2). Some girls in this position may enter the sex trade willingly out of the “pressure to be ‘good’ daughters” (Kara 2009, 155). While these cultural practices encourage certain women to become voluntary sex workers, they also subject many women to exploitation. The youngest girl in the traditional Thai household may search for employment to support her family and be unknowingly trafficked into the sex trade.

In addition to gender discrimination, poverty plays a key role in leaving women vulnerable to trafficking and exploitation. In the 1990s, the supply of Thai women and girls in the international sex trade was closely related to the faltering Thai economy. After the end of the Cold War, the IMF mandated opening capital markets, and investors and U.S. hedge funds funneled money into East Asia, creating market bubbles in these economies. When the real-estate market bubble burst in Thailand, investors rapidly withdrew their money, selling the Thai baht in exchange for the U.S. dollar. The government of Thailand exhausted its resources trying to keep its currency stable, and the baht crashed 25% on July 2, 1997. The IMF bailout of \$95 billion USD came with interest-rate and privatization policies that brought with them a massive recession and accompanying unemployment (Kara 2009, 28–9).

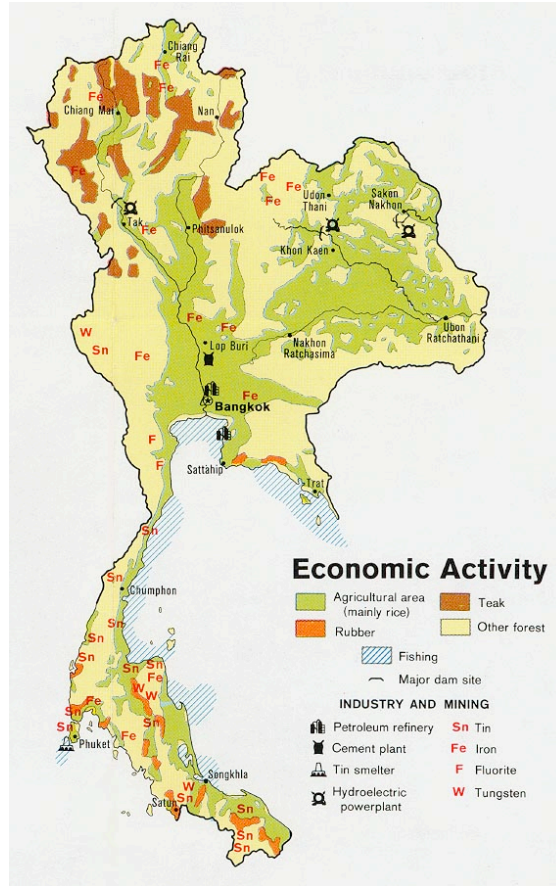
Today, women in rural Thailand face specific insecurities because of higher levels of poverty in these areas. Vast economic disparities exist between northern Thailand and the rest of the country. Geographically, Thailand can be roughly divided into four regions – the South, the Central Plain, the Northeast, and the Northern hill tribe areas. These divisions, and the relationship of these areas with human trafficking, are illustrated in Figure 2. This map of trafficking routes can be compared to Figure 3, which details the economic geography of Thailand.

Figure 2:



Source: UNIAP

Figure 3:



Source: Nation Master 2013.

The South has a similar economy to Malaysia, and tin and rubber industries prosper in this area. The Central Plain economy has likewise flourished after the British encouraged rice production and exportation in the late 19<sup>th</sup> century. As a result, this region experienced rapid urbanization, and developed an irrigation system and marketing towns with communication networks. The Central Plain is now considered the “political and economic heartland of the country” (Phongpaichit 1982, 1).

In contrast, the Northeast, also known as Isaan, is highly populated, but spread over a large amount of land. The population primarily lives in rural villages on small agricultural plots (Gecko Villa 2012). Local social systems and cultures in this region developed separately, with little room for mobility and urbanization (Phongpaichit 1982,

1). Without proper irrigation and communication systems, the harvesting of rice, sugar, pineapple, cotton, jute, and soybeans does not produce sufficient income, and many who live in this area are extremely poor (Kara 2009, 170). Cycles of heavy rains and dry periods exacerbate agricultural shortcomings. Many natives of this area migrate for work, often overseas. Those who migrate more locally return home for the agricultural season, but throughout the year, work elsewhere and send remittances home (Gecko Village 2012).

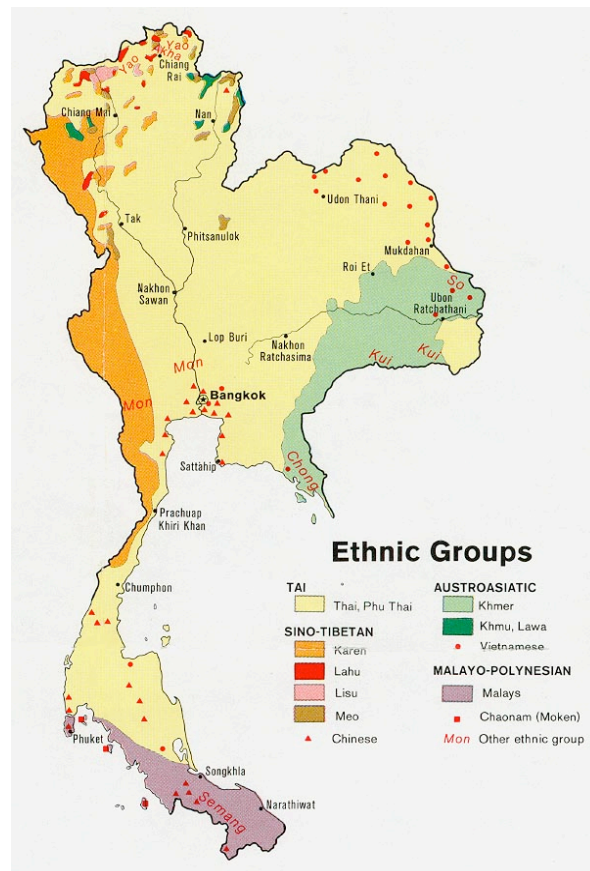
While the North has many differences from the Northeast, Thai economist Pasuk Phongpaichit (1982, 1) explains that these areas are alike in the development of separate local cultures and social structures that have been relatively uninterrupted by prosperity, mobility, and expansion. The North has very little arable land and mostly consists of forest. While teak harvesting in the forest areas was once highly present in Northern Thailand (Figure 3), this has declined significantly due to the depletion of large trees (Gajaseni 1990, 114). These situations will only worsen as climate change further limits resources and affects livelihoods in rural areas, compelling low-skilled laborers to seek work elsewhere (Marks 2011, 239). The economic disparity between Central/Southern Thailand and the Northeast/Northern regions leave these citizens vulnerable to exploitation.

