Global Shifts in Human Trafficking

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From Protocol to Practice

By

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I dedicate this book to my wife, Fahmida Akter, who has spent countless hours by my side through the process and who prompted me to start writing this book from the very beginning.

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PREFACE

Human Trafficking has been at the forefront of policies and campaigns since the passing of the Palermo Protocol in 2000. However, studies and analyses on human trafficking have been overwhelmingly limited in scope and approach. The truth of the involuntary exploitation of human beings by other human beings goes much further back in history, despite the alleged novelty of this global crime, and it is far more expansive and enigmatic than reports and publications would attest. The frame used to assess and combat trafficking was initially limited (namely by sex and trafficking type), and the fight to broaden it to include all forms of modern-day slavery is difficult and ongoing. This book uses a meta-study analysis methodology to incorporate numerous and varied international sources. Findings show that human trafficking efforts are severely limited by unverified estimates, a lack of generalizable standards, and other cultural and political setbacks. However, progress is best observed through re-framing and more inclusive narratives. By evaluating the definition of human trafficking and the application and implementation of trafficking laws, by reviewing human exploitation over the millennia, by identifying limitations and obstacles, and by incorporating new avenues of research and framing, this book offers readers a realistic approach to human trafficking more than 20 years after the introduction and ratification of the Palermo Protocol.

This book contributes to the field of social science research by carefully analyzing long-held "truths" and assertions about human trafficking and supplanting them with critically empirical and objective analyses. *Global Shifts in Human Trafficking: From Protocol to Practice* offers academic readers an updated account of human trafficking and the anti-trafficking global campaigns that have been missing from social science literature. By reaching into country reports, Non-Governmental Organizations' (NGO) evaluations, and scholarly articles on the subject, this book synthesizes more than 20 years of human trafficking literature and fine-tunes the current snapshot on human trafficking.

While the awareness campaigns and anti-trafficking trainings have been relatively stagnant or missing around the world since 2000, this book offers a comprehensive look at the tenets that drive those efforts and the ways that they are being re-evaluated with new themes, new perspectives, new

research, new scopes, and new agendas. By synthesizing the development of this new global perspective, this book aims to teach, enlighten, and break through the long-established stereotypes and tropes that billboards, movies, and some early publications perpetuate.

Global Shifts in Human Trafficking: From Protocol to Practice is the much-needed update to books and publications which surfaced in the early 2000s. The past two decades have showcased the human trafficking framework across the different regions of the globe, but the expansion of that frame is not uniform. This book brings them together in a succinct and digestible manner. Students, academics, scholars, NGO workers, and government officials will benefit from the developing perspectives offered in this book.

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INTRODUCTION

What is human trafficking?

Miguel spends his nights locked in a tractor trailer with a dozen other guys. The heat is intense, the living conditions inhumane, and the smell is overwhelming. In the morning, the foreman unlocks the truck, and the men file out. They get hosed off with water from a nearby spigot. Breakfast is provided—a basic meal of beans and tortillas. Then, they get to work picking oranges and other produce in the fields. They are watched over by armed guards so that no one runs. Miguel performs backbreaking work for 12 hours, gets another meal before bed, and is then loaded back into his truck to sleep. There is no escape. He doesn't even know where he is or which direction to run if he could. His "foreman" is his "master," and he knows, just as every other guy in the tractor trailer knows, that if he runs, he will be shot in the back. If he gives the handlers any issues or lip, he will be beaten. Day after day, it is the same. Eventually, he forgets to think about escape or any other life. Miguel is a clear victim of human trafficking.

The question "What is human trafficking?" is not always as simple as it appears. It is sometimes easy to identify—like in the case of a young man trapped in a truck and forced to work 12 hours a day while guards keep him in line. Young girls forced to work as prostitutes is another "easy" example. Individuals tricked into giving up their passports and then forced to work forever to pay back a smuggler who holds the documents and freedom just out of reach is another. The term "human trafficking" has been floating around the globe for the past 20 years as a human rights buzzword. It is used in awareness campaigns and appears on billboards about ending abuse. The trafficking of humans gets people angry and passionate. It is certainly a human rights violation, and it probably does not forward equity. It absolutely has to do with slavery, or it *is* slavery. Human trafficking affects all nations around the world, can affect any person, and there is most definitely an anti-trafficking global campaign against it. So, what is it, really? The answer is rather complex.

