

UNDERSTANDING SEX TRAFFICKING IN THE UNITED STATES

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Introduction

Human trafficking is a major issue in the world today, with over 40 million victims across the globe. Human trafficking can be broken into three categories: labor trafficking, sex trafficking, and organ trafficking. The focus of my research is on sex trafficking within the United States. My purpose is to understand how sex trafficking happens in the United States, in order to then better understand how to combat it. There are two goals for this research paper. The first goal is to be able to educate people who work in different fields where victims of sex trafficking are encountered, as well as people who are part of populations that are vulnerable to sex trafficking. The second goal is to make recommendations for how the United States can better combat sex trafficking. The paper is broken up into three different sections. The first section of the paper analyzes what sex trafficking is and how it happens in the US. It also examines what makes certain groups more vulnerable to sex trafficking. The second section of the paper analyzes the current efforts of the US government in combatting human trafficking. The final section of the paper proposes effective strategies for combating sex trafficking within the United States.

What is Human Trafficking?

First, it is important to understand what human trafficking is. The Department of Homeland Security defines human trafficking as, “the use of force, fraud, or coercion to obtain some type of labor or commercial sex act” (Department of Homeland Security, 2020). The key to that definition is “force, fraud, or coercion” which defines what activities can be counted as human trafficking. Any time when force or coercion is used, to gain the labor of an individual, you are dealing with human trafficking. In the same way, whenever labor of some kind is obtained through some form of fraud, then you are dealing with human trafficking. Many times, what you

see is a combination of two or all three of these things, but only one needs to be present to classify the actions as human trafficking. Put in simple terms, human trafficking is modern day slavery. Human Trafficking however, is a broad category, and can be broken down into three different sub categories of trafficking.

Labor Trafficking

The first of these is labor trafficking. Labor trafficking involves the unpaid labor of individuals, obtained through force, fraud or coercion. This type of trafficking is prevalent in the United States in the realm of agriculture, where immigrant workers are brought to the US both legally and illegally, and then made to work for no pay at all. With agriculture cases, what generally happens is that the immigrant's papers are confiscated by the overseer, and they are then forced to work under the threat of being deported. In these cases, you have both fraud and coercion. The immigrant workers are drawn in with the fraudulent promise of work, and then they have their documents confiscated and are coerced to work out of the fear of being deported. As the USA Bulletin explains, "precarious immigration status is a vulnerability that traffickers often seek to exploit" (USA Bulletin, 2017). Another area where labor trafficking occurs in the United States is with maids and cleaning services. In both hotels and private homes, individuals who work as maids and cleaners are forced to work for no pay under many different kinds of threats. The USA Bulletin also documents other industries where labor trafficking is present: "Labor traffickers exploit victims in farm fields and factories, cantinas and construction sites, nursing homes and nail salons" (USA Bulletin 2017). Overall, there are many different kinds of labor trafficking that occur within the United States, and it is a major issue on its own.

Sex Trafficking

The second sub category is sex trafficking, which is probably the most well-known form of human trafficking and the focus of this paper. Sex trafficking refers to any type of sexual act that is obtained through the use of force, fraud or coercion. When the victim is under the age of eighteen then there is no need for force, fraud or coercion, it is automatically sex trafficking (USA Bulletin, 2017). Sex trafficking occurs all over the world, and the United States is the number one consumer of sex trafficking in the world. The force, fraud or coercion clause is very important when examining sex trafficking in the US. However, it is important to not mistake sex trafficking for prostitution. Prostitution in the United States is illegal, therefore by engaging in prostitution, you are committing a crime and can end up in jail. If a victim is classified as a prostitute, then they have been classified as a criminal and put into a system that only furthers their victimization. This is why it is so important to understand the difference between prostitution and sex trafficking. This issue is something that will be discussed in more detail later on.

Organ Trafficking

The third type of human trafficking is organ trafficking. Organ trafficking is a new and growing form of human trafficking and it falls outside of the general definition of human trafficking. Organ trafficking is when organs are harvested and then sold on the black market. Sometimes these organs are obtained through force, but in other cases, individuals voluntarily give up their organs. The issue is that, regardless of consent, the procedures are done illegally, and often in unsanitary environments. The surgeries many times result in infection and death, so whether or not the individual consents, they are still a victim. Organ trafficking also victimizes people who are waiting for transplants, by creating an illegal market that gives those with enough

money the ability to cheat their way to the front of the line. This type of trafficking is very dangerous, even if it is not as high profile as labor and sex trafficking.

Sex Trafficking in the United States

The focus of this paper, however, is on sex trafficking within the United States. Therefore, it is important to understand how prevalent sex trafficking is in the US. The US State Department releases a *Trafficking in Persons* report every year. This report classifies countries into four different categories based on their efforts to combat human trafficking. The worst countries are classified as tier three; these countries do not meet the minimum standards as laid out by the Trafficking Victims Protection Act of 2000 (U.S. Public Law, 2000) and they are not making any effort to do so. Those countries that are classified as tier two, do not fully meet the minimum standards but they are making significant efforts to do so. Next, is the tier two watch list, which classifies countries that have been making efforts in the past, but now seem to be presenting concerning signs of the growth of trafficking in their country. The final tier, is tier one. Tier one countries are making significant efforts to combat trafficking and they fully meet the minimum standards (Department of State, 2019). Look to Appendix A for more information on the tiers of the “Trafficking in Persons Report” and how they categorize each nation. The United States is categorized as a tier one country, meeting the minimum standards. However, this does not mean that the United States has very little human trafficking. The Polaris Project is a group that operates the National Human Trafficking Hotline, and they release a report each year showing how many cases of human trafficking they have handled. Their report for 2018 showed a 25% increase compared to 2017, with 10,949 human trafficking cases (Polaris, 2018). California individually saw over 1,600 cases of trafficking with 3,272 victims identified (Polaris,