The North is particularly vulnerable to exploitation and trafficking because this area is largely inhabited by hill tribes, and over half of the population does not have Thai citizenship. Most inhabitants are political or economic refugees from neighboring countries, notably Lao PDR, Vietnam, and Myanmar (formerly Burma). There are 3,527 ethnic minority hill tribe villages throughout the 20 provinces of Thailand, affecting



133,070 households and 751,886 people. The largest ethnic group is Karen (46.18 percent), which originated in Myanmar. The Hmong (16.32 percent), originating from Lao PDR and Vietnam, and the Lahu (11.21 percent), from Myanmar, are also significant communities (Fukioka 2002, 3). Hill tribe minorities are excluded from the right to vote and from owning property, as well as from opportunities for education, healthcare, and employment. Without citizenship, these minorities are legally prohibited from leaving home districts, and are unable to search for better economic opportunities to improve their situation. Many seek opportunities abroad, such as in Malaysia or Singapore, where a visa is not required (Marks 2011, 239). The concentration of ethnic minorities in Thailand are illustrated in the map below (Figure 4).

Figure 4:



Source: Nation Master 2013.

The U.S. State Department (2012, 338) recognizes that “foreign migrants, ethnic minorities, and stateless persons” living in Thailand are at the greatest risk of being trafficked due to employers withholding travel documents, migrant registration cards, and work permits. Stateless minorities without jobs are even more vulnerable in migrant villages and hill towns because of widespread poverty and limited opportunities, illustrated in the Karen refugee camps along the Myanmar border (Figure 4). Kara describes these refugee camps as “small towns with no electricity or plumbing,” with “thousands of refugees crammed into tiny bamboo huts” (2009, 171).

Children in these circumstances are particularly vulnerable to exploitation. Parents may sell their child, or encourage their child to accept an opportunity for employment abroad, for the promise of remittances. This system is very common in Thailand, and encourages many poor women and girls to accept employment as dancers or masseuses in the city (which, more often than not, leads to sexual exploitation). The supply of Thai women in the domestic commercial sex industry brings an estimated \$300 million USD in remittances annually to rural villages (Lin Lean Lim 1998, 10). Remittances from Thai out-migrants have also been instrumental in increasing foreign exchange, filling the trade gap, and reducing the domestic deficit (Pasuk 1999, 79). While remittances in the commercial sex industry largely function for voluntary sex workers, they also contribute to trafficking. Brothel owners may send remittances to the families of sex slaves as “payment,” while keeping the victims themselves dependent.

This system of remittances functions in conjunction with sex trafficking because, in East Asia, traffickers are often connected to the families of the victims (UN.GIFT 2008, 24). Most recruitment for sex trafficking in Thailand is carried out by a family

member, friend, or acquaintance. Traffickers who are unrelated to victims but arrive to offer “legitimate” employment opportunities are also trusted in Thailand, because many Thai citizens use private brokers instead of the government-run Overseas Employment Agency. This is common for potential migrants from rural areas, as complicated migration processes generally require several trips to Bangkok, and using a broker circumvents these regulations. Further migration restrictions on ethnic minorities encourage these groups, in particular, to use brokers in seeking employment. While brokers often set up legitimate employment opportunities, they can also facilitate trafficking into exploitation (Pollock 2007, 171–3).

Victims are generally trafficked within Thailand, or to nearby Asian destinations, by individual agents and brokers. More organized Thai criminal groups also function to traffic women and girls to Great Britain, France, the United States, and Australia. These organizations sometimes hire “jockeys” to accompany victims and serve as their translators for immigration inspections (Farr 2004, 66). In Bangkok, there are at least seven crime “families” operating to recruit and traffic Thai women overseas (Farr 2004, 107).

Thai criminal groups are not the only organizations trafficking Thai women abroad. The Yakuza and the Chinese Triads (the Japanese and Chinese mafias respectively) are heavily involved in the trafficking of Southeast Asian women. The Yakuza has particularly close ties with Thailand. After an increase in public criticism of Japanese men visiting Thailand for sex tourism, the Yakuza began to infiltrate Thailand to bring foreign women into Japan (Human Rights Watch 2000). Yakuza members are increasingly marrying Thai women, who manage their brothels in Japan. The Chinese

Triads likewise operate in Thailand, where they buy young girls and traffic them to Australia, Great Britain, Japan, and the United States (Farr 2004, 105).

### *Thailand as a Destination Country*

Thailand is not only the primary destination for many of its own trafficking victims, but is also the destination for many foreign victims. While destination countries are typically rich (such as developed countries like the United States, Australia, or countries in Western Europe), urban and tourist centers in Chiang Rai, Thayao and Nong Kai have uniquely developed as centers for the international sex trade. There are approximately 35,000 women enslaved in brothels in Thailand (Leuchtag 2003).

These cities in Thailand have developed into sex trafficking destinations largely due to their thriving commercial sex industries, in which roughly 500,000 sex workers are employed (Leuchtag 2001). Thailand has a long history of prostitution and commercial sex. Prostitution was legal and taxed by the government during the Ayuddhya period (1350–1767). In the early 19<sup>th</sup> century, prostitution rapidly increased with male-dominated Chinese migration into Thailand. Most prostitutes at this time were Chinese, and Thai prostitutes working in the industry originally adopted Chinese names (although these dynamics changed as more foreigners immigrated to Thailand). The precursor to modern sex slavery is also seen at this time. Many prostitutes were “stationed women,” or women who “were essentially slaves” who worked in houses of prostitution, and could be sold by owners (Boonchalaski and Guest 1998, 130). When slavery was abolished in 1905, some of these freed women voluntarily became prostitutes.

While prostitution was outlawed in the 1960s, the commercial sex industry has grown exponentially since that time. This is often attributed to foreign involvement in Thailand. Many U.S. military bases were established in Thailand and U.S. soldiers frequently visited Thailand on Rest and Recreation from the Vietnam War, which spurred the creation of thriving markets to serve “the sexual demands of military men” (Barry 1995, 126). After the American military withdrew from Vietnam, many destination cities, such as Pattaya and Bangkok, maintained their entertainment industries through tourism (Boonchalaski and Guest 1998, 133–4). Sex tourism continues to be a highly profitable industry today, and Western men visit Thailand for exotic sex workers. The Thai sex worker is seen as “a nurturer and sensual Oriental,” and is described as having a “tenderness” Western prostitutes lack (Seabrook 2001, xiv, 3). Many Western men have developed long-term involvements with Thai women, and have become regular visitors to or residents of Thailand for this reason. Sex tourism is not unique to Western men, and many Japanese and Middle Eastern men also visit Thailand on “package sex tours” (Crossette 1987).

Because of this tourism, the government largely accepts prostitution, despite the fact that it is illegal. Some experts, such as Lin Lean Lim (1998, 10), argue that certain government policies, such as those promoting tourism, actually encourage prostitution. The sex sector represents a large portion of Thailand’s GDP and fuels much of its tourist industry. Government tolerance increases national acceptance of this culture of prostitution, which further expands the industry.

