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***From Rhetoric to Rights:  
Global Response to Human  
Trafficking***

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## Contents

Introduction .....	1
Globalization and the roots of trafficking.....	1
Global Response .....	2
The Role of Rhetoric .....	3
Contradictions and Limitations.....	4
From Rhetoric to Rights .....	6

## Introduction

Globalization is a double-edged sword for human rights, pushing people out of place while giving them a global voice to protest their plight, slicing some traditional bonds while weaving new ones (Brysk ed. 2002). While globalization liberates some from traditional economies and cultures, the worst victims of globalization are usually those whose domestic disempowerment makes them vulnerable to new forms of transnational exploitation—all too often, women and children. The emerging international human rights regime, crafted to restrain inter-state abuses like war crimes and governments' abuse of their own citizens, is challenged to cope with "private wrongs" in which non-state authorities violate vulnerable "people out of place." (Brysk 2005, Brysk and Shafir 2004) For problems like human trafficking, the best response to this new threat to human rights is to harness the information politics and global civil society dimensions of globalization against the economic displacement and weakening of state protection it generates. But since human rights campaigns operate by "framing and shaming," the rhetoric of monitoring, scholarship, and advocacy both enables and constrains an effective response. (Brysk 2009)

The problem of human trafficking is one of the best cases of gaining significant international response by framing a complex human rights issue that affects an especially powerless population in simple and powerful rhetoric. It is an issue that literally provides poster children; archetypal innocent victims evoking humanitarian protection. Moreover, attention and policy increased vastly when advocates linked the growing problem to the well-established, powerful frame of slavery. Framing was slightly slowed because trafficking is perpetrated predominantly by non-state actors, but the malefactors are usually identifiable and the causal chain is not complex. Although there are a variety of perpetrators, framing as sex slavery concentrated attention on pariah criminal networks rather than complicit kin. Similarly, the solution component of the frame was sufficient because while leverage over non-state perpetrators is more limited than freeing political prisoners held by a government, states do have a responsibility and theoretical capacity to protect the victims, and are charged with negligence rather than covert sponsorship. Finally, the sex slavery frame provides a match with an unusual coalition of relatively well-positioned transnational religious, feminist, and human rights organizations, bypassing the relatively weaker advocates for other kinds of migrants. But the cost of this effective frame has been to selectively emphasize those aspects of the problem that fit—coercive cross-border sexual exploitation of children and chaste women—diminishing attention and response to other affected populations and interrelated abuses and root causes.

## Globalization and the roots of trafficking

Since the end of the Cold War, there has been a surge of attention to human trafficking of all kinds. The phenomenon is widespread and growing. Many advocacy groups cite figures of more than 27 million people worldwide exploited in contemporary forms of slavery, with several million of those forced or tricked across borders (based on Bales 2004). The U.S. State Department estimates that up to 820,000 men, women, and children are trafficked internationally each year, while the International Organization for Migration cites a rough figure of 800,000. (U.S. Department of State 2009, IOM) The ILO estimates that at least 1.39 million people are victims of commercial sexual servitude worldwide, though this includes both transnational and domestic exploitation. The U.S. data suggest that about two-thirds of trafficking victims are women and girls. Much of this traffic is from East to West (Europe) or South to North (Latin America-U.S., Southeast Asia-Europe and U.S.). (Attorney General 2007) Organized, lucrative, and brutal transnational criminal networks have developed subjecting Mexican girls to sexual slavery and physical abuse across the U.S. border, as well as selling children from Eastern Europe via Mexico (Landesman 2004). In terms of source country concentrations, various forms of international child trafficking are common in poverty-stricken Bangladesh: boys as young as 4 are shipped to the Persian Gulf for hazardous work as camel jockeys, while girls are sold to India and Pakistan to work as prostitutes and maids (Sengupta 2002).

