

The Myth of the ‘Ideal Offender’: Challenging persistent human trafficking stereotypes through emerging Australian cases

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Abstract

Human trafficking and slavery offences are often constructed through prominent stereotypes of the ideal victim and the ideal offender. This article examines four common offender stereotypes created by representations of trafficking seen in the media, popular culture, government reports, and awareness campaigns, and challenges these stereotypes by comparing them with international and Australian research and statistics. This comparison demonstrates that the ideal trafficking offender is a myth that must be broken. To support this argument, the article explores two emerging Australian cases involving sexual exploitation and allegations of slavery and servitude that significantly depart from stereotypical representations of trafficking. This shows the limitations of offender stereotypes in explaining trafficking offences and demonstrates the need for greater emphasis on the role of coercive control in trafficking offences, the impact of trust and changing relationships, and the interrelationship of trafficking with domestic violence.

Keywords: offender stereotypes, ideal offender, trafficking narratives, coercive control

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Introduction

Stereotypes and myths of human trafficking offending and offenders are proliferated by the media and popular culture as well as through government policies and awareness campaigns of government and non-government organisations (NGOs). In order to make complex concepts associated with

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trafficking understandable and compelling to an audience with limited knowledge of the subject, the media simplify information through the use of meaning-facilitating mechanisms or stereotypes.¹ Awareness campaigns are also commonly designed to present trafficking narratives in a way to ‘capture the public’s attention and sympathy’.² Consequently, trafficking narratives are often constructed through stories involving three central subjects: victims, villains, and rescuers.³ The impact of this framing is significant, diverse, and often counter-intuitive to storytellers’ intent. Also known as the ‘hero’ and ‘villains’ narrative, a serious implication of this is that it involves ‘placing the blame for trafficking on some, whilst obscuring the responsibility of others’.⁴ When human trafficking is presented as an issue of individual vulnerability, which can be remedied by charitable efforts, it ignores much more complex cultural, political, and economic systems such as sexual and racial discrimination which act as root causes.⁵ The value of trafficking within the growing field of human rights is therefore tied to how anti-trafficking narratives influence viewers of the issue and how this occurs through dominant framings.⁶ Trafficking narratives that employ tropes of ‘victims’, ‘villains/offenders’, and ‘heroes/rescuers’ reinforce racialised and gendered assumptions about trafficking and have led to a legal response largely focused on punishing offenders.⁷ Popular narratives shape how trafficking is defined and understood, and how change is envisioned. Critiquing them is therefore crucial in reframing, rather than re-asserting, troubling racial, gender, and national stereotypes.⁸

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- ¹ C Wallinger, ‘Media Representation and Human Trafficking: How anti-trafficking discourse affects trafficked persons’, *Second Annual Conference on Human Trafficking*, University of Nebraska, Lincoln, NE, USA, 2010.
 - ² E O’Brien, ‘Human Trafficking Heroes and Villains: Representing the problem in anti-trafficking awareness campaigns’, *Social and Legal Studies*, vol. 25, issue 2, 2016, pp. 205–224, p. 205, <https://doi.org/10.1177/0964663915593410>.
 - ³ E Kinney, ‘Victims, Villains, and Valiant Rescuers: Unpacking sociolegal constructions of human trafficking and crimmigration in popular culture’, in M Guia (ed.), *The Illegal Business of Human Trafficking*, Springer, Cham, 2015, pp. 87–108, https://doi.org/10.1007/978-3-319-09441-0_7.
 - ⁴ O’Brien, 2016, p. 205.
 - ⁵ B Barnett, ‘Dividing Women: The framing of trafficking for sexual exploitation in magazines’, *Feminist Media Studies*, vol. 16, issue 2, 2016, pp. 205–222, <https://doi.org/10.1080/14680777.2015.1052004>.
 - ⁶ W Hesford, *Spectacular Rhetorics: Human rights visions, recognitions, feminisms*, Duke University Press, Durham, 2011, p. 9.
 - ⁷ S Balgamwalla, ‘Trafficking in Narratives: Conceptualizing and recasting victims, offenders, and rescuers in the war on human trafficking’, *Denver Law Review*, vol. 94, issue 1, 2016, pp. 1–42, <http://doi.org/10.2139/ssrn.2639754>.
 - ⁸ A Fukushima and J Hua, ‘Calling the Consumer Activist, Consuming the Trafficking Subject’, in L M Cuklanz and H McIntosh (eds.), *Documenting Gendered Violence: Representations, collaborations, and movements*, 1st edition, Bloomsbury Academic, 2015, p. 48.

It has been widely recognised that within the modern field of human trafficking and slavery, there has been limited research undertaken on those who traffic people,⁹ while victims have received much more attention. Although some analysis of traffickers' characteristics and development of offender typologies has occurred,¹⁰ critique of offender myths and stereotypes has largely not. Where insights on offenders have been gained, this has primarily been by academics and specialist agencies, meaning this more in-depth knowledge is held by a small percentage of the general population. When such knowledge does not reach those in positions to communicate trafficking offending narratives to a larger audience, it has a limited impact on changing stereotypes. Research has shown that within the Australian context, members of the public identify film, television, newspapers, and radio as their main sources of information on human trafficking.¹¹ From a social constructionist perspective, narrow framing of trafficking offending is important as the information we gather from social interactions, the media, and popular culture shapes our reality and responses to social issues.¹² The mass media's ability to influence the public's perceptions of trafficking offending through both correct and incorrect information, in particular given the increasing tabloidisation of mainstream media, has the potential to set the agenda for which laws are passed, how funding is allocated, and what issues are deemed worthy of research and attention.¹³ Popular portrayals of trafficking offending with cinematic expression have also been found to shape common understanding and in turn influence related law and policy.¹⁴ Assessing how current knowledge on trafficking

⁹ A Aronowitz, G Theuermann, and E Tyurykanova, *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*, OSCE, Vienna, 2010; F David, 'Organised Crime and Trafficking in Persons', *Trends & Issues in Crime and Criminal Justice*, no. 436, Australian Institute of Criminology, 2012, <https://www.aic.gov.au/publications/tandi/tandi436>.