Some have argued that Buddhism contributes to the development of this culture of prostitution, as well. Buddhist cultures view society in hierarchical terms, where

individuals are born with a social status proportionate to the karma accrued in their past lives. In this social hierarchy, men are commonly perceived to be superior to women, who are inherently born with the capacity for sexual misconduct, or the ability to cause lust. Women, as “activators of desire,” have taken on a negative connotation in Thai society, whose Buddhist values entail the elimination of desire (Seabrook 2001, 80). Because women are seen as the activators of lust, men can lust without consequence, feeding into a cultural acceptance of prostitution.

The historical, political, and cultural acceptance of prostitution has facilitated a large commercial sex industry in Thailand. This acceptance brought significant voluntary sex work to Thailand’s major cities, tailored to foreign tourist demands. Many women work in Thailand’s sex industry for a stable job where they can send remittances home for their family. Others enter this trade for the prospect of upward mobility, such as finding a foreign man to marry (Seabrook 2001, 80). Voluntary prostitutes often work in sex bars, such as those in the Patpong region of Bangkok, where they may perform and serve drinks, while also negotiating with clients on prices for sex. Sex is almost always transacted in the client’s hotel or another offsite location (Kara 154–5).

The same cities with large markets for sex tourism also contain separate markets for trafficking and sexual slavery. Further from centers of visible sex tourism, there are countless sex slaves “imprisoned at the lowest rungs of the Thai sex industry, where sex services [are] provided at bargain-basement prices” (Kara 2009, 156). Victims are often locked into brothels, and the sex must be transacted onsite to prevent their escape. Clients negotiate with an owner or madam, and “payment” is not given directly to the victims, but is instead factored into their debt or sent as remittances to their family.

These exploitative industries are encouraged by the cultural acceptance of sex work and tourism. While the markets for prostitution and sex slavery are related in this way, the actual demands for these industries remain separate. In contrast to the wealthy foreign men who frequent the sex bars of Patpong, the clientele in illicit underground brothels are overwhelmingly local Thai men who cannot afford high-end prostitution (Kara 2009, 156). In the poor areas that house these brothels, an increase in relative poverty stemming from globalization and free market capitalism has expanded the market for sex slavery. Demand for sex slaves has further increased as laborers have been shipped to East Asia to facilitate relatively recent booms in construction (Mutch 2007).

Regional economic instability has contributed to Thailand's position as a sex trafficking destination. After the collapse of the Soviet Union and subsequent IMF social intervention, the rural areas of Thailand were particularly affected, along with the whole of Myanmar, Lao PDR, and Cambodia, which all experienced increases in poverty unmatched by Thailand's urban centers. Women in these rural areas became significantly more vulnerable to being trafficked into "Thailand's relatively more stable economy," particularly evident in cities such as Chiang Mai and Bangkok (Kara 2009, 29).

Women and girls are trafficked into exploitative markets from within Thailand, as well as from neighboring countries. Many Burmese women are trafficked from Myanmar through land entry points in Mae Sot, Mae Hong Son, Mae Sai, and Ranong, or across the Mekong River, such as in Mae Sai, the Golden Triangle, and Chiang Sean (Kara 2009, 162). The majority of foreign trafficking victims in Thailand are from Myanmar (USSD 2012, 338). Similar to trafficking from Thai villages, women are often lured into Thailand for better employment opportunities by a family member, friend, or

acquaintance, and then pressed into the sex trade (Human Rights Watch 1993). Police Captain Yin Yin Ae, Head of the Anti-Human Trafficking Division in Myanmar's Tachilek, explains that women and girls may leave their homes to be voluntarily smuggled into Thailand for economic opportunities, but upon crossing the border, are sold to Thai agents, who "lock them up and beat them in a bid to force them into the flesh trade" (Bai-Ngern and Waharak 2012). As Thailand's economy is steadily improving, opportunities for work in certain cities, such as Chiang Mai and Bangkok, attract many poor citizens in neighboring countries, and these poor citizens are vulnerable to trafficking and exploitation.

Laotian women are trafficked either across the Mekong from Vientiane, at entry points of the Golden Triangle, Beung Kan, Nakhon Phanom, or Chong Mek. Laotian women also enter Thailand over land west of Chiang Khan. Cambodian women are trafficked through land entry points in Aranya Prathet, Hat Lek, and the Gulf of Thailand in Rayong, Pattaya, and Samut Sakhon. Chinese women are trafficked into Thailand through a river entry from Chiang Saen. Victims from Uzbekistan and Fiji are also found in Thailand (Academy for Educational Development 2006). Furthermore, Nigerian sex slaves are also increasingly trafficked into street prostitution in Thailand, either directly from Nigeria or from previous markets in Western Europe. Nigerian prostitutes are in high demand, and are "priced as exotic," costing nearly twice as much as Thai prostitutes (Kara 2009, 157–162).

Victims are often trafficked by organizations from their country of origin. The Nigerian mafia, for example, operates in Thailand trafficking Nigerian prostitutes. Nigerian sex trafficking organizations often have a female agent, known as a "mama,"



operating in the destination country to receive new girls, organize business, and collect profits (Farr 2004, 116). Generally, foreign criminal groups cooperate with Thai criminal agents, utilizing relationships with immigration officials to bring victims into Thailand.

### *Thailand as a Transit Country*

In addition to being a significant source and destination for the global sex trade, Thailand also operates as a transit country for traffickers. Victims from Myanmar, China, North Korea, Pakistan, and Vietnam are often trafficked through Thailand to destinations in Indonesia, South Korea, Malaysia, Russia, Singapore, the United States, and countries in Western Europe (USSD 2012, 339). Factors contributing to the transit of sex slaves through Thailand are inherently related to the country's large supply and demand.

As illustrated in the map below (Figure 5), Thailand is centrally located for many major trafficking routes to Australia, Indonesia, Japan, and Europe. Many routes not illustrated in Figure 5 operate through Thailand, as well. Thailand borders Cambodia, Lao PDR, and Myanmar to the north, all of which are source countries for trafficking. These countries have recent histories of political and economic instability, which has enabled a large supply of vulnerable girls in this region to be trafficked through Thailand. Malaysia, bordering Thailand in the south, is a popular destination country for trafficking. Thailand also has many seaports, which are used for outward trafficking to fuel demands east in Indonesia or Russia. These regional economic disparities contribute largely to Thailand's role as a transit country for trafficking.

Figure 5:



Source: PBS 2003.

