

# THINK AGAIN

By David A. Feingold

# HUMAN TRAFFICKING

Judging by news headlines, human trafficking is a recent phenomenon. In fact, the coerced movement of people across borders is as old as the laws of supply and demand. What is new is the volume of the traffic—and the realization that we have done little to stem the tide. We must look beyond our raw emotions if we are ever to stop those who trade in human lives.

## “Most Victims Are Trafficked into the Sex Industry”

**No.** Trafficking of women and children (and, more rarely, young men) for prostitution is a vile and heinous violation of human rights, but labor trafficking is probably more widespread. Evidence can be found in field studies of trafficking victims across the world and in the simple fact that the worldwide market for labor is far greater than that for sex. Statistics on the “end use” of trafficked people are often unreliable because they tend to overrepresent the sex trade. For example, men are excluded from the trafficking statistics gathered in Thailand because, according to its national law, men cannot qualify as trafficking victims. However, a detailed 2005 study by the

International Labour Organization (ILO) found that, of the estimated 9.5 million victims of forced labor in Asia, less than 10 percent are trafficked for commercial sexual exploitation. Worldwide, less than half of all trafficking victims are part of the sex trade, according to the same report.

Labor trafficking, however, is hardly benign. A study of Burmese domestic workers in Thailand by Mahidol University’s Institute for Population and Social Research found beatings, sexual assault, forced labor without pay, sleep deprivation, and rape to be common. Another study, by the German Agency for Technical Cooperation (GTZ), looked at East African girls trafficked to the Middle East and found that most were bound for oppressive domestic work, and often raped and beaten along the way. Boys from Cambodia and Burma are also frequently trafficked onto deep-sea commercial fishing boats, some of which stay at sea for

*David A. Feingold is director of the Ophidian Research Institute and international coordinator for HIV/AIDS and Trafficking Projects for UNESCO Bangkok. This article reflects his own views, and not necessarily those of UNESCO.*

Peddling people: Rural Brazilian women are sometimes trafficked into the urban sex industry.



up to two years. Preliminary research suggests 10 percent of these young crews never return, and boys that become ill are frequently thrown overboard.

The focus on the sex industry may galvanize action through moral outrage, but it can also cloud reason. A recent example is the unsubstantiated press reports that tsunami orphans in Indonesia's Aceh province were being abducted by organized gangs of traffickers. How

such gangs could operate in an area bereft of roads and airstrips remains unclear, but that did not stop some U.S. organizations from appealing for funds to send "trained investigators" to track down the criminals. Although the devastation wrought by the tsunami certainly rendered people vulnerable—mostly through economic disruption—investigations by the United Nations have yet to identify a single confirmed case of sex trafficking.

## "Tightening Borders Will Stop Trafficking"

**Wrong.** The trafficking issue is often used—some would say hijacked—to support policies limiting immigration. In fact, the recent global tightening of asylum admissions has increased trafficking by forcing many desperate people to turn to smugglers. In southeast Europe, a GTZ study found that more stringent border controls have led to an increase in trafficking, as people turned to third parties to smuggle them out of the country.

Similarly, other legal efforts to protect women from trafficking have had the perverse effect of making them

more vulnerable. For example, Burmese law precludes women under the age of 26 from visiting border areas unless accompanied by a husband or parent. Although Burmese officials say the law demonstrates the government's concern with the issue, many women believe it only increases the cost of travel (particularly from bribe-seeking police) and decreases their safety by making them dependent on "facilitators" to move them across the border. These women incur greater debt for their passage, thus making them even more vulnerable to exploitation along the way.

## "Trafficking Is a Big Business Controlled by Organized Crime"

**False.** Trafficking is big business, but in many regions of the world, such as Southeast Asia, trafficking involves mostly "disorganized crime": individuals or small groups linked on an ad hoc basis. There is no standard profile of traffickers. They range from truck drivers and village "aunties" to labor brokers and police officers. Traffickers are as varied as the circumstances of their victims. Although some trafficking victims are literally kidnapped, most leave their homes voluntarily and become trafficked on their journey.