¹⁰ N Busch-Armendariz, M Nsonwu, and L Heffron, 'Understanding Human Trafficking: Development of typologies of traffickers PHASE II', First Annual Interdisciplinary Conference on Human Trafficking, 2009; E Denton, 'Anatomy of Offending: Human trafficking in the United States, 2006–2011', *Journal of Human Trafficking*, vol. 2, no. 1, 2016, pp. 32–62, <https://doi.org/10.1080/23322705.2016.1136540>.

¹¹ J Joudo Larsen and L Renshaw, 'People Trafficking in Australia', *Trends & Issues in Crime and Criminal Justice*, no. 441, Australian Institute of Criminology, 2012, <https://www.aic.gov.au/publications/tandi/tandi441>.

¹² R Surette, *Media, Crime, and Criminal Justice: Images, realities and policies*, 3d ed., Wadsworth, Belmont, 2006.

¹³ R Fox and R Van Sichel, *Tabloid Justice: Criminal justice in an age of media frenzy*, Lynne Rienner Publishers, Boulder, 2001; R Sanford, D Martínez, and R Weitzer, 'Framing Human Trafficking: A content analysis of recent U.S. newspaper articles', *Journal of Human Trafficking*, vol. 2, no. 2, 2016, pp. 139–155, <https://doi.org/10.1080/23322705.2015.1107341>.

¹⁴ J Todres, 'Human Trafficking and Film: How popular portrayals influence law and public perception', *Cornell Law Review*, vol. 101, 2015, pp. 1–24.

offending translates to community awareness in order to challenge accepted myths and stereotypes is important as members of the community are more likely than authorities to come into contact with trafficked persons and therefore need to recognise offending behaviour. The narrow constructs of the myth of an ‘ideal offender’ also establish a limited scope of blame for the crime of trafficking, absolving others of responsibility and negatively impacting efforts to prevent and disrupt the crime, identify victims, and refer them to organisations for support.¹⁵

In this article, we examine and critique the notion of the ‘ideal offender’ formulated through common trafficking narratives. Through a review of existing research and academic texts, we have identified four common stereotypes associated with the ‘ideal offender’ which will be the focus of our analysis: that they are male, unknown to their victims, foreigners, and use physical force to control their victims. We first explore the presence of these stereotypes, how they are constructed, and how they fit with ideal offender tropes before disproving them as myths by contrasting them with the reality of trafficking offenders as profiled by international and Australian statistics and research, including Australian trafficking case law. We then examine two emerging Australian cases involving allegations of slavery and servitude offences to further exemplify the incompatibility of the offending stereotypes with the contemporary nature of trafficking. These cases were chosen because of their timeliness—at the time of writing, they were the two most recent examples of trafficking offending reported in the Australia media—and the widespread media coverage the cases received. An analysis of this media reporting and official statements by relevant policing bodies was undertaken to examine language, expression, and framing that reinforce or disprove the four elements of the myth of the ‘ideal offender’. Taking a critical social constructionist approach, which exposes the gendered, racialised, and socio-economic assumptions that underpin human trafficking discourse,¹⁶ our analysis highlights the danger of prominent offender stereotypes. Through this article, we demonstrate the need for greater emphasis on the role of coercive control in trafficking offending, the impact of trust and changing relationships, and the interrelationship of human trafficking with domestic violence and other forms of gender-based violence. As this discussion shows, these factors are much more relevant to the reality of trafficking offending than current offender stereotypes.

¹⁵ O’Brien, 2016, p. 208.

¹⁶ S Haslanger, *Resisting Reality: Social construction and social critique*, Oxford University Press, Oxford, 2012.

The Ideal Offender: Persistent stereotypes of offender and offending

In 1986, Nils Christie developed the theory of the ideal victim. Christie's work constructed a typography of the ideal victim and outlined the five main attributes that constitute an ideal victim: the victim is weak; the victim was carrying out a respectable project during the time of attack; they were in a place they could not possibly be blamed for being; the offender was big and bad; and finally, the offender was unknown, with no personal relationship to the victim.¹⁷ While the ideal victim is a recognised framework in trafficking literature, the concept of the ideal offender is less prevalent. However, the two concepts (ideal victim/ideal offender) are closely linked. For example, Christie argues that an ideal victim is most often created by an ideal offender. The ideal offender is predominately a person who is evil, culpable, unknown to the victim, socially undesirable, and not themselves a victim.¹⁸

In human trafficking, common stereotypes about offenders and their offending patterns follow the profile of the ideal offender and create representations of traffickers that are removed from many versions of the reality. O'Brien finds that Christie's characterisation of the ideal offender is consistent with representations of trafficking offenders in NGO awareness campaigns.¹⁹ Further, Wilson and O'Brien examine how the United States (US) *Trafficking in Person* (TIP) Report reproduces offender narratives that are consistent with Christie's archetype of ideal offenders as 'big and bad', deviant, and unknown.²⁰ The mainstream media has predominantly presented trafficking narratives as sensationalist stories which detail specific experiences of physical and emotional suffering and use imagery and language designed to shock and invoke an emotional reaction,²¹ yet contain stereotypes which align with myths related to the ideal victim and ideal offender. This leads to a series of stereotypical narratives, four components of which are outlined below, that define trafficking discourse but do not appropriately reflect the diverse reality of trafficking offending.

¹⁷ N Christie, 'The Ideal Victim', in E A Fattah (ed.), *From Crime Policy to Victim Policy: Reorienting the justice system*, Palgrave Macmillan, London, 1986, pp. 17–30.

¹⁸ *Ibid.*

¹⁹ O'Brien, 2016, p. 208.

²⁰ M Wilson and E O'Brien, 'Constructing the Ideal Victim in the United States of America's Annual Trafficking in Persons Reports', *Crime, Law and Social Change*, vol. 65, 2016, pp. 29–45, <https://doi.org/10.1007/s10611-015-9600-8>.