Like other forms of labor migration, sex trafficking follows dual market and organizational logics: supply and demand plus availability of smuggling and receiving networks. A supply of desperate and vulnerable women (and families, in the case of children) is generated by the collapse of local economies, due to endemic poverty, political conflict and/or pressures of globalization. Conversely, demand is highest in areas that have benefitted from globalization, with high flows of tourism and migration. Smuggling and receiving networks often developed around other illicit flows, such as drugs or weapons, but flourish in weak states and articulate with local institutions of gender inequity. International abuse of women grows from pre-existing domestic practices of commodification of female reproductive labor, such as prostitution, forced marriage, and domestic service, and patriarchal control of women's movement, education, and employment—enforced by gendered violence. A study by La Strada International, a coalition of nine NGOs in Eastern Europe, shows how trafficking is both a cause and a consequence of violations of women's human rights in that region. Patriarchal stereotypes, domestic violence, domestic employment inequity, informalization of female-typed labor in both sending and receiving countries, feminization of poverty in transitional economies, and shortfalls in social support services that differentially affect women are all linked to higher rates and harms of trafficking. (La Strada 2008) It is also important to recognize that in many cases trafficking is deliberately promoted by children's families, from some combination of ignorance, desperation, exploitation, or even custom. (Kane 1998, Levesque 1999)

#### Global Response

International recognition of trafficking as a form of contemporary slavery has been swift and relatively influential in inspiring policy change, although insufficient to stem the problem as root causes continue. International treaty standards are strong; Optional Protocols to the Convention on the Rights of the Child address Child Prostitution and Child Soldiers, while a separate 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children has been signed by over 88 countries. The United Nations has hosted annual conferences since a landmark 1996 Stockholm World Congress Against Commercial and Sexual Exploitation of Children, and sponsored multiple programs under the ILO, UNDP, UNICEF, and other agencies. The Stockholm conference involved 122 countries, but also 105 representatives of international organizations and 471 non-governmental organizations (Kane 1998). Sex trafficking is uncontroversially recognized as a violation of rights of physical integrity; in 1990, the United Nations Human Rights Commission appointed a Special Rapporteur on Traffic in Children and Child Prostitution. Regional inter-governmental coordination initiatives have been launched with U.N. backing in Southeastern Europe, West Africa, the Mekong Delta (UNICEF 2001, "Profiting") and North America. In addition, the EU funds special programs, including victim reintegration by the 76-state International Organization for Migration (Kyle and Koslowski 2001).

Half a dozen leading NGOs have formed with wide public support and frequent program collaboration with international and government agencies; including ECPAT, the Polaris Project, and Captive Daughters. Meanwhile, long-standing children's rights organizations like Save The Children have incorporated anti-trafficking initiatives. For victim support in host countries, a U.S. NGO founded in 2002 has established a National Trafficking Alert System hotline (in several languages), and worked to train U.S. law enforcement to work more effectively with victims (Polaris Project; also see HumanTrafficking.com). One sign of the relative strength of civil society advocates in this issue-area is that the U.S. State Department's Ambassador who heads the Office to Monitor and Combat Trafficking in Persons was appointed at the behest of feminist and religious groups (Brinkley 2006).

The United States has the most comprehensive policy and has devoted the most bureaucratic and financial resources to the issue of any single receiving country—averaging around \$80 million/year over the past decade. The official web site of the U.S. immigration agency now states that people who have been trafficked to the U.S., even if they have entered illegally and participated in crimes such as prostitution, should be seen as victims and not criminals (U.S. Department of Health and Human Services). In October 2000, the United

States passed the Trafficking Victims Protection Act, which increases penalties, protects witnesses, and provides immigration relief for victims. A 2003 Reauthorization strengthened the U.S. measure by permitting prosecution of sex traffickers under racketeering legislation and allowing victims to bring civil suits. Special visas for trafficking victims were enhanced further in a 2005 amended bill. In addition, the U.S. has begun to issue an annual report on human trafficking, and countries deemed to make insufficient efforts to stop trafficking face the threat of a U.S. aid cut. Twenty-three countries were designated as trafficking source countries eligible for sanctions in 2011 (MSNBC 2011). In 2010, economic sanctions were actually imposed on Eritrea, North Korea, Cuba, Iran, Zimbabwe, and Myanmar (CRS 2010)—a good start, but singling out countries that are pariahs for other reasons rather than the most significant sources of trafficking.

Similarly, Britain has legislation to penalize trafficking for the sexual exploitation of minors; Germany has also criminalized trafficking. Sweden has begun to prosecute customers of minor prostitutes, under its Violence Against Women Act. Interpol has a Standing Working Party on Offenses Against Minors, which has promoted police cooperation between Britain and the Philippines, as well as Sweden and Thailand. In addition, by 1997 a dozen countries had passed legislation mandating extraterritorial accountability for sexual abuse of minors by their citizens, including France, Germany, the Nordic countries, Australia, and the U.S. (Kane 1998) Under strong international pressure, Japan has drastically reduced the number of international “entertainer” visas that were notoriously abused by traffickers to import women from neighboring countries into the sex industry; for the Philippines, from 80,000 to 5,000 (Brinkley 2006).