Trafficking "kingpins," along the lines of the late cocaine boss Pablo Escobar, are rare. Japanese mafia, or *yakuza*, do control many of the venues in Japan where trafficked girls end up, but they are more likely to purchase people than transport them. Doing research in Thailand in 1997, I located the Luk Moo ("Piglet") network, which was responsible for

about 50 percent of the women and girls smuggled into Thailand from Burma, China, and Laos to work in brothels. There were also other networks, such as the Kabuankarn Loy Fah ("Floating in the Sky") network that specialized in girls for restaurants and karaoke bars. However, these networks have since faded in importance, owing to changes in the structure of the sex industry.

The worldwide trade in persons has been estimated by the United Nations Office on Drugs and Crime at \$7 billion annually, and by the United Nations Children's Fund at \$10 billion—but, of course, no one really knows. The ILO estimates the total illicit profits produced by trafficked forced laborers in one year to be just short of \$32 billion. Although that is hardly an insignificant amount, it is a small business compared to the more than \$320 billion international trade in illicit drugs.

## "Legalizing Prostitution Will Increase Trafficking"

**It depends on how it's done.** The intersection of the highly emotive issues of sex work and human trafficking generates a lot more heat than light. Some antitrafficking activists equate "prostitution" with trafficking and vice versa, despite evidence to the contrary. The U.S. government leaves no doubt as to where it stands: According to the State Department Web site, "Where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery." By this logic, the state of Nevada should be awash in foreign sex slaves, leading one to wonder what steps the Justice Department is taking to free them. Oddly, the Netherlands, Australia, and Germany—all of whom have legalized prostitution—received top marks from the Bush administration in the most recent Trafficking in Persons Report.

Moreover, some efforts to prohibit prostitution have increased sex workers' risk to the dangers of trafficking, though largely because lawmakers neglected to consult the people the laws were designed to protect. Sweden, for example, is much praised by antiprostitution activists for a 1998 law that aimed to protect sex workers by criminalizing their customers. But several independent studies, including one conducted by the Swedish police, showed that it exposed prostitutes to more dangerous clients and less safe-sex practices.

Others argue that giving sex workers a measure of legitimacy short of legalization would actually discourage trafficking. In Thailand, many opposed to the commercial sex industry support extending labor and social security laws to sex workers. Such a move could hamper trafficking by opening establishments to inspection, allowing labor organization, and exposing underage prostitution.

## "Prosecution Will Stop Traffickers"

**Not likely.** In the United States, an odd but effective coalition of liberal Democrats, conservative Republicans, committed feminists, and evangelical Christians pushed a law through congress in 2000 that aimed to prosecute traffickers and protect victims at home, while pressuring other countries to take action abroad. The Victims of Trafficking and Violence Protection Act recognized trafficking as a federal crime for the first time and provided a definition of victims in need of protection and services.

Despite the political energies expended on human trafficking, there is little evidence that prosecutions have any significant impact on aggregate levels of trafficking. For example, U.S. government

figures indicate the presence of some 200,000 trafficked victims in the United States. But even with a well-trained law enforcement and prosecutorial system, less than 500 people have been awarded T visas, the special visas given to victims in return for cooperation with federal prosecutors. In fact, between 2001 and 2003, only 110 traffickers were prosecuted by the Justice Department. Of these, 77 were convicted or pled guilty.

Given the nature of the trafficking business, so few convictions will have little effect. Convicting a local recruiter or transporter has no significant impact on the overall scale of trafficking. If the incentives are right, he or she is instantly replaced, and the flow of people is hardly interrupted.

## "Sanctions Will Stop Trafficking"

**Wrong.** The same U.S. law that made trafficking a federal crime also gave the United States the right to punish other states that do not crack down on human trafficking. The State Department is required to send a report to congress each year ranking countries according to their success in combating trafficking and threatening sanctions for those with the worst records.