Interpol states that, "There are many forms of trafficking, but one consistent aspect is the abuse of the inherent vulnerability of the victims" (2022). The group Anti-Slavery offers this particular (and insufficient) definition:

> Human trafficking is the process of trapping people through the use of violence, deception or coercion and exploiting them for financial or personal gain.
>
> What trafficking really means is girls groomed and forced into sexual exploitation; men tricked into accepting risky job offers and trapped in forced labour in building sites, farms or factories; and women recruited to work in private homes only to be trapped, exploited and abused behind closed doors with no way out (2021).

The Encyclopedia Britannica conflates human trafficking with some form of forced human smuggling, which includes a requirement of transportation:

> Human trafficking, also called trafficking in persons, is a form of modern-day slavery involving the illegal transport of individuals by force or deception for the purpose of labour, sexual exploitation, or activities in which others benefit financially (2021).

Governments usually offer more comprehensive and accurate definitions. The government of Canada states, "Human trafficking involves the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movements of a person in order to exploit that person, typically through sexual exploitation or forced labour. It is often described as a modern form of slavery" (2012). The United Kingdom's definition is, "It involves the possession of people by force, threat or deception to exploit them. It is the illegal movement of a person into or within a country" (2022). These definitions are brief and do not capture the complexities or the intricacies of the phenomenon. Here is the definition as codified by the government of the United States:

The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

> a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
>
> b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9)).

The definition for the USA is useful, for sure, yet still seems lacking in detail. The United Nations, the institution in which human trafficking was first established as an international criminal enterprise, offers the most

thorough and clearly defined official definition of human trafficking on a global scale as follows in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) (2000):

> (a) Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
>
> (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
>
> (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) "Child" shall mean any person under eighteen years of age.

This is by far the most complete and utilitarian definition. It is recognized globally as *"the definition"* by scholars, academics, and activists who study, fight, and seek to understand and educate on this complex problem. Palermo laid the international framework for a comprehensive understanding of human trafficking, establishing a movement to end it, and creating a global push toward awareness and recognition. Most antitrafficking organizations use some form of this definition in their fight. Most global governments have some rendition of it as part of their personal definitions. Academics and scholars in the field of human rights, human trafficking, criminal justice, and social justice confirm that it is the definition that is most encompassing and most thorough. It is cumbersome, but it is inclusive. It does not require movement of persons, includes all genders and ages, and allows for a wide range of situations in which modern-day slavery can be seen.

An excerpt of the preamble from the Palermo Protocol offers the main thrust of this anti-slavery work:

> The States Parties to this Protocol,
>
> Declaring that effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights,
>
> Taking into account the fact that, despite the existence of a variety of international instruments containing rules and practical measures to combat the exploitation of persons, especially women and children, there is no universal instrument that addresses all aspects of trafficking in persons,
>
> Concerned that, in the absence of such an instrument, persons who are vulnerable to trafficking will not be sufficiently protected,
>
> Recalling General Assembly resolution 53/111 of 9 December 1998, in which the Assembly decided to establish an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration of, inter alia, an international instrument addressing trafficking in women and children,
>
> Convinced that supplementing the United Nations Convention against Transnational Organized Crime with an international instrument for the prevention, suppression and punishment of trafficking in
>
> Have agreed as follows. (United Nations, 2000)

The Protocol continues with the general provisions and articles established to counter modern-day slavery. These include "(a) To prevent and combat trafficking in persons, paying particular attention to women and children; (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and (c) To promote cooperation among States Parties in order to meet those objectives" (United Nations, 2000). The Protocol affirms that slavery should be criminalized by states and that victims need to be protected, housed, and have their mental and physical health needs provided by the states. It also establishes the focus on prevention, prosecution, and protection (3Ps), as well as argues for open access to information and training across state borders. It was the foundation of the global fight against trafficking.