2018). Texas, saw 1,000 trafficking cases with 2,108 victims identified (Polaris, 2018). The common factor between these states is their position on the border. In 2018, the State of New York which has extensive international travel, saw 492 cases with 1,079 victims identified (Polaris, 2018). On their own, these numbers are very concerning, but the data that Polaris provides serves only to give us a faint idea of how much trafficking occurs within the United States. Human Trafficking is one of the most underreported crimes, similar to rape and sexual assault. There is often a lot of shame involved, and Traffickers¹ go to great lengths to prevent themselves from being caught. Therefore, the data Polaris provides shows only the tip of the iceberg when it comes to human trafficking in the United States.

Vulnerable Populations

In order to combat sex trafficking in the United States you have to understand what population groups are most vulnerable and what makes these groups vulnerable. Everyone is a potential victim of human trafficking, but there are populations that are more vulnerable, especially when you are dealing with sex trafficking. The most important factor in determining population vulnerability is age. Gender also affects an individual's vulnerability, as well as the social environment of the individual. Individuals who live in an unstable home environment are more at risk for becoming a victim of sex trafficking.

Age as a Vulnerability Factor

The younger the population, the more vulnerable they are. Youth from ages as young as ten, to young adults in their mid-twenties are the most at risk for two reasons. First, they are naive, and are more likely to fall prey to the recruitment tactics that Traffickers use. Secondly, their

¹ While much of the literature on Human Trafficking refers to Trafficker as “Pimps” since this is their street name, I chose to use the terminology of Trafficker instead, as the word Pimp has many connotations and glorified meanings.

youth makes them more desirable for sex work. When studying sex trafficking in the US, Katariina Rosenblatt found through one of her studies that, “Most cases reported for age of recruitment were from 16 (Seven out of 25 cases reported), age 15 there were five out of 25 cases reported, age 14 there were 4/25 cases reported, age 13, there were three out of 25 cases reported, ages 12 & 11, there were two out of 25 cases reported and finally tied for least were ages 8 and 17 there was only one case reported in each of those categories” (Rosenblatt, 2014). Both males and females are at risk, and members of the LGBTQ community are also high risk. Many people think of females as the primary victims of sex trafficking, and while that may be true, they are not the only gender that is targeted.

Vulnerability of Men

Male sex trafficking flies under the radar far more than that of females, as men are less likely to tell someone if they have been victimized by sex trafficking. This is no surprise when dealing with sexual crimes, which already are the least reported due to so many factors that the victims face. So, while the majority of sex trafficking does happen to women, there is still sex trafficking that victimizes men. It is hard to know just how prevalent male sex trafficking is, because as mentioned, it is extremely underreported. Unfortunately, there is very little research on the sex trafficking of males, so it is harder to pinpoint what it is that can cause them to be vulnerable to sex trafficking; but it is important to recognize that the male population is not untouched by sex trafficking.

Female Vulnerability

Women are also particularly vulnerable to sex trafficking for obvious reasons. Most demand for sex trafficking is demand for females rather than males. So, while males are also at risk, women

do have a higher risk simply because there is a higher demand for females compared to males.

There is a lot more research on how females are recruited by Traffickers into sex trafficking, and later on in this paper, these methods will be discussed.

LGBTQ Vulnerability

LGBTQ individuals are another high-risk group. Often these individuals do not feel welcome at home or in society, which makes them susceptible to the approaches of Traffickers who express what seems like genuine care for them. Although they are now receiving more public support, there can still be discrimination at home that can lead to them feeling alone. It is highly important that these groups are educated early on in order to prevent them from becoming victims, as traffickers will use their vulnerability against them.

Immigrants

Another population that is at a high risk for sex trafficking, is immigrants, whether they are legal or illegal. This is because traffickers will often recruit from other countries with false promises of work and a better life. These people are desperate to get out of their home countries, and easily believe the lies that they are told by traffickers. Upon arrival, documents are taken, and they are threatened with deportation, or told they have to pay off a debt to the trafficker for getting them into the country. This can happen with immigrants who arrive with visas, and to those who are illegal. When looking at how to combat sex trafficking in the US, it is important to understand that these are the target populations for traffickers. Protecting these vulnerable populations is key to preventing sex trafficking from happening.

Home Life as a Vulnerability Factor

Having already been brought up briefly among the other vulnerability factors, the home life of an individual can play a major part in determining whether or not they are vulnerable. As will be explained in the next section of the paper, the methods used by traffickers are more effective on individuals who are looking for affection or care from outside of their own family and friends. As Jane Hoback explains, “Victims frequently fall prey to traffickers who lure them in with an offer of food, clothes, attention, friendship, love and a seemingly safe place to sleep” (Hoback, 2016). For this reason, children in the foster system, or with abusive parents, are more likely to become victims of sex trafficking as they are more vulnerable to the recruitment methods used by traffickers.