Transit countries are not chosen simply for geographic location, but also for ease of travel for criminal organizations. Victims are likely to be trafficked through countries with weak border controls and corrupt or inefficient immigration officers (Advocates for Human Rights 2005). In Thailand, police rarely stop cars or foot traffic at the border and simply require twenty baht<sup>20</sup> per girl to cross into the country (Kara 2009, 162). Another factor contributing to the transportation of victims through Thailand is that Thailand's thriving sex industry allows organizations to force victims to work temporarily en route to their destination countries. In fact, most trafficking victims are moved from brothel to brothel and do not stay at their initial destination long (Human Rights Watch 1993). Regional economic disparities, geographic location, inefficient law enforcement, and high levels of prostitution contribute to Thailand's role as a transit country.

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<sup>20</sup> As of March 2013, 1 Thai Baht is approximately equal to \$0.03 USD (CoinMill 2013).

## **Current Initiatives**

To function, the sex trade relies on a supply of vulnerable women, demand for sex slavery, and ease of transporting victims. These aspects of the trade are clearly evident in Thailand. As a result of these market factors, Thailand services domestic and international markets. Countering the sex trade requires addressing these major market factors.

Countering sex trafficking is inherently related to the regulation of migration, labor, and prostitution. Individually, a nation can only address the factors in its own domestic control: countries of origin can tighten emigration restrictions on certain jobs or diminish the supply of vulnerable women; countries of destination can reduce immigration of trafficking victims, reduce domestic demand, and make it more difficult for exploitative prostitution; and transit countries can increase border controls and checks. However, without addressing all aspects of the trade it is impossible to truly combat sex trafficking.

The majority of trafficking in Thailand occurs within domestic markets, leaving the government in the unique position to address a large portion of its sex trade. The government has introduced a number of initiatives to counter all aspects of the sex trade – decreasing the vulnerability of victims to trafficking, reducing domestic demand, introducing further risks and restrictions for exploitative prostitution, tightening border controls, and addressing transportation of victims. The government is also increasingly collaborating with UN organizations, NGOs, regional coalitions, and other countries to more effectively address each aspect of the sex trade. National and cooperative initiatives addressing Thailand as a source, destination, and transit country for trafficking increases

the government's ability to disrupt internal trafficking as well as reduce Thailand's position in the global market for commercial sexual exploitation.

### *Thailand as a Source for Trafficking*

Thailand is a major source country for trafficking, and Thai women and girls are trafficked internally, as well as all over the world. To limit this, the government has used legislation to penalize certain types of migration for prostitution. The Prevention and Suppression of Prostitution Act, B.E. 2503 (1996) criminalizes any individual who "procures, seduces or takes away any person for the prostitution of such person," subjecting the offender to a 1 to 10 year term imprisonment and a fine of 20,000 to 200,000 baht (1996, Section 9). If the person taken for prostitution is a child between 15 and 18 years of age, the offender is subject to a 5 to 15 year imprisonment and a fine of 200,000 to 400,000 baht. If the child is under 15 years of age, the offender may be subject to a 10 to 20 year term of imprisonment and a fine of 200,000 to 400,000 baht.

The Prevention and Suppression of Prostitution Act further penalizes parents for encouraging this activity. Parents who are aware that a child under their parental control is being procured or taken for prostitution are subjected to a 4 to 20 year term imprisonment and a fine of 80,000 to 400,000 baht (1996, Section 10). Any parent who "connives at the prostitution of the person under his or her parental control," is subject to possible revocation of his or her parental power (1996, Section 13). This act attempts to limit the sale of children into prostitution, which is common in Thailand.

The government has also sought to address the insecurities of stateless individuals living in Thailand. Migrant workers who have entered Thailand illegally from Myanmar,

Cambodia, and Lao PDR have, since 1996, been able to register for work permits until their deportation through the National Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers Program. With these permits, migrants in search of employment are less likely to be trafficked and exploited by brokers. In addition, work permits provide benefits, such as access to the National Health Service, and the right to join worker trade unions (USSD 2012, 341; Pollock 2007, 178).

The government has increased cooperation with the international community to further address the vulnerability of ethnic minorities and stateless individuals residing in rural hill towns to trafficking. The government recently offered citizenship to any hill tribe person who could prove residence in Thailand since 1982 (Kara 2009, 171). Government agencies, UNIAP, and the Culture Unit of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) have collaborated to assist ethnic minorities in meeting national policies to register for citizenship (UNESCO 2012a). Without citizenship, ethnic minorities are significantly more likely to seek employment opportunities from brokers, and therefore are more likely to be trafficked and exploited in this way.

UNESCO has also introduced educational initiatives in these regions to further reduce minority susceptibility to trafficking and exploitation. One project recently used a soap opera to show dangers of sex trafficking and of HIV/AIDS. Soap operas are scripted in minority languages and broadcast to regions where these minorities are present. This international initiative was successfully used in Thailand to target the Hmong (UNESCO 2012b). Awareness initiatives are important means to limit vulnerabilities, and thus, to reduce the supply of victims. Some organizations have similarly sought to educate

citizens on the dangers of trafficking by providing counseling, advocacy, and pre-departure sessions to future migrants (Pollock 2007, 198).

Other NGOs in Northern Thailand target hill tribes with broader education initiatives. Save the Children UK, for example, focuses on education, vocational training, and facilitating the creation of youth groups. Additionally, NGOs in the Northeast promote vocational training and education to encourage women to seek employment in weaving, basket-making, organic culture, and fishing (Pollack 2007, 176–7). Education and vocational training initiatives allow low-skilled workers increased access to employment opportunities, and thus decrease their vulnerability to trafficking. The government has further worked to create child protection networks and projects to alleviate regional poverty through micro-credit loans (UNIAP 2013b).

### *Thailand as a Trafficking Destination*

While the government has addressed Thailand as a source country for trafficking, the majority of legislation introduced has sought to limit trafficking into Thai cities. Legislation introduced to address trafficking, such as the Prevention and Suppression of Prostitution Act, is often best executed in the trafficking destination. This is illustrated in the Measures in Prevention and Suppression of Trafficking in Women and Children Act, BE 2540 (1997), which seeks to prosecute domestic and foreign trafficking offenders for trafficking into Thailand. The act specifies that in situations where foreign trafficking victims may be repatriated before the trial, authorities may require victims to testify immediately. Their testimony, which is recorded in privacy with specialty equipment, can be used as evidence in trial even if the victim is not present. The Department of Special

Investigations (DSI) has also increased the number of staff in its anti-trafficking unit from 12 to 25 officers (USSD 2012, 339). The expansion of this unit, as well as introducing the Prevention and Suppression of Prostitution Act and the Measures in Prevention and Suppression of Trafficking in Women and Children Act, primarily addresses trafficking into Thailand, as law enforcement is more able to investigate and prosecute trafficking offenders once the victim is at the destination.