²¹ J Muraszkiwicz *et al.*, *Review of the Media Framing of Human Trafficking*, Report for the TRACE Project, 2014, retrieved 21 April 2021, https://cris.cumulus.vub.ac.be/portal/files/5208711/TRACE_D1.2_Final.pdf; Barnett, pp. 205–217.

Stereotype One: Traffickers are exclusively male

One of the most widely held stereotypes is that traffickers are exclusively male.²² It is common for films and popular culture to represent traffickers as men,²³ and international news coverage on human trafficking cases more regularly constructs men as the main perpetrators.²⁴ Further reinforcing a polarisation of men and women in trafficking cases is that despite ideological differences, anti-trafficking campaigns also frequently rely on women's victimisation narratives to structure their rhetorical appeal.²⁵ These stereotypical constructions contradict emerging research into human trafficking which suggests that women play a key role in human trafficking not just as victims, but also as offenders.²⁶ Although men continue to account for the majority of offenders in many nations, 'trafficking in persons is a crime with a relatively high rate of female involvement' and there is a 'positive correlation between the share of girls detected as victims and the share of women convicted for trafficking in persons'.²⁷

Examination of the Australian context further challenges the common stereotype of traffickers being exclusively male. As of June 2021, 25 people have been convicted of trafficking in persons, slavery, and slavery-like offences under divisions 270 and 271 of the *Commonwealth Criminal Code Act 1995*, with 14 of these being male and 11 female. Analysis of offending patterns in Australia²⁸ found diverse roles of female offenders, sometimes acting as leaders,²⁹ in subordinate roles with clear histories of prior victimisation,³⁰ and some having been in rela-

²² J M Chacón, 'Tensions and Trade-Offs: Protecting trafficking victims in the era of immigration enforcement', *University of Pennsylvania Law Review*, vol. 158, no. 6, 2010, p. 1616; E O'Brien, *Challenging the Human Trafficking Narrative: Victims, villains and heroes*, Routledge, Oxon, 2019.

²³ Todres, p. 12.

²⁴ E Denton, 'International News Coverage of Human Trafficking Arrests and Prosecutions: A content analysis', *Women & Criminal Justice*, vol. 20, issue 1–2, 2010, pp. 10–26, p. 21, <https://doi.org/10.1080/08974451003641321>.

²⁵ Hesford, p. 126.

²⁶ I Chatzis *et al.*, *Female Victims of Trafficking for Sexual Exploitation as Defendants: A case law analysis*, United Nations Office on Drugs and Crime (UNODC), Vienna, 2020.

²⁷ K Kangaspunta *et al.*, *Global Report on Trafficking in Persons 2012*, UNODC, Vienna, 2012, p. 29.

²⁸ F Simmons *et al.*, 'Human Trafficking and Slavery Offenders in Australia', *Trends & Issues in Crime and Criminal Justice*, no. 464, Australian Institute of Criminology, 2013, retrieved 20 April 2021, <https://www.aic.gov.au/publications/tandi/tandi464>.

²⁹ *The Queen v Tang* [2008] HCA 39; *R v Nethip* [2010] NSWDC 159.

³⁰ *DS v R* [2005] VSCA 1992 [2].

tionships with male co-offenders.³¹ O'Brien observed that, when offenders are identified as being female, they are subjected to more detailed characterisation in news reporting, including analysis of motivation for their actions, than male traffickers.³² This involves framing female traffickers as the 'exception' and is done potentially to overcome the audience's worldview of women as intrinsically gentler or kinder than men, and enable them to recognise the woman as the 'villain' in the trafficking narrative.³³

Stereotype Two: Traffickers are unknown to their victims

Another common stereotype linked to the 'ideal offender' and 'ideal victim' theory is that traffickers are always unknown to their victims, and that the point in which their relationship turns exploitative is immediately upon meeting. O'Brien identified that the most familiar stories of human trafficking within the general public 'centre around a young female victim, kidnapped or duped into forced prostitution'.³⁴ Although trafficking offending can involve the abduction of individuals who are sold for commercial sex or used for other labour, the media tends to over-represent such scenarios because they command attention from audiences.³⁵ An analysis of data gathered from three separate American studies of youth and young adult sex workers found that recruitment into sex work by a third party is far less common than is presupposed by trafficking narratives, and when it did occur, rather than a stranger, the facilitator was often an informal or legal guardian or a friend or intimate companion of a parent.³⁶ Narratives such as these about 'pimp trickery' leading to forced prostitution are more likely to awaken public empathy, generate social alarm, and increase reader and viewership, a key objective of mainstream media. However, such narratives ignore root causes of labour and sexual exploitation within the provision of sexual services globally.

³¹ *R v Sieders & Yotchomchin* [2006] NSWDC 184.

³² O'Brien, 2019, p. 78.

³³ *Ibid.*

³⁴ O'Brien, 2016, p. 208.

³⁵ E Albright and K D'Adamo, 'The Media and Human Trafficking: A discussion and critique of the dominant narrative', in M Chisolm-Straker and H Stoklosa (eds.), *Human Trafficking Is a Public Health Issue*, Springer, Cham, 2017, pp. 363–378, https://doi.org/10.1007/978-3-319-47824-1_21.

³⁶ A Marcus, *et al.*, 'Conflict and Agency Among Sex Workers and Pimps: A closer look at domestic minor sex trafficking', *The ANNALS of the American Academy of Political and Social Science*, vol. 653, no. 1, 2014, pp. 225–246, <https://doi.org/10.1177/0002716214521993>.