Recruitment/Trafficking Methods

One of the most important things to understand about sex trafficking in order to prevent it, is the methods used for recruitment. The term “recruitment” is used rather than “kidnapping” or “capture” because, more often than not, sex trafficking victims are not taken by force but rather, they are deceived in some way into becoming a victim. Understanding recruitment methods is important because this allows you to identify what makes certain populations more vulnerable to sex trafficking than others. If you can identify vulnerable populations, and know how they are being targeted, it will allow you to be better equipped to prevent trafficking. There are several ways that recruitment happens and it can occur in multiple types of locations. Research has been conducted on the methods used by traffickers, and there are many different categories that they can be placed in. After reviewing the research on this topic, I boiled it down to two basic styles of recruitment used by traffickers, each with variations. The first style is what I will call the relational approach. This approach does not rely on violence but rather focuses on developing a

relationship with the victim in order to manipulate them. The second is the aggressive approach, which relies on fear and violence to control the victims. Traffickers use both of these methods interchangeably depending on what works best with the individual they are trying to recruit. In this section of the paper, I will analyze the two styles of recruitment and explain how each one relates to different vulnerable populations, and discuss how to combat these styles.

The Relational Approach

First there is the relational approach, which is one of the most common ways that traffickers begin initial recruitment. This style focuses on relationship building and establishing trust. There are several different ways that this can happen. The groups that are most vulnerable to this approach are those who are seeking attention and love that they are not receiving from traditional sources such as family members, friends, significant others etc. Women in general, especially young women are the most vulnerable to this approach. LGBTQ individuals are also vulnerable as the affection and kindness the trafficker initially shows is something many of them lack from their families. The trafficker approaches victims and shows interest and care in the victim that the victim is not used to receiving. The trafficker will take the time to build trust, and treats the victim to all the luxuries that his business allows him to offer. Eventually, once the trafficker has developed a level of trust with the victim, he begins to introduce them to the idea of committing sexual acts for money, and there are many ways that they can do this. Daniel Campagna and Donald Poffenberger describe this as the glitter trap. They explain, “In many ways the glitter trap is similar to the recruitment of extreme religious cults. Alienation from society, unquestioned acceptance, and support and reinforcements of an alternative life-style both characterize the process” (Campagna, Poffenberger, 1988). Traffickers might lead the victim to believe that they

need the money in order to sustain the lavish lifestyle that the victim has now become accustomed to, or they might simply tell the victim that if they love them, they will do it. At this point, the victim is in an extremely vulnerable place, with the lifestyle and relationship that they have come to value so highly at stake. Therefore, the chances are that they will take the bait and from that point on, it is downhill.

Once the trafficker has them “in the business,” he quickly drops the charade and makes it very clear that the victim has to do as they are told. What makes this form of recruitment so effective, is that it makes it especially easy to control the victims after they are removed from the outside world. At this point, the only thing the victims are sure of, is that they will be fine as long as they do what the trafficker tells them. In many cases, the victim continues to maintain an affection for their trafficker, and while this might seem strange considering how they are abused, it is important to understand that they are still living in the fantasy of initial recruitment, and just like women who struggle with abusive husbands, they feel a sense of loyalty to their trafficker. As Campagna and Poffenberger point out, “The most proficient procurers are psychological magicians who can preserve a fantasy of warmth and concern for their wards while they in fact victimize them” (Campagna, Poffenberger, 1988). This is one of the reasons why it can be so hard to help some victims of sex trafficking. They may not think that they need to be rescued. This relational style of recruitment often merges into the aggressive approach as time continues on, with violence and threats being used to keep victims in line and working.

The Aggressive Approach

The Aggressive approach to sex trafficking is the complete opposite of the relational approach. This approach uses beatings, rape, drugs, and threats to control victims. The traffickers

that use this method are generally referred to as Gorilla Traffickers because of how violent and brutal they are (Campagna, Poffenberger 1988). Populations that are vulnerable to this style of recruitment include both legal and illegal immigrants, as well as individuals who struggle with substance abuse. Immigrants are trapped when they come to the US under the false pretense of getting a legitimate job. Once they arrive, they are stripped of any documents they may have and are forced into sex work. Kevin Bales and Ron Soodalter document one such case of this in their research. They explain the story of Maria, who was promised work in the US, but then as soon as she left home, was forced into commercial sex work against her will and was brutally raped on multiple occasions (Bales, Soodalter, 2009). The trafficker has no need to soften the approach at all and treats the victims as brutally as he pleases. Threats can include deportation, harm to family members, and threats of violence against the victims themselves. These threats carry weight as these traffickers do not hesitate to beat or rape victims, and this makes the control that they have very strong. In the case of Maria, her compliance was secured by threats against her family, as well as threats towards her own personal safety (Bales, Soodalter, 2009). The aggressive approach is less of a recruitment style, and more of a method of control. Many times, this is not the initial recruitment method used, but once the victim has been secured, the trafficker turns to violence in order to maintain control. Immigrants are the exception to this, as they have very little control over what happens once they arrive in the country. This demonstrates that the goal of the trafficker is to maximize profits, whether that means treating a girl to dinner and expensive jewelry or beating and raping her. So, while immigrants are the most vulnerable to the aggressive style of recruitment and trafficking, most vulnerable populations that are recruited will encounter it at some point.