But international humanitarian agencies see the threat of U.S. sanctions against foreign governments as largely counterproductive. Practically speaking, sanctions will likely be applied only against countries already subject to sanctions, such as Burma or North Korea. Threatening moderately unresponsive

countries—such as China, Nigeria, or Saudi Arabia—would likely backfire, causing these countries to become less open to dialogue and limiting the flow of information necessary for effective cooperation.

Although some countries certainly lack candor and create false fronts of activity, others actively seek Uncle Sam's seal of approval (and the resources that often follow) with genuine efforts to combat trafficking. Bangladesh, for example, received higher marks from the State Department this year by taking significant steps against trafficking, despite the country's poverty and limited resources. Incentives, instead of sanctions, might encourage others to do the same.

## "Trafficking Victims Should Be Sent Home"

**Not always.** Sending victims home may simply place them back in the same conditions that endangered them in the first place, particularly in situations of armed conflict or political unrest. If criminal gangs were involved in the trafficking, they will likely threaten the safety of victims and their families.

To complicate matters, people may have no "home" to which they can return. Lack of legal status is a

major risk factor in trafficking, impeding and often precluding victims' return and reintegration. That problem is particularly true for minorities, indigenous peoples, and informal migrants who often have no way to prove their nationality. In Thailand, for example, studies by the United Nations Educational, Scientific and Cultural Organization have demonstrated that a lack of proof of citizenship is

the single greatest risk factor for a hill tribe girl or woman to be trafficked or otherwise exploited. Without citizenship, she cannot get a school diploma, register her marriage, own land, or work outside her home district without special permission. Lack of legal status prevents a woman from finding alternate means of income, rendering her vulnerable to trafficking for sex work or the most abusive forms of labor.

In developing countries, one's lack of legal status usually begins at birth. Without a birth certificate, a child typically has no legal identity: That is why international laws such as the Convention on the Rights of the Child stress that children have the right to be registered at birth. Many activists have never considered that a fix as simple as promoting birth registration in developing countries is one of the most cost-effective means to combat human trafficking.

## "Trafficking Is Driven by Poverty"

**Too simple.** Trafficking is often migration gone terribly wrong. In addition to the push of poverty or political and social instability, trafficking is influenced by the expanded world views of the victims—the draw of bright lights and big cities. The lure of urban centers helps to account for why, in parts of Africa, girls from medium-sized towns are more vulnerable to trafficking than those in rural villages.

To fill the demand for ever cheaper labor, many victims are trafficked within the same economic class or even within a single country. In Brazil, for example, girls may be trafficked for sex work from rural to urban areas, whereas males may be sold to work in the gold

mines of the Amazon jungle. In the Ivory Coast, children are frequently sold into slavery to work on cocoa plantations. In China, girls are trafficked as brides in impoverished rural areas, which are devoid of marriage-age females as a result of China's one-child policy and families' preference for baby boys.

Does this mean that "destination" countries or cities are the beneficiaries of trafficking? Not necessarily. What one area or industry may gain in cheap, docile labor, others—especially those situated near national borders—often pay for in terms of security, health costs, and, sometimes, political unrest. Trafficking may answer a demand, but the cost is too steep for this ever shrinking world to bear. **FP**

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David Feingold has written extensively on the illegal trade of humans. For a look at the complex relationship between the trade in drugs and the trade in women, see "The Hell of Good Intentions: Some Preliminary Thoughts on Opium in the Political Ecology of the Trade in Girls and Women" in Grant Evans, et al., *Where China Meets Southeast Asia: Social & Cultural Change in the Border Regions* (New York: St. Martin's Press, 2000). See also *Trading Women*, a feature documentary written and directed by Feingold and narrated by actress Angelina Jolie.

For databases and figures on the extent of human trafficking throughout the world, visit the Web sites of the United Nations Educational, Scientific and Cultural Organization's **Trafficking Statistics Project**, as well as the sites of the **International Labour Organization (ILO)**, the **Child Trafficking Research Hub**, and the digital library of **ChildTrafficking.com**.

For a series of nuanced and controversial articles on the sex industry, read Lin Lean Lim, ed., *The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia* (Geneva: ILO, 1998).

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