As recognised by the international legal definition of trafficking within the UN Trafficking Protocol, situations of human trafficking involve an element of coercion, fraud, deception, or abuse of power to recruit a potential victim.³⁷ For these strategies to be effective, traffickers often need to first gain the trust of their potential victim. This can be achieved through establishing connection and a non-exploitative relationship first, and then increasing coercion and control over time. To help with establishing commonality and trust, recruitment is often carried out by traffickers of the same nationality or background as the victims.³⁸ A study examining trafficker typologies in the US reported that traffickers tended to be from the same country of origin as their victims.³⁹ Having the same nationality often means similarities in language, culture, and religious backgrounds, which can be used to develop rapport, and in this way, ‘the notion of a collective ethnic brotherhood/sisterhood in a host nation may be an ideal that facilitates the trafficking act’.⁴⁰ Analysis of female convicted offenders in Australia also found that it is common for offenders to share the same background as their victims.⁴¹ The use of commonalities to build trust also helps to facilitate exploitation by reducing the risk of escape. Indeed, offering a stark contrast to the myth of traffickers as strangers to their victims, a significant proportion of human trafficking offences are committed by family, acquaintances, and friends.⁴² The common essential elements of connection and trust in the initial stages of a relationship between traffickers and their victims is not often represented in mainstream media or popular culture. Instead, narratives are couched in the myth of unknown predators that lurk in the dark and from this a ‘story of crime’ emerges which ‘positions criminal justice interventions as the natural solution to human trafficking’.⁴³

³⁷ UN General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, Supplementing the *United Nations Convention against Transnational Organized Crime*, 15 November 2000, (Trafficking Protocol), Article 3(a).

³⁸ Y van Damme *et al.*, *Organized Crime Involvement in Trafficking in Persons and Smuggling of Migrants*, UNODC, Vienna, 2010.

³⁹ Busch-Armendariz, Nsonwu and Heffron, 2009, p. 5.

⁴⁰ Denton, 2016, p. 54.

⁴¹ A L A Baxter, ‘When the Line Between Victimization and Criminalization Blurs: The victim-offender overlap observed in female offenders in cases of trafficking in persons for sexual exploitation in Australia’, *Journal of Human Trafficking*, vol. 6, issue 3, 2020, pp. 327–338, p. 329, <https://doi.org/10.1080/23322705.2019.1578579>.

⁴² M Viuhko, ‘Hardened Professional Criminals, or Just Friends and Relatives? The diversity of offenders in human trafficking’, *International Journal of Comparative and Applied Criminal Justice*, vol. 42, issue 2–3, 2017, pp. 177–193, <https://doi.org/10.1080/01924036.2017.1391106>.

⁴³ Albright and D’Adamo, p. 372.

Stereotype Three: Traffickers always use physical force

Another common stereotype is that physical force is always used to recruit and control victims. Although the use of physical force or restraint is indeed a technique of trafficking offending, it is not always necessary due to traffickers' use of psychological coercion and control.⁴⁴ The UN Trafficking Protocol recognises the methods used by traffickers are much broader than the use of physical force;⁴⁵ however, ambiguities within the definition of some terms such as 'coercion' and 'abuse of a position of vulnerability', in particular when they relate to use of psychological instead of physical means, has led to a lack of understanding of the prominent role they play in trafficking offending. Coercion is commonly seen as an umbrella term for a range of behaviours, and in the UN Trafficking Protocol it is linked to, but not synonymous with, the threat or use of force; however, the meaning of psychological coercion is less understood. The stereotype of traffickers always using physical force to 'enslave' their victims exists because it is easier to comprehend slavery achieved through the use of chains and other physical forms of force, whereas psychological forms of coercion and control are easier to conceal and therefore also easier to overlook or misunderstand.⁴⁶

This stereotype is further disproved by data on convicted offenders in Australia, which shows that 'offenders have typically exploited their victims through subtle methods of control rather than through the overt use of force or explicit threats of violence'.⁴⁷ For example, in the case of *R v Netthip*, the offender exercised control through an arrangement that was akin to debt bondage. In accordance with Australian law, in order to prove the condition of 'sexual servitude', it must be shown that the use of force or threats causes a person not to be free to cease providing sexual services;⁴⁸ in this case, a 'threat' was ascertained to have arisen from the presence of the debt and not physical force.⁴⁹ Despite this, stereotypes about traffickers only using physical force to 'enslave' their victims are commonly held by the general public. Of the twenty-two per cent of Australian respondents to a national online survey who indicated that they believed they would be able to identify a trafficked person, a lack of freedom of movement and not being in possession of personal documents such as passports were identified by

⁴⁴ K Doychak and C Raghavan, "'No Voice or Vote.'" Trauma-coerced attachment in victims of sex trafficking', *Journal of Human Trafficking*, vol. 6, issue 3, 2020, pp. 339–357, <https://doi.org/10.1080/23322705.2018.1518625>.

⁴⁵ Trafficking Protocol, Article 3(a).

⁴⁶ E Hopper and J Hidalgo, 'Invisible Chains: Psychological coercion of human trafficking victims', *Intercultural Human Rights Law Review*, vol. 1, 2006, pp. 185–210.

⁴⁷ Simmons *et al.*, p. 9.

⁴⁸ *Criminal Code* (Cth) s 270.4(1).

⁴⁹ *R v Netthip* [2010] NSWDC 159.

respondents as relevant indicators.⁵⁰ Although these can indeed be indicators of trafficking, limiting understanding of the issue to only this context of physical restrictions on freedom of movement overlooks offending techniques such as social, economic, and geographic isolation, or other coercive behaviours, which can be employed progressively over time to deliberately control victims and prevent their escape. Trafficking offending narratives which only involve clear forms of physical force build on the ‘story of crime’ mentioned earlier, and those held through other methods such as debt bondage may not recognise themselves as being in an exploitive situation and thus not seek help.⁵¹ Developing greater understanding of the role that coercive control can play in situations of human trafficking will help to break down the stereotype that trafficking always involves the use of physical force and other visible means of control.