Where Recruitment Happens

Now that we have analyzed how traffickers go about recruitment, the question is: *where* do they recruit vulnerable populations? The answer is pretty much anywhere. It can happen to children at school, at home, or in public places. However, the real area of concern in the modern era is the internet. Now, more than ever, traffickers are turning to the internet and social media to recruit their victims. Natassia Baxter writes, “Due to globalization, the internet has become an avenue for those within the sex industry widely use in their efforts” (Baxter, 2017). This is why it so important to make sure that parents know what kind of online interactions their children are engaging in. They may be very aware of what their children do in other areas, but many times, social media and the internet is neglected. With older teens and individuals in their twenties, the risk is not being careful enough with who they are contacting. Traffickers capitalize on building relationships, and with social media this can be done without ever meeting the victim in person. Baxter conducted research on the online recruitment methods used by traffickers. She found that many of the online interactions involved offering compliments, and offers to supply emotional needs of the victim. (Baxter, 2017). These kinds of messages may not be something that children and teenagers see as dangerous, and this is what makes the internet a hot spot for recruitment in the modern era. People need to be careful about who they interact with online, and avoid becoming close with anyone that they have not met in person. It can be easy to accept friend and follow requests, but there needs to be more caution in who we talk and interact with on the internet. An organization by the name of Bark is well aware of this issue and they specialize in software that helps parents monitor what type of online interactions their children are engaging in. Part of what Bark does includes research into how prevalent sex abuse is on the internet. To

test this, they conducted an experiment where they posed as an eleven-year-old girl with a fake Instagram account, and what they found is both terrifying and saddening. In an article written by Roo Powell, who took on the daunting task of posing as the eleven-year-old on Instagram, Powell documents the experience and shines a light on the dark nature of the internet. After the account was set up, messages began to flood in, and they did not seem to stop. Powell writes, “We sat mouths agape as the numbers pinged up on the screen - 2,3,7,15 messages from adult men over the course of two hours. Half of them could be charged with transfer of obscene content to a minor” (Powell, 2019). The project continued for a week, and the end result is disheartening. Powell explains, “Over the course of the next week, over 52 men reached out to an 11-year-old girl. We sit with that stat as we soberly shut down the TV and the camcorder” (Powell, 2019). This one-week study shows just a glimpse at what happens on the internet every day to women across the globe. And, if predators are using it, then you can be sure that traffickers are using it as well. Thus, the work of groups like Bark becomes increasingly important as the internet continues to advance much faster than we can regulate it.

Evaluating the Trafficking in Persons Report

At this point, the focus of the paper will now shift to examine more closely sex trafficking in the US, and the efforts made to combat it. Each year the State Department releases the Trafficking in Persons Report (TIP), which examines how countries across the world are handling human trafficking. However, this report cannot be used to gauge the amount of trafficking that occurs within a country because it only measures efforts to combat trafficking. In this section of the paper I will evaluate the report, what it is useful for, and why the State

Department needs to create a supplemental report to help accurately gauge the prevalence of human trafficking and the efforts to stop it.

First, I will explain how the report is conducted and how it categorizes the countries into four different tiers. The report is based on information collected from multiple sources. As the TIP states, “The Department of State prepared this *Report* using information from U.S. embassies, government officials, nongovernmental and international organizations, published reports, news articles, academic studies, and research trips to every region of the world, and information submitted to tipreport@state.gov” (Department of State, 2019, 34). After all the data is collected, the countries are put into one of four different tiers. These tiers rank each country’s efforts to combat human trafficking, based on the standards set by The Trafficking Victims Protection Act of 2000. Tier One countries fully meet the minimum standards laid out. Tier Three countries do not meet the standards and are not making any efforts to do so. Next comes Tier Two; these countries are making progress but do not fully meet standards. The final tier is the Tier Two watch list: these countries are making progress but there are concerns over the extent of trafficking occurring or a lack of evidence that efforts are being made to combat the trafficking. To better understand how countries are placed in each tier, refer to Appendix A. To understand what the standards are that the countries are being judged by, refer to Appendix B. This is how each country is categorized, and this can be very useful.

I find that the Trafficking in Persons Report is very useful when it comes to analyzing the efforts made to combat human trafficking globally. This is an important tool when it comes to making foreign policy decisions regarding foreign aid and trade agreements. However, it is my argument, that the report does not provide an accurate analysis of human trafficking because it

only measures efforts to combat trafficking, not the prevalence of trafficking within the country. Because the TIP does not set out to measure the amount of trafficking occurring within a country, it provides a very distorted view of how that country is handling trafficking. For example, many of the Tier One countries have legalized prostitution. This means that it is extremely difficult to measure how much trafficking is happening within that country. So, while at face value it may seem that these countries are making adequate efforts to combat trafficking, this cannot be accurately assessed without first taking into account how much trafficking is happening within that country. If a country has a high demand for trafficking, or is a big supplier, that should be taken into account in how they are ranked.