The government has introduced further initiatives to limit Thailand's role as a destination for sex trafficking by addressing the specific exploitations that occur there. While prostitution in Thailand is technically illegal, it is so widespread and widely accepted that the government has primarily sought to regulate instead of criminalize the commercial sex industry. Regulation attempts to limit exploitations and separate sex trafficking from voluntary prostitution. The Prevention and Suppression of Prostitution Act criminalizes the detainment, confinement, use of or threat of violence, or depriving liberty in person to compel an individual to engage in prostitution. Offenders are subject to a prison term of 10 to 20 years and a fine of 200,000 to 400,000 baht (1996, Section 12). Harsh criminalization of exploitative prostitution dramatically increases the risks for criminals involved in this trade.

The Criminal Procedure Amendment Act, BE 2542 (1999) expands the power of law enforcement to address exploitations. A witness of exploitation may testify before leaving the country (if necessary), and this testimony may be used in trial. The Child Protection Act (2003) specifies law enforcement procedures for child victims. Under this act, police have increased authority to enter a place where a child is held illegally or is

being abused. Expanding legislation and authority of law enforcement to address exploitations increases costs and risks for trafficking organizations.

The government has also sought to limit trafficking into Thailand by reducing the demand for sexual slavery. Legislation has primarily focused on separating voluntary prostitution from trafficking and sexual slavery, primarily for children. The government uses processes to severely penalize any individual who has sexual intercourse with a child under 18 years of age in a house of prostitution. If the child prostitute is over 15 but under 18 years of age, the customer is liable for 1 to 3 years in prison and a fine of 20,000 to 60,000 baht. If the child is under 15 years of age, the customer is liable to 2 to 6 years in prison and a fine of 40,000 to 120,000 baht (Prevention and Suppression of Prostitution Act, B.E. 2503 1996, Section 8). Thai policies to diminish child prostitution further penalize law enforcement failing to enforce these policies and regulations (UNODC 2008, 62). As part of policies to combat child sex tourism, the government has used awareness campaigns to address its demand, and recently extradited a suspected pedophile to the United States (USSD 2012, 342). Attacking the demand for child prostitution, and imposing harsh measures on brothels where forced and child prostitution occurs, decreases profits while drastically increasing the costs and risks of exploiting children.

In addition to measures to combat sex slavery within the country, the government has also sought to decrease the forced migration of foreign victims into Thailand through cooperation with source countries. A Memorandum of Understanding (MoU) between Thailand and Cambodia on Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003) identifies vocational training,



education, employment, and social services as necessary for prevention. Addressing these factors in Cambodia significantly limits victims' vulnerability to being trafficked into Thailand. Government representatives of Thailand have also been increasingly working to encourage the Myanmar government to strengthen their migration procedures and ensure registration of foreign workers (Mekong Migration Network 2013). Thailand has also signed a MoU with Lao PDR on Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005) strengthening cross-border efforts preventing trafficking, as well as protecting foreign sex trafficking victims, and assisting with repatriation and reintegration (UNODC 2008, 163). Thailand has also increased initiatives to limit the trafficking of children into sex tourism through the creation of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), established among Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam in 2004 (UNIAP 2013a; 2013b).

As a destination country, Thailand has a responsibility to support victims and prevent victims from being further trafficked. Thailand has sought to protect victims through cooperation among police, lawyers, social workers, interpreters, and NGOs. Efforts include identification, rescue, rehabilitation, and reintegration, as well as assistance in psychosocial health, physical healthcare, education, and legal procedures (UNIAP 2013b). The government has established shelters, such as Baan Kredtrakarn in Bangkok, to protect victims. These shelters offer counseling and other services to victims, as well as assistance in repatriation and reintegration of non-Thai nationals (UNODC 2008, 385). In 2011, 392 foreign victims received assistance in these shelters.

The government has also trained 49 translators to respond to inquiries on anti-trafficking hotlines made in foreign languages (USSD 2012, 340-2).

### *Thailand as a Transit Country*

To limit the ease of trafficking in Thailand, the government has increased the capacity of border control and law enforcement. Thailand has cooperated with the Myanmar Border Coordination Centre Against Human Trafficking in the Kawthaung province of Myanmar (opposite of Ranong) to limit human trafficking and illegal immigration. After the government of Thailand raised the minimum wage to 300 baht/day on January 1, 2013, cooperation between Thailand and neighboring countries has increased dramatically. In January 2013, Thai border authorities stopped cross-border trafficking of 307 victims and seized 15 pickup trucks – a dramatic increase from previous years (Bernama 2013).

Thailand is primarily a transit country for regional trafficking, and has attempted to address this trafficking with regional cooperation. The Bangkok Declaration on Irregular/Undocumented Migration (1999) proposed reduction of regional trafficking and cooperation among signatories in penalizing and prosecuting offenders. The Association of South-East Asian Nations (ASEAN) first addressed trafficking in the Declaration Against Trafficking in Persons, Particularly Women and Children, which calls for member states to address trafficking in persons as permitted by domestic policies (Pollock 2007, 180–1).

Thailand also signed a MoU with Cambodia, China, Lao PDR, Myanmar, and Vietnam on Cooperation Against Trafficking in Persons in the Greater Mekong

Subregion (2004), which committed states to adopt anti-trafficking legislation, strengthen law enforcement and criminal justice cooperation to enhance victim identification and response (UNODC 2008, 160). This MoU illustrates increasing cooperation among states to provide one another the necessary training, resources, and support for national law enforcement agencies to counter trafficking.

Law enforcement cooperation further developed in this region with the ASEAN Chiefs of Police Conference, held in May 2005. Thailand, along with nine other countries, adopted resolutions to improve information-sharing on transnational criminal organizations and enhance border control cooperation (UNODC 2008, 166). Thailand also receives substantial law enforcement assistance from Australia. The Australian Federal Police Law Enforcement Cooperation Program established a transnational crime team in Thailand and established the Pacific Transnational Crime Network to increase cooperation (UNODC 2008, 170). Australia's focus on combating trafficking in this region, thereby limiting the possibility of victims reaching Australia, illustrates the need for international cooperation to combat the global sex trade.

Cooperation has also served to address issues of regional migration, which can also decrease international trafficking through Thailand. The Mekong Migration Network, a cooperation of NGOs, academic institutions, and various government officials, is one such example of these cooperation efforts. The Mekong Migration Network addresses key issues such as the arrest, deportation, and detention of migrants (Pollock 2007, 176). Thailand is increasing cooperative response to address regional economic, political, and social disparities, which contribute to the prevalence of trafficking.

## **Impact of Legislation**

Despite the breadth of legislation recently introduced, initiatives thus far have been largely unsuccessful. Thailand is currently on U.S. State Department's Tier 2 Watch List for the third consecutive year, and has only not been downgraded to Tier 3 because the government has drafted a plan that, if implemented, "would constitute making significant efforts to meet the minimum standards for the elimination of trafficking" (USSD 2012, 338). As the government has not been able to effectively implement current anti-trafficking initiatives, the possibilities of this plan being successful remain questionable.