Stereotype Four: Traffickers are always foreigners

A fourth common stereotype is that human traffickers are always foreigners and that trafficking only occurs across international borders. In popular discourse concerning the trafficking of migrants, traffickers ‘are almost always identified as noncitizen men or men of color’⁵² and the ‘otherness’ of traffickers is further established through common depictions in the media of them being ‘dark’ or ‘eastern’ criminals.⁵³ Related to this is the common perception of those in developed countries that trafficking is a phenomenon that only happens overseas, across international borders, or to foreigners by foreigners. Wilson and O’Brien demonstrate how this portrayal is maintained in the US TIP reports, which construct trafficking as emanating from ‘source’ countries.⁵⁴ Barnett’s analysis of 110 articles on trafficking for sexual exploitation from forty-nine magazines published across seven countries found that that the portrayal of industrialised nations as victims of crime and developing countries as the source of crime was apparent; however, discussion on colonisation, racism, imperialism, and ‘sociopolitical systems forced upon developing countries by developed governments’ was absent.⁵⁵ The myth that trafficking is rooted in foreign cultures and international travel is also perpetrated through American films that portray other cultures as exploitative by nature and Americans as their saviours.⁵⁶

⁵⁰ Joudo Larsen and Renshaw, p. 5.

⁵¹ Albright and D’Adamo, p. 374.

⁵² Chacón, p. 1616

⁵³ J Berman, ‘(Un)Popular Strangers and Crises (Un)Bounded: Discourses of sex-trafficking, the European political community and the panicked state of the modern state’, *European Journal of International Relations*, vol. 9, issue 1, 2003, pp. 37–86, <https://doi.org/10.1177/1354066103009001157>.

⁵⁴ Wilson and O’Brien.

⁵⁵ Barnett, pp. 215–216.

⁵⁶ Todres, p. 15.

This positioning of trafficking leads to a general understanding by citizens in developed countries that trafficking is not something their own citizens can be involved in and is only perpetrated by migrants against migrants. Indeed, it is well evidenced that migrants are commonly victimised as they face specific vulnerabilities due to factors such as social isolation or limited access to networks, information, or resources. However, the myth of traffickers being primarily foreigners is disproven by findings published by the UN Office on Drugs and Crime (UNODC) in 2020 that seventy-four per cent of convicted traffickers globally were citizens of the country of their conviction.⁵⁷ It is important to note that this statistic does not capture the traffickers' ethnic backgrounds and the fact that traffickers may have cultural ties to countries other than that of which they are citizens. As noted in the discussion of stereotype two, trafficking offenders often use ethnic, cultural, and linguistic similarities to build rapport with victims with the same backgrounds. So, although trafficking does often involve individuals with foreign backgrounds, this is not always the case (as the case studies in this article demonstrate). The danger is in viewing trafficking as exclusively a foreign issue, or one that necessarily involves international cross-border travel.⁵⁸ Framing trafficking as a crime perpetrated only by foreigners across international borders fuels a popular discourse in which the noncitizen is perceived as a criminal threat, which in turn has policy implications that undercut trafficking protections whilst ignoring consideration of root causes of trafficking and sources of demand for trafficked labour.

This stereotypical narrative has influenced perceptions of trafficking within the Australian community. Of the twenty-two per cent of Australian survey respondents who indicated that they believed they would be able to identify a trafficked person, the majority identified foreign characteristics such as poor English language skills and Asian background as relevant indicators.⁵⁹ Although the majority of cases of convicted traffickers in Australia have involved both migrant offenders and victims, Australian residents and citizens with no migrant background have also been convicted of trafficking and slavery offences;⁶⁰ however, this has not seemed to influence the dominant narrative that traffickers are always foreigners and trafficking is a foreign issue that involves cross-border travel. The two case studies explored in the following section further demonstrate how trafficking can be 'home grown'; however, the influence of the dominant

⁵⁷ Kangaspunta *et al.*, 2020.

⁵⁸ OHCHR, 'Human Rights and Human Trafficking', *Fact Sheet no. 36*, United Nations, 2014, https://www.ohchr.org/documents/publications/fs36_en.pdf.

⁵⁹ Joudo Larsen and Renshaw, p. 5.

⁶⁰ *DPP (Cit) v Kannan & Anor* [2021] VSC 439; ABC Staff, 'Melbourne Couple Found Guilty of Keeping Tamil Woman as a Slave for Eight Years', *ABC News*, 23 April 2021, retrieved 16 August 2021, <https://www.abc.net.au/news/2021-04-23/melbourne-couple-guilty-of-slavery-treatment-of-tamil-woman/100091328>.

narrative of trafficking as a foreign issue may have contributed to a delay in identifying situations of exploitation as trafficking and slavery.

Emerging Australian Cases: Breaking the myth of the ideal trafficking offender

In early 2021, two Australian cases involving allegations of slavery and servitude offences emerged that challenge the stereotypical representations of the ‘ideal offender’ outlined above. In Australia, divisions 270 and 271 of the *Commonwealth Criminal Code Act 1995* criminalise human trafficking and slavery. This Act defines slavery as ‘the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person’⁶¹ and includes slavery-like practices such as servitude. This section explores the cases of Markcrow, Sawyer, and Stead and the case of Davis, which involve charges of slavery and servitude under division 270 of the *Commonwealth Criminal Code Act 1995*. At the time of writing, both cases were yet to be heard in court, and therefore no verdict had been reached. However, an analysis of publicly available information relating to these cases illustrates their departure from traditional understandings of trafficking offending and offences dominated by stereotypes. Comparing the reality of these cases to the four trafficking offender myths examined in the previous section demonstrates the need for more realistic representations of human trafficking in popular narratives.

The Case of Markcrow, Sawyer, and Stead

On 4 February 2021, a 35-year-old man, Matthew James Markcrow, and a 23-year-old woman, Crystal Marie Sawyer, were arrested by Queensland Police in South Brisbane and charged with multiple offences, including a charge against Markcrow for conducting a business involving servitude under the *Commonwealth Criminal Code Act 1995* as an aggravated offence involving a victim under 18 years of age.⁶² Shortly after, a third person, 23-year-old Hannah Christina Stead, was also charged with the same offence,⁶³ and further charges were laid against Markcrow, including six additional counts of conducting business involving servitude and

⁶¹ *Criminal Code Act 1995 (Cth)*

⁶² Queensland Police Service, ‘Sexual Servitude and Organised Prostitution Charges’, 5 February 2021, retrieved 4 May 2021, <https://mypolice.qld.gov.au/news/2021/02/05/sexual-servitude-and-organised-prostitution-charges-brisbane>.