This is why, although the TIP is useful in some ways, it needs to broaden the criteria that it uses to include the amount of trafficking that happens within the country. This will allow for a more accurate analysis that can better direct efforts to combat human trafficking. For example, every country that has legalized prostitution should be placed on the Tier Two list at a minimum; simply because these countries have by default increased the amount of trafficking in their country. The issue of legalized prostitution and its correlation to sex trafficking will be addressed in the next section of the paper. The United States is another clear example of why the TIP is not adequate as a stand-alone report to analyze human trafficking. Under the standards set in the report, the United States is ranked as a Tier One country based on efforts made to combat trafficking. However, this fails to account for the fact that the US creates most of the demand for sex trafficking globally, and has a major sex trafficking market. The United States problem with trafficking is clearly demonstrated by the data collected by the National Human Trafficking Hotline and Polaris. (Polaris, 2018).

Hotline data shows a much different picture of human trafficking in the US compared to the Trafficking in Persons report. In 2018, there was a twenty five percent increase in human trafficking cases compared to 2017 (Polaris, 2018, 2017). So, while the TIP has ranked the US as a Tier One country for the last two years, there seems to have been a spike in human trafficking within the US. This would suggest that, despite what is being done on paper, human trafficking is still a major problem in the US. It also begs the question of whether or not the US is actually making adequate efforts to combat human trafficking. While on paper, the necessary measures are being taken to combat human trafficking, the reality is that the US is failing to do so. This is why I argue that the TIP needs to do one of two things. First, it could broaden the criteria it uses to rank each country to include factors like how much trafficking is occurring within the country, whether or not it is a supplier of human trafficking victims, and if the country has a high demand for human trafficking. Or it could continue to analyze Government actions to combat human trafficking, but then supplement the TIP with another report that analyzes the aforementioned factors. This way a holistic view can be provided on the prevalence and efforts to combat human trafficking both domestically and globally.

U.S. Legal Standards

In the United States, sex trafficking is a federal crime. The standards regarding the treatment of sex trafficking and human trafficking as a criminal offense are laid out in the Victims of Trafficking and Violence Protection Act of 2000 (U.S. Public Law, 2000). This Act has continued to be renewed by Congress, and it dictates US policy towards human trafficking both domestically and globally. This is where the criteria for the TIP is derived from, and it determines how sex trafficking is handled by the criminal justice system. As the 2018 TIP Report

states, “The penalties prescribed under these provisions, which can include up to life imprisonment, are sufficiently stringent and, with respect to sex trafficking, commensurate with the penalties prescribed for other serious crimes, such as rape. U.S. law also prohibits conspiracy and attempts to violate these provisions, as well as obstructing their enforcement and benefiting financially from these acts” (State Department, 2018). Trafficking in the US is not tolerated, but there are very few states where serious penalties are applied for purchasers of sexual services. Therefore, this prohibition is observed in the breach rather than in practice. In 2018, there was an increase in the number of prosecutions for human trafficking, and this is a positive sign (State Department 2018). The FBI leads the efforts in investigating and prosecuting domestic sex trafficking. Through their Innocence Lost initiative, they have rescued many victims and successfully prosecuted traffickers. The FBI reports, “To date, these groups have worked successfully to rescue nearly 900 children. Investigations successfully have led to the conviction of more than 500 traffickers” (FBI, 2011).

One of the most important strategies for combatting sex trafficking is targeting the traffickers who are providing the supply. So, it is encouraging that there are more prosecutions happening. However, there is still a lack of punishment for the demand. If the buyers are not also criminalized by the law, then there will continue to be a demand which fuels the suppliers to continue on with what they are doing. One major obstacle to this process is the discussion within the US currently on the legalization of prostitution, and how that affects sex trafficking and the sex industry overall.

Legalization of Prostitution

The legalization of prostitution is a very controversial issue, not just in the US, but also globally. It is a very important discussion when it comes to sex trafficking because prostitution and sex trafficking are tied together. While most prostitutes are voluntary, sex trafficking victims can also be found within the industry, and both prostitutes and victims serve to fulfill the demands of the sex services market. For this reason, any change in the legal status of prostitution will have an effect on sex trafficking as well.

Proponents of legalizing prostitution seek to bring more regulation to the industry in order to better protect the women in it. By making prostitution a legal profession, they seek to apply the same safety protocols that can be found in other workplace environments. (Williams, 2019). Also, by bringing in more regulation, the government is able to provide an avenue for women to report abuse, and for victims of sex trafficking to receive help. Currently, a prostitute would be treated as a criminal by law enforcement, and often sex trafficking victims are identified as prostitutes and see themselves the same way (United States v. Givhan). So, the goal is to bring about a safer environment for women working as prostitutes, and provide an avenue for help when abuse occurs. However, this is not how legalized prostitution plays out. Although the intentions behind this movement may be good, the research shows that legalized prostitution leads to an increase in cases of sex trafficking and does not decrease it at all. This is because the legalization leads to an increase in prostitution that in turn leads to an increase in sex trafficking. (Cho, Dreher, Neuhmayer, 2013). It also fails to provide the benefits that it seeks to give.

To begin with, the first issue that is created by legalizing prostitution, is that it legalizes the actions of both traffickers and men who purchase sex. As previously mentioned, at the heart of combatting sex trafficking is the need to cripple both supply and demand. Legalizing prostitution

legalizes both the supply and the demand, which in turn grows the market beyond its current state at an even faster rate than before. When New Zealand legalized prostitution in 2003, it saw an astronomical jump in the amount of prostitution that was occurring. Madison Santana writes, “After New Zealand legalized prostitution in 2003, Auckland, its largest city, witnessed a two hundred to four hundred percent increase in street prostitution” (Santana, 2018). By creating a legal market, you increase the demand for prostitutes, which in turn increases sex trafficking in the region, expanding the illegal market.