Modern-day slavery

The United Nations officially took on the term "human trafficking" in the year 2000 through its Palermo Protocol. While the idea of chattel slavery, then "White slavery," then the "trafficking of women and girls for sex" had all existed for at least a hundred years prior to Palermo, it was in the year 2000 that "human trafficking" became all-inclusive. The definition that was codified includes sections on minors, ties human trafficking to slavery of the past and uses "modern-day slavery" as a synonym, and includes men as victims, organ trafficking, labor trafficking, and domestic servitude as unique and valid. The phrase, "force, fraud, and coercion" was introduced and has become the cornerstone of understanding the trafficking dynamic and the litmus test of culpability. Finally, by detailing multiple and overlapping forms of modern-day slavery to include both "harbouring" and "receipt," it firmly separates human trafficking from human smuggling. It also removes the "transportation" aspect that is often misunderstood through the "trafficking" aspect of the word. Victims can be moved, or may be victimized, exploited, and enslaved in their own homes. Human trafficking is thus synonymous with modern-day slavery and/or the selling of humans (or parts of humans).

The language concerning minors for both the United Nations and the United States makes it clear that the need to prove a minor's status as a victim of human trafficking is exempt from the requirements of force, fraud, and coercion. As minors are neither self-governing nor autonomous according to judicial law, it is therefore impossible for a minor to willingly or voluntarily enter into slavery or slavery-like conditions. The decision to "sell one's self" into conditions rather than be force or coerced into such a situation does not exist for exploited minors.

Adults, however, must prove that a decision to enter into slavery or slavery-like conditions was not voluntarily made in good faith. There are a number of instances where one might knowingly and willingly trade one's sovereignty of body for resources or money. These conditions would not fit under the definition of human trafficking due to a lack of force, fraud, or coercion. Yet, the context matters a great deal, and environmental conditions may create very limited alternatives for some individuals. Thus, the coercion or force of an individual might be of a larger scope than something as direct as a gun to the head. Many human rights scholars argue and debate about the nuances of autonomous decision-making when social or environmental conditions serve as a limiting factor. It is often difficult to distinguish a "decision" from latent force, fraud, or coercion. Sex work and

prostitution serve as prime examples of contested culpability, where the line between a voluntary decision and an involuntary lack of alternative options is most blurred. I will cover this later in the book in more detail.

Analysis of the ending of state-sanctioned slavery around the world focuses on the 19th century as the main era of abolition. For most of the world, by the year 1900, slavery, slave trading, and slave institutions had been outlawed and dismantled (Reuters, 2007). Britain outlawed slavery and ended its Atlantic slave trade in 1807. Spain outlawed slavery across its state and colonies in 1811. Other states followed, with Sweden in 1813, Netherlands in 1814, France in 1817, Portugal in 1819, Portuguese colonies in 1858, the United States in 1865, Brazil in 1888, and the list goes on. Nearly all anti-slavery movements across the world were realized in the 19th century. By the year 1948, the United Nations passed and adopted the Universal Declaration of Human Rights (UDHR), and in it made the promise that, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

The wording of the UDHR, the actions of most of the world, and the movement away from slavery as an everyday part of life pushed society onward toward other issues and left slavery as a blight in the history books. As a matter of fact, the celebrations and the finality of the abolition of slavery were so well received that it remains general sentiment that slavery is no longer an issue, that it no longer exists in the world. A quick review of numerous educational sites and books on slavery illustrates that such resources include wording such as "While slavery practices continued for another decade after the passing of the amendment…" Thus, the frame is that slavery did not go away quietly, but that it eventually did pitter out (Schwarz and Allain, 2020). However, the struggle to combat slavery endured—and not just illegal slavery and slave trading, but state-sanctioned slavery. In 1981 Mauritania became the last country in the world to finally outlaw slavery, more than 30 years after the UDHR and more than a century after most other countries (Reuters, 2007; DHS, 2021b; Jesionka, 2021a).

While this was a landmark moment in the history of modern-day slavery, it was only one type of hurdle. It is now globally illegal to buy and sell individuals and to hold one person under the control of another; however, dozens of countries around the world have yet to criminalize slavery (Pruitt, 2018). So, while it is illegal to enslave another person, and it breaks the law, only about half the world has policies in place to criminally charge, prosecute, and punish or penalize the act of enslaving another human being for personal or profit reasons. The Global Slavery Index analyzes countries

based on their efforts to combat slavery and on the estimated number of enslaved modern-day slaves within their borders. In a 2016-2017 study, they found that Japan came in as first place of 167 countries studied, with just under 40,000 slaves. Meanwhile, North Korea, which took last place, was found to have an estimated 2.6 million modern-day slaves within its sovereign territory (Global Slavery Index, 2021; Global Slavery Index, 2008). It is beyond a challenge to know exact numbers, due to the illegal nature of the act; however, that has not stopped institutions and entities from trying. Global estimates are around 27 to 41 million enslaved persons across the world. Doubtless, it is a thriving enterprise, which often uses humans as a resource for labor, sex, military conscription, organs, or other involuntary activities.