⁶³ Queensland Police Service, ‘Update: Sexual servitude and organised prostitution charges, Brisbane’, 12 February 2021, <https://mypolice.qld.gov.au/news/2021/02/12/update-sexual-servitude-and-organised-prostitution-charges-brisbane>.

two counts of attempting to do so.⁶⁴ Police allege that Markcrow was keeping multiple women, aged between 17 and 24 years old, in conditions of servitude of unlawful prostitution, using stupefying drugs to control their movements.⁶⁵ When the search warrant was executed, police reported finding four victims at the address who had been tattooed as being Markcrow's property, with a further five victims coming forward to police following the arrests.⁶⁶ This case challenges three of the four offender stereotypes identified in the previous section.

First, in contrast to the first myth of traffickers always being male, this case involves two female offenders alongside a male offender. The presence of female offenders in cases of sexual exploitation in Australia is not uncommon.⁶⁷ The UNODC has suggested that '[i]t is not surprising that a crime for which 75–80 per cent of detected victims are female also involves a higher rate of female offenders'.⁶⁸ Despite recognition both internationally and in Australia of the commonality of female trafficking offenders, the male offender profile remains dominant and can be seen when considering comments made by the Queensland Police Officer-in-Charge, Detective Inspector Juliet Hancock, at the time of the arrests. Despite having laid charges on both a man and a woman, Detective Inspector Hancock was quoted as saying 'we believe there are other victims who have been exploited by the man', ignoring the role perceived by police that the female co-offender played in their exploitation.⁶⁹ This focus on the male offender can also be seen in mainstream media headlines such as an article from 9News entitled 'Man charged with keeping young Brisbane women as sex slaves', where it is not until the sixth paragraph of this article that a female co-offender is mentioned.⁷⁰ Similarly, 7News reported 'Man facing 10 charges over allegations

⁶⁴ Queensland Police Service, 'Update 2: Sexual servitude and organised prostitution charges, Brisbane', 23 February 2021, <https://mypolice.qld.gov.au/news/2021/02/23/update-2-sexual-servitude-and-organised-prostitution-charges-brisbane>.

⁶⁵ Queensland Police Service, 'Sexual Servitude and Organised Prostitution Charges'.

⁶⁶ *Ibid.*

⁶⁷ *R v Sieders & Yotchomchin* [2006] NSWDC 184; *The Queen v Tang* [2008] HCA 39; *R v McIvor & Tanuchit* [2010] NSWDC 310; *R v Netthip* [2010] NSWDC 159; *R v Chee Mei Wong*, [2013] NSWDC; *R v KAK* [2013] QCA 310.

⁶⁸ Kangaspunta *et al.*, 2012, p. 29.

⁶⁹ T Siganto and J Malo, 'Women Held as Sex Slaves, Drugged and Tattooed as Being "Property", Queensland Police Say', *ABC News*, 5 February 2021, <https://www.abc.net.au/news/2021-02-05/brisbane-prostitution-charges-sex-slaves-mount-gravatt/13125336>.

⁷⁰ 9News Staff, 'Man Charged With Keeping Young Brisbane Women as Sex Slaves', *9News*, 5 February 2021, <https://www.9news.com.au/national/women-allegedly-forced-into-sexual-slavery-brisbane-news-sex-arrest-covertly-filmed-tattooed-drugged-mount-gravatt-east/f97fc667-aaca-4a79-bf6c-f58335aa4e97>.

sex slaves were kept in Brisbane home'.⁷¹

The allegations in this case that the offenders used stupefying drugs to control the victims' living, financial, and work conditions also challenge the offender stereotype that traffickers always use physical force to control their victims. After speaking to alleged victims found at the property, Detective Inspector Hancock said 'a couple of them yesterday were definitely very heavily under the influence of drugs'.⁷² Utilising substances as a means of enacting control over victims is a common tactic of traffickers, and has been recognised by a US Supreme Court Justice in a landmark forced labour case as being a form of coercive control.⁷³ As drug use is generally seen as an undesirable trait by the broader community, an additional impact of this not well or widely understood phenomenon is that the trafficked person may be viewed as not meeting one of the attributes of Christie's 'ideal victim', that is, that they were carrying out a respectable project during the time of attack. This can lead to challenges for trafficked people in self-identifying as victims, and indicators of such consequences are present in this case. After speaking with some of the women found at the house, Detective Inspector Hancock stated that 'it would be, I think, fair to say that some of them do not understand they have been exploited'.⁷⁴

Related to the stereotype that traffickers always use physical force is the idea that the point at which the relationship between a trafficker and victim becomes exploitative is immediately upon meeting. Although in this case the exact nature of the initial relationship between the alleged offenders and their victims is not publicly reported, a police prosecutor explained to the court that Sawyer had told police she was 'like a mother' to the four women, saying 'she took care of them' and that 'she exercised a degree of control over the other girls'.⁷⁵ Establishing trust is a vital component for enacting techniques of coercive control, which can be used to gain, maintain, or increase control of a victim.⁷⁶ The ever-persistent stereotype of trafficking as requiring physical force and the relationship between a trafficker and their victim being exploitative immediately upon their meeting does not allow for these forms of psychological coercion to be understood in the mainstream.

⁷¹ W Barnsley, 'Man Facing 10 charges Over Allegations Sex Slaves Were Kept in Brisbane Home', *7News*, 5 February 2021, <https://7news.com.au/news/qld/man-facing-10-charges-over-allegations-sex-slaves-were-kept-in-brisbane-home-c-2099552>.

⁷² Siganto and Malo.

⁷³ *United States v. Kozminski*, 487 U.S. 931, 957, see J. Brennan, concurring in judgment.

⁷⁴ Siganto and Malo.

⁷⁵ *Ibid.*

⁷⁶ L.N. Olson *et al.*, 'Entrapping the Innocent: Toward a theory of child sexual predators' Luring Communication', *Communication Theory*, vol. 17, no. 3, 2007 pp. 231–51, <https://doi.org/10.1111/j.1468-2885.2007.00294.x>.