Secondly, legalization makes it extremely difficult to identify the victims of sex trafficking. As it is, it is extremely difficult for law enforcement to make the distinction between a prostitute and a victim of sex trafficking. When the streets are full of prostitutes whose work is legal, it becomes very difficult to determine who is working voluntarily, and who is being forced into prostitution. In the courts, even though prosecutions are starting to rise, it is still hard to prove that force, fraud or coercion were used in order to find a trafficker guilty. With the actions of traffickers legalized, it will be even harder than it was before to prove that the trafficker was in the wrong. Already, much of the sex trafficking that occurs within the US happens under the cover of escort services (Polaris, 2018). If these services are made legal, then it becomes almost impossible to determine who is at work, and who is a victim of sex trafficking.

One of the main problems with legalizing prostitution as a profession and as an industry, is that it makes the actions of a trafficker, who facilitates the sale of sexual services, legal. This provides the traffickers with legal protection as well as the women. At the same time, traffickers will not change the tactics that they use to manipulate the women they have under their control. While legalizing prostitution makes the avenues for help more accessible to prostitutes and sex

trafficking victims, it fails to effectively protect them. If a trafficker is using aggressive tactics and threats, the victim is going to be very reluctant to contact the authorities, even if they know that what they are doing is not illegal. Although one roadblock has been removed, the main issue of the threats coming from the trafficker remains. Now the issue is even worse, as the trafficker's actions in selling sexual services are no longer illegal, making it much easier for them in court. Now there is no question of monetary profit, but more of a he-said, she-said discussion on the presence of force, fraud, or coercion. So, while sex trafficking victims and sex workers will not have to fear legal retaliation, they will still fear retaliation from the trafficker. Therefore, it is my view that although it seeks to fix some core issues with both the sex industry and sex trafficking, legalizing prostitution fails to effectively fix those issues.

The Swedish Model

There is, however, an alternative to legalizing prostitution that still provides protection for victims without leaving them at risk and creating a larger market for the sex industry. In 1999, Sweden took a different approach to combatting prostitution and sex trafficking. They did so by making the purchase of sex illegal, while at the same time decriminalizing the sale of sexual acts. As Santana explains, "Sweden outlawed the purchase of commercial sex, recognizing such purchasers as exploiters of women... The sale of commercial sex in Sweden, importantly has been *decriminalized*, meaning the sale of commercial sex is neither legal (i.e., explicitly condoned or regulated by the state nor criminalized (i.e., subject to criminal penalties)" (Santana, 2018, 1752-1753). By doing this, Sweden protected their prostitutes and at the same time made it criminal to purchase commercial sex, thus cutting into the demand for commercial sex. This drastically reduced the amount of prostitution that was occurring within Sweden. Santana

explains, “Though the population of Sweden is nearly double that of Denmark, rates of prostitution in Sweden are only one-tenth of that in Denmark” (Santana, 2018, 1754). Denmark is a country where prostitution is legal, so it is no surprise that the Swedish model was more successful at cutting back the amount of prostitution occurring within the country. This is a much better approach when compared with legalizing prostitution. Instead of targeting the prostitutes and sex trafficking victims, it focuses on punishing buyers who create the demand for the commercial sex market. However, while this is most definitely a more successful approach, it still does not explicitly criminalize the acts of the trafficker. So, while punishing the buyers is good, it is also necessary to make sure that traffickers are punished for their actions as well in order to protect the victims of sex trafficking.

Recommendations to Combat Sex Trafficking

The purpose of this research is to first understand how sex trafficking happens, and then to recommend strategies for combatting sex trafficking within the US. I will make two recommendations based upon the research I analyzed for this paper. First, there needs to be a new legal approach to sex trafficking that helps the victims and targets supply and demand. The current legal approach criminalizes victims of sex trafficking and makes them fearful of interactions with law enforcement, thus hindering the efforts to help them. Secondly, education of target populations is needed. This includes both vulnerable populations and parts of the working force that are highly likely to encounter victims of sex trafficking. By doing this, we help prevent more people from becoming victims, and help there be better support for current victims of sex trafficking.

Changing the Legal Approach

The first thing that needs to happen is a change in how the legal and criminal justice system approaches sex trafficking in the US. We have discussed how the legalization of prostitution is a failed approach at countering sex trafficking, and we also analyzed the Swedish approach and how they target the demand. However, the one failure in both of these systems is that they both on some level fail to target the supplier. The women or victims, are the product in this scenario, but the suppliers are the traffickers who sell men women and children all over the world. They are the ones who make it possible to meet the needs of the market for sex trafficking. Currently the US has targeted the trafficker with laws that make what they do illegal. However, they have also made the actions of a prostitute or sex trafficking victim illegal as well. At the same time, the United States legal system does not consistently or adequately punish the purchase of a prostitute or sex trafficking victim. While the Swedish system takes the right approach by decriminalizing the selling of sexual acts, they do still, in a way, make a trafficker's actions legal, as they can be the ones facilitating the purchase. The United States needs to adopt an approach that decriminalizes prostitutes, but not prostitution.