A Google search "When did slavery end?" will provide an easy answer of "December, 1865"—the month and year of the 13th Amendment passing its final vote in Congress in the United States. On that day, four million slaves were granted their freedom. Today, unverified estimates are that ten times that number remain enslaved. In response to this discrepancy, in 2000, the United Nations began its global awareness of the prevalence and pervasiveness of the current exploitation of human beings through modern-day slavery practices. It was newly dubbed "human trafficking," which separated it from the "thing of the past" *slavery* (specifically chattel, slavery as a byproduct of ancient warfare, and state-sponsored slavery of pre-1948). Human trafficking education and awareness have allowed for new conversations, new research, and a new way to talk about modern-day slavery around the world (Vanek, 2016; Berlatsky, 2015).

A careful look at human trafficking as a phenomenon shows that it is a synonym with slavery. It still includes the same loss of autonomy, loss of sovereignty of body, same confinement of movement, same reasons, same dehumanization, and same ownership and commodification by another human being. Its wording encompasses both slavery and slavery-like conditions. However, there are some distinctions which highlight the novelty of this new definition. Human trafficking takes specific note of the methods and modus operandi of a new, more global world of traffickers who use wholly illegal means of procuring their targets, and of certain measurable types of human trafficking which can mirror old slave-practices (domestic servants as an example) or introduce all new ones (like organ trafficking victims). It would not be incorrect to say that human trafficking includes slavery, but that it has expanded its definition from the historical definition. It includes more types of exploitation and watches for less obvious methods of enslavement (UNODC, 2021).

One area that has remained consistent for hundreds of years of humans exploiting each other is the inhumanity. Slavery, whether historical or modern, transforms human beings into human resources in the eyes of their traffickers. Some are exploited for labor, others for sex, some for fighting, others for their organs. Like the slaves of hundreds of years ago, millions still labor under the hot sun in fields, dropping from exhaustion, dying without proper care, working beyond the limits of their bodies (ADL, 2021; DHS, 2021a; End Slavery Now, 2021). Others live their lives trapped in a single home, part of the house more than a part of any family, working with meals, clothes, cleaning all day every day, until the end of their days. Some are forced into sex work, where they have lost sovereignty of their bodies and cannot control with whom they share themselves. In some geographic regions, the most common enslaved individual is the child soldier, brainwashed into killing and being killed for his master's cause. Some of these are types of slavery which have endured since long ago, while others are newer ways to exploit one individual for the profit of another. The newest form of human trafficking is organ trafficking, where healthy organs are harvested from unwilling participants to sell for profits in the organ market. "No matter the term used to describe modern-day slavery, the results are much the same. Human trafficking is the commodification, dehumanization, and exploitation of one human by another" (Golob, 2022).

Human exploitation

Human trafficking (for adults) requires that the victim be cajoled into the situation through force, fraud, and/or coercion. These three are cornerstones in the labeling, prosecuting, and rescuing in human trafficking situations. The reason for the heavy reliance on these three cajoling situations lies in the question of culpability. An individual might willingly enter into a situation of long hours, back-breaking work, terrible living conditions, in-home domestic service, or even sex work. Such actions on the part of the individual would not be legally defined as modern-day slavery and thus outside the purview of the human trafficking characteristics. To put it in historical context, such voluntary service would align more with indentured servitude rather than slavery. The exploitation factor might still be present, but the voluntary nature of the relationship would curtail claims of human trafficking. Of course, the situation is not the same for children, who cannot willingly enter into exploitative situations voluntarily as they are not yet the sovereign authorities over their selves. Thus, force, fraud, and/or coercion are not required for human trafficking of children.

The lines between what counts as voluntary and what is involuntary can be quite blurry, and there are many around the world (lawyers, judges, specialists, experts) whose job it is to assess individual cases and figure out the specifics and whether or not trafficking laws apply to a particular person's experiences. Exploitation of adults—the act of taking the resources, labor, or services from another person in an unfair exchange—is not illegal. Only doing so through coercive tactics of manipulation or lies, through fraudulent promises or claims, or through force or threats of force is. The definition of human trafficking, though long, does not offer an exhaustive list of tactics, methods, or exploitative means that can be readily identified as modern-day slavery. Thus, interpretation is an ongoing issue.