Finally, a number of factors are present in this case, which challenge the fourth stereotype explored in this article—that traffickers are always foreigners. Although residency or citizenship of the alleged offenders or victims has not been reported publicly, photos of Markcrow printed in the media show he is white and he has been labelled as a ‘Brisbane man’ in reporting,⁷⁷ indicating a likelihood that he is an Australian citizen or resident. Despite this, the comments reported by Detective Inspector Hancock at the time of the arrests contain evidence of the related commonly held stereotype that trafficking in general is a foreign issue. Hancock said ‘(i)t’s something that you see that’s happening overseas’ and that ‘we’ve been shocked by this, we didn’t think this was happening in Australia, let alone Brisbane’.⁷⁸ Seeing the important role that policing agencies play in identifying trafficking situations, and their significant exposure to members of the community in situations of vulnerability, it is vital that police have an up-to-date understanding of the reality of trafficking crimes. Critically, this understanding must include the diverse typology of these crimes, informed through evidence and research, and widely shared with frontline service providers and the Australian community to avoid the influence of inaccurate and harmful stereotypes.

The Case of Davis

A second situation of exploitation in Australia exposed in early 2021 also challenges several of the ‘ideal offender’ tropes. On 11 March 2021, a 40-year-old man, James Robert Davis, was arrested by the Australian Federal Police (AFP) in Armidale, a town in regional New South Wales, and charged with three offences under the *Commonwealth Criminal Code Act 1995* related to one alleged victim, including reducing a person to slavery, intentionally possessing a slave, and causing a person to enter/remain in servitude.⁷⁹ The AFP allege that Davis manipulated a victim between 2012 to 2015 for a so-called ‘cult’, with investigators stating that Davis refers to himself as the patriarch of a group known as the ‘House of Cadifor’ and was living in a property with six women who had signed ‘slavery contracts’.⁸⁰

This case challenges the stereotype that traffickers are always foreigners and shows how, when viewed in this way, it may lead to situations of exploitation not being recognised as slavery. Davis and Felicity Bourke, a woman who has spoken publicly

⁷⁷ 9News Staff.

⁷⁸ Siganto and Malo.

⁷⁹ Australian Federal Police, ‘Modern Slavery Charges Laid Against Armidale Man’, 16 March 2021, retrieved 4 May 2021 <https://www.afp.gov.au/news-media/media-releases/modern-slavery-charges-laid-against-armidale-man>.

⁸⁰ T Swanston, ‘AFP Calls for More People to Come Forward After James Davis Charged With Slavery Offence’, *ABC News*, 16 March 2021, <https://www.abc.net.au/news/2021-03-16/afp-call-out-nsw-james-davis-alleged-sex-slave-charges/100013332>.

about the ways in which she alleges he caused her harm,⁸¹ are both Australian citizens, and from publicly available information, there appears to be no international element in this case. Davis's treatment of women was within clear view of both the physical community in which he lived and the online community as Davis frequently published blogs and videos online in which he openly detailed his control of women for sexual pleasure.⁸² An investigative journalist claims to have learnt that 'numerous reports about Davis have been made to state and federal authorities over several years'; however, when the programme she worked for approached New South Wales Police and the AFP about the situation, 'both said they were not investigating Davis'.⁸³ Neither policing agency has provided public comment on why this may have been so, in particular given the public nature of Davis's own documenting of his exploitative behaviours. However, after Davis's arrest, the AFP publicly acknowledged the assistance of the investigative journalism to their operation.⁸⁴ At the time of Davis's arrest, the AFP Assistant Commissioner stated, 'we want the public to be aware that human trafficking, slavery and slavery-like practices are happening here in Australia, all too often without anyone in the community knowing'.⁸⁵ This situation highlights the need for the stereotype of traffickers as always being foreigners to be broken down. This case demonstrates that there may have been an issue of both the community and policing agencies not recognising an exploitative situation as amounting to slavery due to this persistent stereotype that has misguided the general public's understanding of trafficking only as a foreign or cross-border issue. It also shows the importance of policing agencies having up-to-date knowledge of the diversity of trafficking offending.

This case also challenges the stereotype that traffickers are always unknown to their victims, and that the point at which their relationship turns exploitative is upon first encounter. Indeed, Davis and Burke's relationship began as a consensual romantic one, and it was not until after developing this initial relationship that Davis began utilising techniques of physical violence and psychological manipulation to coerce and control Burke.⁸⁶ Davis and Burke also share common features in their backgrounds and professional interests, which may have

⁸¹ Four Corners, 'Enslaved', *Australian Broadcasting Corporation*, viewed 6 May 2021, <https://www.abc.net.au/4corners/enslaved/13250368>.

⁸² *Ibid.*

⁸³ E Worthington and K Taylor, 'Former "Slave" Speaks Out About Abusive Sex Cult Being Run From a Rural Property', *ABC Investigations*, 15 March 2021, retrieved 19 January 2022 from Internet Archive, <https://web.archive.org/web/20210804061102/https://www.abc.net.au/news/2021-03-15/four-corners-felicity-bourke-speaks-out-about-cult-master/13230546>.

⁸⁴ Australian Federal Police.

⁸⁵ *Ibid.*

⁸⁶ Worthington and Taylor.

been used by Davis to develop Burke's trust. According to media reports, Davis served in the military for 17 years and also previously worked as a prison guard,⁸⁷ whereas Burke was studying to become a police officer when she met him.⁸⁸ The technique of first establishing trust as a foundation for enacting coercive control, often present in situations of intimate partner violence (IPV), can be seen in this example of alleged trafficking offending to be a key factor, which was then used by Davis to control Burke.