On the source country side, Albania, Bangladesh, Costa Rica, and the Dominican Republic have sharpened legal accountability, heightened penalties, and increased enforcement for trafficking and child prostitution. Thailand significantly tightened legislation and increased enforcement in 1996 (Kane 1998). Similarly, the Philippines reclassified child prostitutes as victims and increased prosecutions and penalties for foreign offenders (Levesque 1999).

#### The Role of Rhetoric

Why has policy seized so strongly on trafficking, but adopted such a partial perspective on the nature and sources of the phenomenon? The narrative of trafficking has particularly salient features for contemporary Western publics, vis-à-vis other types of human rights abuse. The frame of transnational sexual labor exploitation was initially established as “white slavery.” (Kempadoo and Doezema 1998) It thus taps into the moral capital of the anti-slavery campaign, often deemed the first modern human rights movement. One indicator of this linkage is the U.S. Trafficking Office creation of an award for the “abolitionist of the year” to reward State Department representatives attentive to the issue in their embassies (Brinkley 2006). In a morally regrettable yet politically powerful semantic move, *white* slavery emphasizes the “unnatural” threat of enslavement to a portion of a population generally exempted from this peril. Differential attention to Eastern European women promotes ready identification by Western publics with the subset of victims who are culturally and racially similar. Talk of slavery taps into Judeo-Christian religious imagery that appears to transcend ideology, avoiding more challenging sociological frames of labor exploitation or the highly contested issue of immigration rights. But this frame is historically associated with prohibition of prostitution, and draws some religious advocates who also view voluntary sex work as a form of enslavement and accordingly campaign to ban it.

The trafficking frame also draws on the most palatable form of feminism: the struggle to end violence against women. Internationally, the humanitarian protection rubric and transnational networks combating violence against women have succeeded in gaining much greater response than equally costly but chronic or contested economic, cultural, or social rights struggles (Keck and Sikkink 1998). Trafficked women, as “people out of place” (Brysk and Shafir 2004) bridge the universal individual claims of displaced persons and the claims of traditional family values—as they are uprooted from the ascribed protection of home and family. Moreover, even within the violence against women frame, *sexual* violence receives greater recognition and priority. The

blurring of these frames is apparent in the U.S. State Department's sanction of Sudan in the 2005 Trafficking Report to pressure Khartoum over rapes in Darfur; a horrific but distinct, stationary, and acute war crime that does not fit the definition, sources, or solutions for ongoing commercial sexual exploitation across borders. (Brinkley 2006)

As with similar humanitarian issues, the charismatic voice of a public intellectual—in this case, New York Times columnist Nicholas Kristof—has played a singular role in framing and publicizing human trafficking. While his persistent depictions and impassioned advocacy brought critical assistance to numerous victims and helped to catalyze U.S. response, the limitations of the sex slavery frame embroiled even this principled cosmopolitan journalist in contradictions. In an interview called “Giving voice to the voiceless” (Academy of Achievement 2008) Kristof explains how his decision in 2004 to buy two girls from their brothels in Cambodia was influenced by an earlier trip to Cambodia that challenged his professional ethos. While researching an article in Cambodia in 1996, Kristof was observing two teenage prostitutes when he witnessed the mother of one girl arrive at the brothel and try to take the girl home. The brothel owner demanded that the mother buy the girl from him, which she could not afford to do. Kristof felt guilty that he had gotten a front-page story out of the experience, while these two girls “were going to stay behind and die of AIDS” as slaves. He felt “kind of exploitative” of these and other girls whom he met on this trip, and resolved to prevent this dynamic in 2004 by becoming more engaged rather than merely chronicling. Thus, Kristof controversially bought the freedom of two teenage prostitutes in a brothel in Cambodia in 2004 and helped return them to their families, which he documented in his op-ed series. (See “Bargaining for Freedom” 2004).

#### Contradictions and Limitations

What has been the cost of this powerful frame of sex slavery for the victims of transnational exploitation? First, anti-trafficking policies framed to protect “innocent” women from sexual slavery ignore or slight prior sex workers or other women who migrate voluntarily to engage in sex work but are subsequently exploited or held in bondage. Second, international policy and especially American policy focuses disproportionately on East-West traffic, culturally recognizable European victims, and youth, when the vast majority of victims are inter-regional in the global South. Third, policies often aim to stop commercial sex rather than the violence, exploitation and other harms associated with it—and with other forms of labor and migration.