Decriminalized Prostitution

What this means, is that it is not illegal for a woman to sell sexual services, but any outside party who benefits is still committing a crime. This means that police can arrest both traffickers, and men who purchase sex trafficking victims, but the victim is protected. This way, women who are victims of sex trafficking or abuse in prostitution know that they can safely report anything to law enforcement and the person they report will be arrested and charged with the appropriate offense. This approach focuses on targeting both supply and demand, which will cripple the

market for sex trafficking. At this time no one is considering this hybrid approach, but I believe that it would be a more successful version of the model used in Sweden, if carried out properly.

The Case of US. V. Givhan

The need for this change is clearly demonstrated through the case of United States v. Givhan. In this case, David Givhan was convicted on charges of sex trafficking, and transportation across state borders for prostitution. (US. v. Givhan, 2017). The testimony that was brought against him came from three of the women he had trafficked, and what is interesting is how they came to bring charges against him. Each of his victims eventually escaped him, and then continued to engage in what was now considered “prostitution”. They were then arrested and, when questioned by the police, entered into an agreement to testify against Givhan. (US. v. Givhan, 2017). This was one of the reasons that Givhan had called for an appeal. He claimed that the women were lying and had alternative motives for testifying against him. Mainly, to escape being prosecuted for prostitution. Imagine instead, if Ghivan’s victims did not have to escape and then be arrested before being put into a position to testify against him? If they had been able to report him after the first time that he trafficked them, how much of what they suffered could have been prevented? What is also concerning about this case, is that all three victims were arrested for prostitution, yet this was something they were not doing prior to being trafficked by Givhan (US. v. Givhan). If they had not testified against him, then victims would have been processed as criminals and they would have been sent to prison instead of receiving the help that they needed.

Dynamic Criminal Punishments

However, it is not enough to simply decriminalize the act of providing a sexual service for money, there also needs to be clear laws regarding the punishment of both traffickers and anyone who purchases services from a prostitute or sex trafficking victim. The first step is making sure that these laws leave no leeway for the trafficker to get back on the streets. If victims of sex trafficking are going to report a trafficker to law enforcement, they need to be sure that they will be safe from any retaliation. It is important to remember that traffickers often use threats of violence towards the victims or the victims' families to keep them from going to the police. Currently it is very difficult at times to prove that there is evidence of force, fraud, or coercion. This can be eliminated by making monetary profit, evidence of coercion. This is because, if there is the chance for monetary gain, this puts a pressure on the victim to give in to what the trafficker wants, making it a form of coercion. Which means that any case of sex trafficking is instantly a chargeable offense as they always involve a monetary transaction. This allows victims of sex trafficking the security of being able to go to law enforcement for help without the fear of being arrested themselves, or facing retaliation from the trafficker.

It is also necessary for new laws to be made that punish purchasers of sexual services. In this respect, the Swedish system offers a very successful model of how this can be done. In Sweden, the offense is punished with a fine that is based on the annual income of the defendant, and also short prison or jail sentences (Osmanaj, 2014). This system of applying heavy fines based on income makes sure that in no case does the law unequally punish offenders; and it is a much better alternative to a prison sentence that is costly for the state. I propose a system that punishes initial offenses with a fine based on income. Each consecutive offense leads to a higher fine until eventually a prison sentence is given in order to deter repeat offenses.

By applying this three-pronged approach the United States legal system decriminalizes prostitutes and victims while at the same time criminalizing traffickers and individuals who purchase sexual services. By doing this the sex trafficking market in the United States will be more effectively targeted and at the same time more protection is offered for victims of sex trafficking.

Targeted Education

My second recommendation is that the United States pursue efforts to educate targeted populations in order to prevent and combat sex trafficking. While there is a definite need for education of everyone within the US, there are a few specific populations that specifically need and benefit from education on sex trafficking. There are two groups that should be focused on. The first is the vulnerable populations. These groups need to be educated on both what human trafficking is, and also on the recruitment methods used by traffickers. The reason that they need to be educated on this is so that they can better protect themselves. The goal is for them to understand how a trafficker would try to recruit them, so that they can recognize this and not become a victim. With the increasing amount of online interactions, this would include education on proper internet safety and how to recognize when someone is trying to recruit online. The second group that needs to be educated includes hospital employees, other healthcare and social service workers, truck drivers, police officers, hotel employees and those working in travel industries.

The reason that these groups need to be educated is because they are most likely to come in contact with victims of sex trafficking because of the work that they do. Healthcare workers are very likely to come into contact with victims of sex trafficking, as hospitals and medical facilities

are one of the few places that traffickers will bring sex trafficking victims. For truckers, they are one of the target populations for traffickers. In addition, many truck stops are places where traffickers will go to sell their victims, and so truckers are very likely to come across sex trafficking while they work. These groups should be educated on both the signs of trafficking and how to help victims of sex trafficking when they encounter them. This will help with combatting the sex trafficking that is currently happening by equipping the people who will come into contact with it, to help the victims of sex trafficking.