One entity that has been at the forefront of awareness campaigns, combat efforts, and understanding and interpretation is the United Nations Office on Drugs and Crime, particularly its Blue Heart campaign (2023). The Blue Heart is a guild of states, non-state entities, and international government and non-government institutions working together against human trafficking. The main thrusts of their work are in spreading awareness, seeking an end to the root environmental causes that lead to the prevalence of trafficking, and by focusing on ideas of human rights and human dignity. Their work highlights the interlinking forces of demand, supply, the nature of exploitative practices, and enabling systems and states.

Across the globe, states are evaluated for their anti-trafficking capacities and ways that they are successfully or unsuccessfully combatting this global crime against human rights. States which fail to live up to international standards of prevention, protection, and prosecution share similar traits. The most glaring is a combination of low prosecution and conviction rates of human trafficking cases. Another area of concern is in victim services; if a state has poor rescue rates, high trafficking recidivism, and a lack of survivor services, then it fails to meet standards.

Some of the rationale behind lagging trafficking efforts include reliance on non-governmental organizations (NGOs), improper legal definitions, weak identification or training of stakeholders, and overall state impotence. NGOs present a double-edged sword in the fight against trafficking. They are often great supporters of sheltering, survivor services, and even may offer training and/or rescue aid. They are also known for awareness efforts and social education. However, they are not the state. They cannot arrest, prosecute, punish, or convict. And they have limited capacity to alter laws or policy. In instances where the majority of anti-trafficking efforts within a state are shouldered by NGOs, then efforts often reach a plateau and are

limited by the power of the NGOs. A second barrier is in non-compliant legal definitions. Many states across the globe have similar definitions to the Palermo Protocol's definition of human trafficking in their laws, but they are not exact. Inconsistencies like this lead to unnecessary limitations on the scope of cases which can be couched pursuant to penal codes and trafficking laws. Thus, many trafficking cases cannot be legally framed as what they really are. Third, in many countries, authorities—namely law enforcement—often do not receive the proper training to help them identify victims and locate perpetrators. Some police officers have never heard of human trafficking or conflate it with border smuggling. Finally, states with weak or failing overall governing capacities are often ill-equipped to handle human trafficking. If a state lacks the protective capacity to keep citizens safe from gangs or cartels or other ongoing criminal issues, then it cannot be expected to find the capacity to suddenly take on another mandate to protect. States which are already experiencing systematic and institutional issues of crimes, corruption, impotence, and other forms of human exploitation are also breeding grounds for human trafficking.

Each year the United States Department of State researches and then publishes a Trafficking in Persons Report. In that report, analysts scrutinize the global issues, rank countries on their efforts, and offer suggestions. They also publish findings related to the overall issue of modern-day slavery. One of their findings that is published in every report is that corruption and exploitation around the world facilitate the perpetuation of human trafficking. Environmental conditions which are correlated with human trafficking include a lack of resources, sustained poverty, areas of economic disparity, stagnant opportunities for work and development, corruption, other crimes, weak or failing state governance, and communities with persistent desperation (US Department of State, 2022). The report also notes, yearly, that labor trafficking remains the most abundant type of trafficking and that most all other forms include some modicum of labor trafficking as well. Forced labor, "includes all work and all service of any type which are exacted from persons through any means of threat or by any manner wherein the laborer did not offer his or her services voluntarily" (Golob, 2022).

Circling back on the idea of voluntarily versus involuntarily engaging in exploitative relationships, analyses of the environments which foster increased human trafficking illustrate that exploitation and desperation close off options. There is a foundational theory that limited options lead individuals into situations of exploitation as the only option; and when there is only one option, then it is hardly an option at all. Thus, the lines between

voluntary and involuntary are blurred further, and the justification of force, fraud, and/or coercion are more nuanced and complicated than they appear at first glance. If the only option is to trust a stranger for a job opportunity "abroad," or to enter into a domestic work situation without the proper contracts and assurances, or to turn to a "boyfriend's" suggestion that prostitution is the answer, then the only path is a coercive one.