The sex slavery frame privileges protection over empowerment, and rescue over rights. A report by the Global Alliance Against Trafficking shows that anti-trafficking programs too often impinge the rights of the people they are supposed to help. Based on research in a range of sending and receiving countries—Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, the United Kingdom and the United States—the report shows that women who are “rescued” from trafficking may be indefinitely detained against their will in police facilities or shelters, involuntarily deported, forced to provide evidence which puts them and their families at risk, or even abused or harassed by law enforcement officials. In other cases, young female migrants and potential border-crossers are profiled and subjected to preemptive scrutiny and interdiction that impinges their freedom of movement in the name of protecting them from trafficking. (GAATW 2007) Thus, some argue more broadly that a “rescue industry” undercuts the rights of migrant sex workers when it types them as “innocent victims” in need of humanitarian protection rather than displaced agents in need of migration rights (Agustin 2007). Under the terms of 2003 legislation, renewed in 2005, U.S. policy has even gone so far as to deny funding to health, migration, and sex worker assistance organizations for anti-trafficking and HIV prevention programs if such NGOs tolerate or advocate decriminalization of commercial sex work, unless the agencies explicitly condemn prostitution.

The “white slavery” frame also leaves out the largest group of the most vulnerable victims in the global South. Moreover, trafficking in Africa and the Middle East is more likely to involve children, and to mix sexual exploitation with other forms of forced labor and even institutionalized slavery. (United Nations Office on Drugs and Crime 2006) But both positive aid and legal assistance and negative U.S. sanctions have been

focused by cultural construction and geopolitics, not need. For example, almost half of U.S. anti-trafficking funding went to East Asia or the Western Hemisphere, and only 14% to Africa (CRS 2010).

Consider India, where tens of millions of women and children suffer contemporary slavery and sexual exploitation that does not fit the “white slavery” model. First, India’s Ministry of Home Affairs estimates that 90% of sex trafficking in India is internal, intra state (from rural to urban centers) and inter-state (from poor to rich states). The “international” component is not South to North, but rather South-South; the Global Alliance Against Trafficking in Women and the United Nations Economic and Social Commission for the Asia and Pacific estimate 300,000 Bangladeshi women to have been trafficked to India, and 200,000 to Pakistan (UNICEF 1999).

Trafficking and sexual exploitation in South Asia are clearly driven by the structural vulnerability of poverty, patriarchy, and discrimination—not smuggling or coercion. Three-fourths of Indian women are illiterate. Some 90% of rural and 70% of urban women are unskilled (ADB 2003). Indirect discrimination in access to food, care, medical treatment and education, physical and sexual violence has resulted in high mortality rates for girls and women. As home and farm based subsistence opportunities are on the decline, more and more women have had to leave their traditional spheres of life and migrate to urban centers or foreign countries to work as unskilled laborers. These uneducated and unskilled women lack basic information about employee rights and bargaining power, and are often duped by fraudulent agencies, charged exorbitantly, and remain in bondage-like situations to pay off their recruitment debts. This is compounded by the vulnerability of outcastes; a study commissioned by the National Commission for Women in India found that 62% of women in commercial sex work were from scheduled castes. (NCW 1996) Patriarchal norms deepen the damage through child marriage, arranged marriage, dowry, and sexual violence that serve as trafficking vehicles or precursors. The National Human Rights Commission of India found that 71.8% of survivors of sex trafficking had married when they were below 18 years of age, a quarter of the married respondents were sexually assaulted by persons other than their husbands (mostly by extended family members and neighbors), and 41.35% were abused when they were less than 16 years of age (Nair and Sen 2005). Once sexual exploitation becomes public knowledge, then it is the victim who becomes a social outcast and is often forced to migrate or enter sex work.

The disproportionate emphasis on trafficking within migration policy also slights the wider set of persons exploited and abused across borders. The individualistic emphasis and sexual focus of anti-trafficking efforts fails to address the wider issue of structural violence and economic determinants of all forms of trafficking, labor abuse, and exploitive smuggling. Such policies also fail to recognize the much broader sexual abuse of women integral to many forms of exploitive globalized labor, such as sexual harassment and rape in sweatshops and the “maid trade.” Finally, by putting sexual exploitation first and assuming that women are uniquely degraded by sex, anti-trafficking policy diverts attention from equally harmful and widespread forms of labor exploitation that affect equally “innocent” men and children, as well as women toiling in dangerous and debilitating non-sexual jobs.