Conclusion

Sex trafficking is a major issue for the United States, but it can be eliminated. It is prevalent across the United States, and the U.S. creates much of the demand for commercial sex across the globe. The purpose of this research has been to understand the issue, and then come up with a way to resolve it. The methods of traffickers are not a mystery. They prey upon vulnerable populations and capitalize upon building relationships and use them to get victims into the commercial sex business. Some traffickers use more violent methods for recruitment, and this is most likely in cases of sex trafficking that involve immigrants brought to the U.S. from another country. Understanding how sex trafficking happens, and who is most vulnerable, it is clear to see where the United States is failing to properly combat it. The Trafficking in Persons Report needs to be amended as it creates a false view of the efforts made not just by the U.S., but by every other country in the globe. The legal approach to sex trafficking in the U.S. is also flawed. It criminalizes prostitutes and the victims of sex trafficking along with the trafficker, and fails to punish purchasers of sexual acts who create the demand that fuels the market for commercial sex. By changing to a legal system that decriminalizes the prostitute and sex trafficking victim,

while at the same time criminalizing not just the trafficker, but also any buyers of commercial sex, the sex trafficking market will be crippled as much as it possibly can be by the law. On top of this, if the U.S. pursues targeted education efforts, then future victims can be prevented from being trafficked and current victims will have better access to help. Sex trafficking is one of the greatest shames of the 20th Century, and continues the practice of slavery in the modern era. However, if we understand how it happens, and take the necessary steps to combat it, then we can eliminate it, and stop allowing slavery to flourish in the United States.

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Appendix A**Trafficking in Persons Report Tier Explanations****Tier 1**

Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking.

Tier 2

Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List

Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials;
- or
- c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

Tier 3

Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. No tier ranking is permanent. Every country, including the United States, can do more. All countries must maintain and continually increase efforts to combat trafficking.

Section 108 of The Trafficking Victims Protection Act**Minimum Standards for the Elimination of Trafficking in Persons**

(1) The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.

(2) For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.

(3) For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

(4) The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

Indicia of “Serious and Sustained Efforts”

(1) Whether the government of the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country, including, as appropriate, requiring incarceration of individuals convicted of such acts. For purposes of the preceding sentence, suspended or significantly reduced sentences for convictions of principal actors in cases of severe forms of trafficking in persons shall be considered, on a case-by-case basis, whether to be considered as an indicator of serious and sustained efforts to eliminate severe forms of trafficking in persons. After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(2) Whether the government of the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including provisions for legal alternatives to their removal to countries in which they would face retribution or hardship, and ensures that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked, including by

providing training to law enforcement and immigration officials regarding the identification and treatment of trafficking victims using approaches that focus on the needs of the victims.

(3) Whether the government of the country has adopted measures to prevent severe forms of trafficking in persons, such as measures to inform and educate the public, including potential victims, about the causes and consequences of severe forms of trafficking in persons, measures to establish the identity of local populations, including birth registration, citizenship, and nationality, measures to ensure that its nationals who are deployed abroad as part of a diplomatic, peacekeeping, or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, a transparent system for remediating or punishing such public officials as a deterrent, measures to prevent the use of forced labor or child labor in violation of international standards, effective bilateral, multilateral, or regional information sharing and cooperation arrangements with other countries, and effective policies or laws regulating foreign labor recruiters and holding them civilly and criminally liable for fraudulent recruiting.

(4) Whether the government of the country cooperates with other governments in the investigation and prosecution of severe forms of trafficking in persons and has entered into bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries. This section reproduces relevant portions of section 108 of the TVPA, as of April 1, 2018, the beginning of the reporting period for this report. On January 8 and 9, 2019, prior to the end of the reporting period on March 31, 2019, Congress passed the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Pub. L. 115-425) and the Trafficking Victims Protection Reauthorization Act of 2017 (Pub. L. 115-427), respectively. Among other changes, these acts amended section 108. For reference, this section as amended by these acts appears on page 514 of this report. 41 2019 TRAFFICKING IN PERSONS REPORT

(5) Whether the government of the country extradites persons charged with acts of severe forms of trafficking in persons on substantially the same terms and to substantially the same extent as persons charged with other serious crimes (or, to the extent such extradition would be inconsistent with the laws of such country or with international agreements to which the country is a party, whether the government is taking all appropriate measures to modify or replace such laws and treaties so as to permit such extradition).

(6) Whether the government of the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether law enforcement agencies of the country respond to any such evidence in a manner that is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave any country, including one's own, and to return to one's own country.

(7) Whether the government of the country vigorously investigates, prosecutes, convicts, and sentences public officials, including diplomats and soldiers, who participate in or facilitate severe forms of trafficking in persons, including nationals of the country who are deployed abroad as

part of a diplomatic, peacekeeping, or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking, and takes all appropriate measures against officials who condone such trafficking. A government's failure to appropriately address public allegations against such public officials, especially once such officials have returned to their home countries, shall be considered inaction under these criteria. After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.

(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

(9) Whether the government has entered into effective, transparent partnerships, cooperative arrangements, or agreements that have resulted in concrete and measurable outcomes with (A) domestic civil society organizations, private sector entities, or international nongovernmental organizations, or into multilateral or regional arrangements or agreements, to assist the government's efforts to prevent trafficking, protect victims, and punish traffickers; or (B) the United States toward agreed goals and objectives in the collective fight against trafficking.

(10) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

(11) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.

(12) Whether the government of the country has made serious and sustained efforts to reduce the demand for (A) commercial sex acts; and (B) participation in international sex tourism by nationals of the country.