Finally, the case also challenges the stereotype that traffickers always use physical force to control their victims as it demonstrates multiple forms of psychological coercion allegedly used by Davis over long periods of time, in addition to physical means. In Davis's online writing, he openly described his philosophy of 'psychologically conditioning' his slaves 'to be 100% dependant [sic]⁸⁹, and gave advice to other men as to the specific techniques he used to do so, such as 'collaring' women. As in the Australian case of *R v Netthip*, where victims had freedom of movement and freedom of communication,⁹⁰ Davis's use of psychological coercion allowed him to control his alleged victims without the use of physical restraint. After openly promoting his exploitative behaviours online for many years, Davis relocated himself and multiple women to a rural property, creating a degree of social isolation between the group and the broader community. Burke also reported that soon after meeting Davis and introducing him to her family, Davis acted to sever ties between her and her family.⁹¹ Using isolation to gain control has been identified as one of four common patterns of behaviour in situations of coercive control across both IPV and trafficking.⁹² Deeper analysis of the intersection between domestic and family violence and human trafficking and the role of coercive control is essential in furthering understanding of more subtle forms of control traffickers utilise in offending.

⁸⁷ E Partridge, 'Former Soldier Charged With Keeping a Slave Refused Bail', *9News*, 17 March 2021, <https://www.9news.com.au/national/james-robert-davis-refused-bail-in-armidale-local-court-on-slavery-charges/e2da03bf-df55-4a08-9ac8-250895e32fd1>.

⁸⁸ Worthington and Taylor.

⁸⁹ *Ibid.*

⁹⁰ *R v Netthip* [2010] NSWDC 159.

⁹¹ Worthington and Taylor.

⁹² J Duron *et al.*, 'Observing Coercive Control Beyond Intimate Partner Violence: Examining the perceptions of professionals about common tactics used in victimization', *Psychology of Violence*, vol. 11, no. 2, 2021, pp. 144–54, <https://doi.org/10.1037/vio0000354>.

Recognising the Role of Coercive Control in Trafficking Offending

Although the concept of coercive control⁹³ was initially developed to explain offending techniques in IPV, recognition is beginning to emerge that victims of other forms of exploitation and abuse are subject to the same tactics. This includes victims of trafficking and involves techniques that ‘draw and trap them in relationships with their perpetrators and alienate them from their support systems’.⁹⁴ Professionals working with perpetrators and victims of abuse describe a common pattern of offending that transcends victimisation type. Utilising the specific term ‘coercive control’ to describe these tactics ‘broadens the recognition of instances when an individual’s personal freedoms are limited by another individual’s exertion of control’.⁹⁵ There is a lack of understanding of techniques of psychological and financial coercion within the Australian context as demonstrated by the absence of a nationally agreed definition of what constitutes coercive control. The need to better understand coercive control and consider what related effective legislative interventions look like was recently recognised by the Parliament of New South Wales in establishing a joint select committee to inquire into coercive control in domestic relationships. A key finding of this committee was that current laws do not adequately cover coercive and controlling behaviour.⁹⁶ Domestic violence offending in Australia has also been found to be part of a broader pattern of offending behaviour;⁹⁷ however, human trafficking and slavery are federal offences, while domestic and family violence are state-based offences, meaning Australia’s federated system of governance has contributed to a disconnect between these closely related crimes. A federal parliamentary inquiry recently addressed some of these concerns by recommending the adoption of a uniform definition of family, domestic, and sexual violence across all Australian states and territories, which is inclusive of coercive control and considers situations of ‘complex forms of violence’ such as forced marriage.⁹⁸ It is essential that the role of coercive control

⁹³ E Stark, *Coercive Control: How men entrap women in personal life*, Oxford University Press, Oxford, 2007.

⁹⁴ Duron *et al.*, p. 144.

⁹⁵ *Ibid.*

⁹⁶ Parliament of New South Wales, ‘Coercive Control in Domestic Relationships’, Joint Select Committee on Coercive Control, retrieved 20 May 2021, <https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=271#tab-reportsandgovernmentresponses>.

⁹⁷ C Dowling, H Boxall and A Morgan A, ‘The Criminal Career Trajectories of Domestic Violence Offenders’, *Trends and Issues in Crime and Criminal Justice*, no. 624, Australian Institute of Criminology, 2021, <https://www.aic.gov.au/publications/tandi/tandi624>.

⁹⁸ House of Representatives Standing Committee on Social Policy and Legal Affairs, *Inquiry Into Family, Domestic and Sexual Violence*, March 2021, recommendation 1.

is also recognised in all forms of trafficking and that further understanding of this is developed and embedded in law, policy, and practice, to increase individual and institutional capacity to identify and respond to these methods and other psychological forms of harm and control.

Conclusion

This analysis has demonstrated the importance of unpacking, challenging, and changing stereotypes about the ‘ideal offender’ that dominate the trafficking discourse. While media, popular culture, NGO programmes, and government reports may construct ideal offender narratives to garner support, engage the public, and mobilise action against human trafficking, narrow stereotypes surrounding offenders and offending can have dangerous implications. As the case studies highlight, situations that depart from commonly held stereotypes can go unnoticed or unreported. Service providers, police, and even victims themselves may not recognise the nature of the harm they witness or experience if it runs counter to commonly perpetuated stereotypes that limit understanding of what human trafficking is, how and where it occurs, and who perpetrates it and why. It is imperative to view trafficking not only as perpetrated by foreigners based on familiar tropes of criminal ‘others’, but as a crime that can be perpetrated by citizens with no migrant associations. There is also a need for future research to better understand and highlight female offending profiles to combat the stereotype of traffickers as solely being male.

Finally, the major finding of this analysis is related to the importance of recognising the role of coercive control in trafficking offending, counter to myths that traffickers only use physical force and are strangers to their victims at the point of exploitation. Critical awareness of how trafficking narratives inform myths and stereotypes is vital in disrupting damaging assumptions shaping the subjectivities of trafficking victims and offenders. To disprove stereotypes and reduce the impact they have on the general public’s understanding of trafficking, information must be shared with those with responsibility for communicating to a broad and diverse audience. This includes journalists, film makers, and NGO and government communication staffers, and it must enable them to easily and effectively disseminate in a way that provides counter-narratives.

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