Although international sex trafficking is an especially egregious violation of almost every fundamental freedom, enacted on especially vulnerable populations, other forms of labor exploitation and abuse are even more widespread and affect greater numbers of people. For example, the International Labor Organization (ILO) estimates there are nearly 700,000 child domestic workers in Indonesia alone, and Human Rights Watch has identified that country as one in which a large number of such workers face “slave-like conditions,” including frequent physical and sexual abuse (Human Rights Watch 2006) This is a far larger and more vulnerable affected population *in one country* than the maximal estimates of Eastern European women trafficked to the West for sexual exploitation. Similarly, the International Organization for Migration estimates that in 2007 alone, there were 26 million internally displaced persons as a result of political conflict or natural disaster (along with 11 million refugees)—and these vulnerable groups face very similar threats to their rights and well-being as trafficking victims (IOM). The numerical preponderance of people trafficked

*domestically* are men indentured for debt slavery in rural areas of developing countries, or forced labor in dictatorial regimes and war zones. Significant numbers of male and female children are also enslaved on plantations, in informal factories, as domestic servants, as beggars, and as child soldiers. The largest flows of domestic labor trafficking are within the poorest countries and regions: Africa, South Asia, and the Middle East.

### From Rhetoric to Rights

Recognizing sex slavery and sexual violence are necessary but not sufficient responses to trafficking and the wider spectrum of sexual abuse and transnational labor exploitation, which correspond more to our own cultural norms than the moral equality and self-determination of the victims. But successful frames can sometimes be widened to permit a broader vision. Academics and advocates have been arguing for a decade for a human rights approach to trafficking and contemporary slavery (Brysk and Choi-Fitzpatrick 2012). If positive expansions of the frame can be identified and modeled, we may be able to diffuse better responses and promote issue linkage.

There is some evidence that new understandings of human trafficking are beginning to influence several domains of global policy. Under the direction of Secretary of State Hilary Clinton, the 2009 U.S. State Department Annual Report on Trafficking shows signs of a modest conceptual breakthrough in the understanding of trafficking, along the lines suggested in this analysis. The report now begins with a broader discussion of forced labor that frames transnational prostitution as one facet of trafficking, and the 2008 U.S. legislation encompasses fraud and exploitation following voluntary migration. The U.S. report explicitly states that prior employment in sex work for adults or parental consent to exploitation of children should not diminish accountability for forced labor. The new report also highlights the emerging U.S. practice of forcing traffickers to pay restitution to victims, which has the potential to increase the effectiveness of enforcement by diminishing the profit motive of traffickers. Following this new understanding, in 2012 U.S. AID announced a new counter-trafficking policy that includes a greater emphasis on empirical evaluations of risk and effectiveness, and reorientation of aid towards countries at greatest risk alongside those considered of strategic importance. The policy also recognizes internal trafficking in the developing world, and the vulnerability of post-conflict environments. It now includes media campaigns in Asia and Africa, linked programs to promote girls' education in Africa, and has added a "4<sup>th</sup> P" to the traditional prevention, protection, and prosecution—*partnership*. (USAID 2012)

More transnational partnership and greater involvement of civil society also facilitate more appropriate responses to a human rights understanding of trafficking. The Bilateral Safety Corridor Coalition is a group of over 60 governmental and non-governmental organizations along the U.S.-Mexico border that intervene in trafficking and advocate for victims. The coalition provides services to victims including emergency response, long-term case management, housing, mental health services, immigration relief, legal advocacy, and interpretation and translation services. The group also trains law enforcement and medical professionals on both sides of the border to recognize, report, and effectively intervene in trafficking.

Thinking globally about human trafficking has advanced our understanding of trafficking as a systematic human rights abuse generated by globalization, not an isolated or anomalous problem of crime or culture. The rights rhetoric needed to put the issue on the map has begun to evolve from shaming to a political analysis of private wrongs that can generate a more appropriate response: empowering the vulnerable through information, education, and access to justice. But the next step in thinking about people out of place is gaining rights over the wider set of forces that generate displacement, for all migrants and all workers.

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