### *Local Vulnerabilities Remain*

Weak enforcement of anti-trafficking legislation is inherently related to a lack of effective structures to counter trafficking at the source. The ability of the government to recognize trafficking at the source is inhibited by the prevalence of independent brokers arranging emigration and work visas. Without direct contact with potential emigrants, the government is less able to track emigration and ensure that employment is legitimate. Because the government often cannot recognize trafficking through control of emigration, law enforcement cannot address trafficking until the destination, where exploitations occur in a stable setting, such as a brothel, which law enforcement can monitor and prosecute. Consequently, the government's ability to address Thailand as a source of trafficking is limited to internal trafficking.

While structural barriers occur in addressing and prosecuting the act of trafficking, the government has also sought to limit Thailand as a source by decreasing

vulnerability to trafficking, particularly of migrants of Myanmar, Cambodia, and Lao PDR residing in Thailand. Unfortunately, however, the continued presence of inefficient and corrupt officials has left many of these individuals vulnerable to arrest and deportation. Ministry of Labor policy not to deport the 200,000 migrant workers displaced by flooding and working outside of their permit zone in 2011 was never implemented, and authorities detained and deported many of these migrants. Police have been reported to extort money and sex from migrants detained for immigration violations. Police have even been reported to assist in trafficking while deporting foreign migrants. Reports have indicated that Thai officials have deported Burmese men, women, and children directly to the Democratic Karen Buddhist Army for forced recruitment, unless payoffs can be provided (USSD 2012, 340; UN Office of the Special Representative of the Secretary-General for Children and Armed Conference 2012).

Government policies to decrease the vulnerability of migrants with temporary work permits through the National Verification and Granting an Amnesty to Remain in the Kingdom of Thailand to Alien Workers Program have also failed. There are many costs and fees associated with work permits, complicating the process of obtaining them (USSD 2012, 342). Work permits only allow foreign workers to seek employment in a certain province and industry, restricting their mobility. Moreover, many employers hold the work permits of foreign workers and give migrants a receipt to prove legality. Police, however, can confiscate these receipts and treat the migrants as illegal (Pollock 2007, 182). Laws granting citizenship to ethnic minorities who are long-term residents in

Thailand have such strict requirements that the majority of ethnic minorities do not qualify.<sup>21</sup>

NGO educational and job training initiatives have not been effective either. Different organizations often have diverse views of trafficking and how to decrease victims' vulnerability. World Vision, a Christian charity, approaches human trafficking through rescuing victims, while EMPOWER promotes the rights of sex workers (Pollock 2007, 176–7). The collaboration of NGOs across borders can likewise raise concerns in repatriation. In one case, Thai authorities repatriated trafficking victims to Myanmar and Thai officials claimed that the local NGO used across the border was a center for brokers (Pollock 2007, 189).

#### *Inefficient Enforcement and Continued Demand in Cities*

While the government theoretically has the appropriate legislative structures to address sex trafficking in the destination, ineffective enforcement of this legislation impedes its success. The Royal Thai Police investigated 67 cases of sex trafficking during 2011. Out of these 67 cases and 16 cases of forced labor, police obtained 12 convictions (USSD 2012, 339).<sup>22</sup> Corruption in law enforcement further impedes effective regulation, as well as police raids of brothels. Many police have been reported to accept bribes to protect brothels with trafficking victims. Police sometimes even assist in trafficking while deporting foreign migrants.

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<sup>21</sup> The government's new citizenship policy required minorities to prove that they had resided in Thailand since 1982 through their appearance in all government censuses since that time. Censuses occurred every 5 years, significantly limiting the number of individuals who qualified for citizenship (Kara 2009, 171).

<sup>22</sup> Two of the 12 convictions were confirmed as sex-trafficking cases, while the government did not provide information on the other 10 cases to determine the nature of trafficking (USSD 2012, 339).

Corruption is not only inherent among police accepting bribes from brothels, but also in the political system as a whole. Clientelism, which is a fundamental issue in Thai politics, plays a role in the lack of government crackdowns (Marks 2011, 247). The relationship between the public and private sector has increased because of political instability and the frequency of military dictatorships; business decisions have significantly influenced policymaking (Gobol and Andersson 2011, 22). While the government has legislation in place to attack exploitative industries, clientelism severely restricts the government's ability to truly attack this industry.

The legislation is itself also inherently ineffective. Legislation introduced to separate voluntary and exploitative sex work, severely punishing and reducing the latter, is complicated by the difficulties in differentiating between trafficking victims and voluntary sex workers. Incompetence in victim identification encourages law enforcement to treat victims as criminals (USSD 2012, 342). This can also have the opposite effect, and authorities may “rescue victims” as a façade for deporting foreign migrants. Sex workers put in rehabilitation centers lose pay while held in these centers, and then are repatriated back to their home country, without compensation for losing their jobs. Law enforcement often cooperates with NGOs for victim-identification and response, which may further complicate identifying victims because various NGOs view exploitations differently from one another and from authorities.

Due to complications in identifying victims, Thai legislation has focused on the exploitation of children into the commercial sex industry, as minors brought into this industry are internationally recognized as trafficking victims. This legislation, however, may result in the mistreatment of trafficking victims over the age of 18. This was

illustrated in 2000, when American NGO International Justice Mission suspected that the Burmese women working in Barn Rom Ten brothel in Chiang Mai had been trafficked, and Thai authorities responded with a raid. After the raid, women were divided based on their age: those under the age of 18 were taken to a makeshift government shelter in the Boys Home in Chiang Mai, while those over 18 were held in a police cell with no information and no support, even though police recognized the women as victims (Pollock 2007, 187–9).

These same factors play a role in policies to decrease the demand for commercial sexual exploitation. The culture of prostitution in Thailand complicates the ability of law enforcement to penalize the customer. In Thailand, 73% of men purchase commercial sex (Hughes 2007, 20). Because this is so common, Thai officials are reluctant to prosecute the customer. Local law enforcement has even been reported to take bribes to protect brothels with child sex trafficking victims, and while DSI is currently investigating three cases, no disciplinary action has been taken against these officials thus far (USSD 2012, 340).

The ability of law enforcement to protect victims is severely limited. Structural barriers inhibit the response of law enforcement. Government call centers, designed to assist and protect victims, are decentralized and thus are largely ineffective (USSD 2012, 342). When the government is able to recognize victims, the response is generally to place victims in government rehabilitation centers, which are incredibly restrictive. Rescued trafficking victims are prohibited from leaving shelters and are not given migration documents. Vocational training is only available for traditional women's roles, such as sewing, dressmaking, hair cutting, flower arrangement, weaving, and massage



techniques. Often, staff at these shelters cannot speak the languages of the trafficking victims. Contacting victims' families can be a lengthy process in areas where the local population may be suspicious of authority, and repatriation can take years (and even longer if there is a criminal case against the trafficker). Girls held at the Boys Home in Chiang Mai after the Barn Rom Ten raid stated that they felt isolated and lonely while being held in the makeshift rehabilitation center for over a year (Pollock 2007, 189–192). While the Thai government has many legislative and enforcement structures in place to protect victims and address trafficking and sexual exploitation, structural barriers and inefficient enforcement impairs the success of these initiatives.

#### *Undisrupted Transport and Continued Regional Trafficking*

While there have been recent efforts to tighten border security, it is impossible to reduce trafficking through Thailand if regional supply and demand remains high. While cooperation to counter trafficking is increasing, the key issues of trafficking and why it occurs have not been addressed. During the 1980s and 1990s, the authoritarian governments of Burma and Lao PDR refused to discuss migration to avoid negative attention on the reasons citizens would migrate. Instead, officials collaborated to address trafficking, as trafficking involves the intervention of a third-party, and is thus not a reflection of domestic policies. Because of these policies, discussions addressed trafficking simply as a reflection of brokers and criminal gangs, instead of as a reflection of economic, political, and social issues (Pollock 2007, 176). While cross-border collaboration to limit the transport of criminal gangs is important, it is also necessary to address these fundamental contributing factors to trafficking.

Certain regional insecurities are actually increasing. Human smugglers profit from violence, and transport victims in dangerous and exploitative conditions. Continuing sectarian violence in Myanmar between Rohingya Muslims and local Buddhist community has resulted in 200 deaths and the displacement of more than 120,000 people thus far. During two raids in Southern Thailand during January 2013, immigration police discovered 700 Rohingya Muslims. These migrants, without registration, are extremely vulnerable to exploitation. Moreover, UN and Thai authorities have stated that human smugglers are significantly increasing the number of refugees from this violence into Thailand. Rohingya sometimes pay \$3,000 USD per person for transport into Thailand, or even more for transit to other countries. Without money, these refugees are subject to debt bondage obligations. Thai authorities with relationships to traffickers may even contribute to this (Robinson 2013). It is impossible to combat trafficking into and through Thailand if regional insecurities continue to exist.

In Thailand, the government has addressed supply, demand, and transportation of sex trafficking victims within its own domestic borders, as well as within an international context; however, substantial barriers to success remain. Corruption, protectionism, and failure to effectively implement legislation occurs not only at the local level, but at every level of government. Often, the government will introduce legislation out of political pressure, but not enforce its implementation. For instance, though prostitution is illegal, criminalization is not enforced, and in some ways, prostitution is actually encouraged in government policies (such as those to promote tourism).

These contradictions are found in the relationship between government and private businesses. The promotion of tourist industries resulted in “the active

participation of multiple actors, including hotels, restaurants, and tour operators” within the public sphere (Doner 2009, 111). The tourist industry is in many ways connected to the commercial sex industry, specifically sex tourism. Allowing increased participation of private actors in government has impeded the successful implementation of existing legislation that would hurt these private industries.

The domination of private business interests in politics has also contributed to the government’s failure to implement certain legislation. Thailand, for example, is not a party to the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (UNTC 2000). Political economy expert Richard Doner (2009, 72–3), measuring institutional capacity on ability to consult, monitor, and make credible commitments, argues that there are significant inefficiencies in the processes of introducing legislation within Thailand’s government.

Consultant for Rockefeller Foundation’s climate change programme in Thailand Danny Marks (2011, 250) argues that the relationship between the public and private sphere has created a political and economic model that hinders the government’s ability to respond to collective action problems. Specifically, Marks (2011) refers to the inability of the government to respond to climate change because of lack of financial incentive. The relationship between the public and private sphere is even more of a barrier in terms of countering the sex trade. Not only do financial constraints impede the introduction of anti-trafficking legislation, but also the government’s interest in protecting big business may unintentionally protect the country’s commercial sex industry. Powerful clients who strongly influence government elites may have strong financial or personal interest in

maintaining Thailand's sex trade. In government, policy may shift or even reverse because of changes in government structure or payoffs to officials (Donner 2009, 73).

Bureaucratic structural barriers within the political system in Thailand have contributed to the government's failure to effectively introduce and implement legislation. However, this is not the only factor impeding successful anti-trafficking initiatives. Countering trafficking into, through, and out of Thailand all present unique cultural, social, and economic challenges. While trade routes may appear distinct, they are in fact closely related, and cannot be separated from one another. Countering these processes is even more complicated when operating on a global scale, as there are variety of different regions, cultures, and laws. The sex trade, which touches every part of the world, is increasingly complicated to control as relations between countries continue to grow and globalization continues to expand.

## **Chapter 4**

### **Ending Modern Slavery:**

#### **Sex Trafficking Now and Into the Future**

The expanding sex trade continues to increase the number of women and girls it leaves victims in the wake of sexual commercial exploitation. Initiatives thus far have failed at addressing the complexities of sex slavery. Sex trafficking operates as a business; fueled by supply, demand, and ease of transit, its networks extend to every region of the world. Globalization, technological advances, extended communication, and improvement in the ease of travel and in transporting commodities have expanded the functional capacity of networks that perpetuate the commercial sex industry. The development of new economic and political insecurities in the developing world has dramatically enhanced the profitability of the market, leaving women of the developing world more and more vulnerable to trafficking.

Combating sex trafficking requires reducing the ability of networks to operate, decreasing the vulnerability of women, reducing the demand for commercial sexual exploitation, and decreasing the participation of state and non-state actors in the trade. Analysis of the complexities of the sex trade in Thailand has illustrated that many of the changes necessary to counter this phenomenon require dramatically altering social, cultural, economic, and political institutions that perpetuate these processes. The demand for sexual exploitation in Thailand, for example, cannot be effectively addressed without changing the culture of prostitution. Likewise, it is impossible to fully reduce the vulnerability of women through legislation without addressing broader social norms that may contribute to the inferiority of women in society.

While it takes significant time and resources to address these social and cultural barriers, it is still possible to reduce sex trafficking more immediately with legislation and institutional changes. My research has illustrated that while sex trafficking is a complicated process, significant national and international initiatives taken thus far have the possibility to address all aspects of the sex trade. Combating sex trafficking requires a two-level approach: on one level, international actors must heighten existing efforts to reduce supply, demand, and transit factors through institutional changes and cooperation; and, on the second level, the international community must address the broader cultural, social, and economic factors that contribute to sex trafficking, and that have impeded the success of current initiatives so far.

### **Immediate Institutional Responses**

On the first level, the response should be to continue and improve existing institutional efforts to address sex trafficking on all levels. The international community has taken a number of actions to address sex trafficking. International and regional conventions and legislation, cooperative law enforcement, and the strengthening of border control all serve to attack the network, and increase the risks of trafficking. Education and legislation to empower women seek to reduce their vulnerability. Criminalizing prostitution is one possible effort to limit the demand in the sex trade. Experimentation with the legalization and regulation of prostitution attempts to limit exploitations within the industry. Cooperation among governments and law enforcement has enabled police to better investigate and prosecute criminals. Collaboration among

states and NGOs has assisted in the repatriation of victims, ensuring access to educational and health services.

Some of these initiatives are more effective than others. Legalization only encourages a culture of acceptance of prostitution, and thus increases the demand for commercial sexual exploitation. Criminalizing prostitution drives the institution underground and may have dangerous implications for sex workers. Penalizing the consumer can be an effective means of decreasing the demand, but only with the support of law enforcement. Criminalizing the demand specifically for exploitative prostitution (such as the criminalization of child prostitution in Thailand) can be effective if implemented correctly, but victim identification is complicated and legislation specific to children may prevent proper support for adult victims, as is evident in Barn Rom Ten brothel in Chiang Mai. Further, for legislation targeting the consumers and suppliers of exploitative prostitution, effective law enforcement is necessary, and legislation must be improved to encompass considerably stricter penalties.

Initiatives to introduce and implement anti-trafficking legislation in all countries, strengthen border control, increase law enforcement cooperation, educate society on sex trafficking, and support victims are all effective means of addressing different aspects of the sex trade; but, in order to significantly decrease sex trafficking, these must be expanded and strengthened. Greater international cooperation is needed to institute these changes. Cooperation thus far has often been limited to regional states based on immediate trade, such as in the ASEAN region in Southeast Asia. More successful cooperation, however, requires the involvement of developed countries to assist developing nations with technical assistance, training, and drafting legislation. Without

the resources to address key issues, law enforcement and government structures in developing nations cannot effectively reduce the flow of human trafficking.

The assistance of developed nations cannot be the sole responsibility of one state, but requires multilateral action and resources. The United States has been instrumental in providing a significant amount of resources and training to developing countries to counter human trafficking. However, U.S. economic power is declining dramatically, and the United States is no longer in a position to fund the fight against human trafficking or other human rights violations. It is important for the international community to address these realities and for other states and non-state actors to assist in providing training and resources where needed.

Alongside this assistance, it is necessary to increase political accountability of all international actors to implement anti-trafficking initiatives. While the U.S. TIP report has effectively provided incentives to countries to increase anti-trafficking efforts, the United States' economic capacity to provide assistance is decreasing, and without this assistance, the United States will be less able to incentivize countries to institute anti-trafficking legislation. The international community must thus incorporate incentives to increase state accountability in addressing this issue.

International actors must not only be held accountable to introduce legislation, but also for the successful implementation of these initiatives. Corruption in law enforcement is found throughout the world, even on an international level. This, however, can be countered with institutional changes to limit the number of officials who participate in trafficking or accept bribes in exchange for silence. Imposing higher standards (such as polygraph exams as prerequisites for service), instituting higher penalties, and increasing



investigations of suspect officials can all limit corruption. Technical training for operations and in responding to victims also improves the success of law enforcement, which in turn increases incentives for victims to communicate with police, and in turn, enhances the effectiveness of anti-trafficking enforcement. These institutional changes and legislation, if expanded, can begin to immediately reduce sex trafficking.

Institutional changes must also be made in the structure of the government itself, which encompasses a longer-term transformation. Almost everywhere in the world, government is tied to private business. In the United States, the lobbying of big businesses plays a key role in congressional politics. In Thailand, this process is even more complicated, as elites are tied to specific clients who may be involved in a number of businesses, including those in the country's thriving commercial sex industry. The power of government to address public evils, such as the exploitation of women and children, is limited by these relationships. Changing these systems requires significant institutional overhaul, including punishing individual political elites from instituting these protections and attacking the industry as a whole. While this is not easily done, it is possible to begin the process of restructuring the political system to improve the ability of government to address sex trafficking.

### **A Broader Social Change**

While these immediate changes can reduce sex trafficking, the sex trade is a business, which will continue to thrive as long as market supply and demand factors continue to exist. As illustrated in the case of Thailand, addressing the supply and demand of the sex trade requires significant restructuring of social, economic, and

cultural institutions, in which the trade is embedded. Despite the complexities of these factors, and the protracted pace of success, the international community can begin to make changes to counter sex trafficking overall. It is imperative for the international community to begin the process of altering these barriers, as the sex trade cannot be effectively dealt with as long as they exist.

Throughout the world, women continue to be discriminated against and excluded from social, economic, and political rights and participation, which greatly increases their vulnerability to trafficking and exploitation. Only through changing the inferior status of women in society can we decrease their vulnerability to being trafficked. The status of women is tied to social, cultural, and institutional structures, which by their very nature impede progress. Certain actions, such as grassroots educational and empowerment initiatives, and promoting increased access to social and economic rights, have the ability to allow women to use their increased agency to reduce their own vulnerability.

The demand for commercial sexual exploitation is also embedded in these social dynamics. The commercial sex industry as a whole operates to serve the dominance of men over women, and thus this industry perpetuates acceptance of these ideals. The acceptance of the domination of men over women perpetuates tolerance of the exploitation of women and children. In Thailand, widespread prostitution has promoted the demand for sex trafficking. Thus, changing the position of women in society through the above-stated methods can effectively decrease the market demand in the sex trade.

While supply and demand in the sex trade are inherently related to the position of women, they are also related to economic divisions and global wealth disparities. While increasing the status of women in relation to men does decrease some of their

vulnerabilities, women living in poverty and economic insecurity are still significantly more susceptible to being trafficked than middle-class women, as women from poorer regions are more likely to be trafficked than their counterparts in more developed countries. Economic disparity within countries also impacts the demand for commercial sexual exploitation, as those of lower socioeconomic status are more likely purchase the services of trafficked slaves than of more expensive high-end prostitutes. Combating the sex trade requires international efforts to address these economic factors.

Only by beginning to address these broad social enablers of sex trafficking can the international community truly reduce the global exploitation of women and children. Cooperation between state and non-state actors, however, can also significantly decrease trafficking by introducing institutional changes to increase risks, reduce global flows, and protect women and children from exploitation. By combining immediate institutional action and broader social change, the international community can begin substantively reduce the influence of the sex trade.

In November 2007, the government of Thailand hosted a Greater Mekong Sub-Regional Seminar on Protecting Children from Trafficking and Sexual Exploitation in the Tourism Sector in Bangkok, in which representatives from six membership governments of COMMIT, UN agencies, international and national NGOs, and private sector institutions attended (UNIAP 2013b). This conference is just one example of increasing global cooperation to combat trafficking. Although women have become increasingly vulnerable as a result of globalization and its effect on the sex trade, civil society has never had more agency as an actor, and is in a more capable position to address this atrocity than ever before. The multipolarity of actors and the shift in paradigms of power

away from states and toward the decentralized authority of individuals, NGOs, IGOs, and cooperative groups, has provided an opportunity for collaboration that can make truly substantial change.

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