Traffickers are often guilty of other crimes already. They may be drug dealers, drug smugglers, gang members, members of the mafia, or other known criminals. However, when these individuals take that step across the line, when they sexually exploit, when they force children into begging or thieving, when they use fraudulent promises to trick individuals into going abroad for "work opportunities" which wind up being drug runs, violence, or endless labor, then they have become human traffickers. And the victims of trafficking, who are often forced or cajoled into situations where they have to commit crimes themselves, wind up trapped by their own criminal behavior. If they have a brush with police, it is much more likely that they will be arrested or killed for their actions than seen as victims and rescued. It is a vicious cycle.

Human value

Philosophers have asked the question "What is the value of a human life?" for thousands of years. Of course, there is no universal agreement. Today, we live in times of commodification and economics as a primary means of value. States have had to decide the value of a human life, what the price of a loss of life should be for familial survivors, and what a single life is worth—objectively. This question and these answers are difficult ones from a legal, ethical, and moral standpoint. However, for modern-day slaves, their worth is objectively far more literal in the eyes of their traffickers.

In 2004, the United Nations completed a review on the economics of human trafficking and forwarded that the illegal industry was generating income of upward of 32 billion dollars each year worldwide. By 2022, the new research by the United Nations estimates that that number has jumped to beyond 150 billion dollars a year. Thus, the official estimates are that human trafficking is now the second most lucrative criminal enterprise in the world, trailing drug trafficking each year. However, as profits soar and more trafficking victims are realized, it is highly likely that another 15 years will see human trafficking contending with drug trafficking for the number one spot.

The simple economic math calculations of the value of a human slave, setting aside the moral, ethical, and legal implications of owning and exploiting human beings for profit, are not difficult to understand. As profits grow, numbers of enslaved individuals grow, and there are more exchanges of human-based goods and services; the lucrative nature of this illegal enterprise is revealed. The value of a human life is reduced to the profits accrued through involuntary servitude. In a 2017 study, the Organization for Security and Co-operation in Europe (OSCE) found that about two-thirds of the confirmed global profits of human trafficking were from sex trafficking (which is currently suggested to be about one-quarter of all human trafficking). Annually, one female sex worker enduring forced prostitution accrues roughly 100,000 dollars for her trafficker. As the process of coercing, forcing, or using fraudulent claims to initiate trafficking is generally a cheap one, the return of investment (ROE)—an economic term—for a sex worker is roughly 1000 percent. For comparison, a good ROE in the legal finance industry is seven percent. For forced labor workers, the most common type of human trafficking, the average profit annually is 20,000 dollars (OSCE, 2017; Bales, 2000). Their ROE is about 50 percent.

In terms of value, the OSCE study (2017) found that sex workers are primarily responsible for making money, while labor and domestic servants primarily are used to save their traffickers money—as they perform services that would have cost more than just the price of keeping them alive to have a non-trafficking victim perform the work. Most enslaved laborers are not paid at all, while some are severely underpaid or paid and then charged unbearable fees for things like a place to sleep, food, or a shower. The methods of perpetuating enslavement vary, but the end result is billions saved around the world through the use of slave-labor instead of fair wages and voluntary recruits.

The average lifespan of an enslaved person (if not rescued) is about eight years (End Slavery Now, 2021). Doing the calculations, that means that the value of a sex slave is almost one million dollars and the profit (not counting the money saved) of a labor victim is about 100,000 dollars. It is no wonder that this enterprise perpetuates. According to federal stakeholders, it is “one of the fastest growing and most lucrative investments on the criminal market, even more profitable than illegal weapons sales” (USDOJ, 2021).

The criminal market, like all markets, operates on the theoretical intersection of supply and demand. Meanwhile, the central crux of the human trafficking phenomenon centers on the value of a human life—not an intrinsic, philosophical value—a cold, hard calculation of profit over people, of

maximizing the human resource. It is true that human trafficking does not require monetary profit, and many victims are exploited for the private satisfaction of a master or owner, but all forms of human trafficking strip human beings of their rights to self-govern and to autonomy and reduces them to the products or services that can be squeezed from them before they die of diseases, strokes, or broken bodies. Human trafficking is exploitative in nature, reducing human beings to less than people.

Conclusion

The story of Miguel from the beginning of this chapter illustrates one example of human trafficking. Miguel is kept locked away in a tractor trailer, unable to escape the "home" that is both his place of intense work and his prison. He is required to perform labor-intensive work in deplorable conditions, his freedom is gone, and he cannot escape. He is reduced to a resource, like a tool to be used and discarded at the whims of his handlers. He was coerced into taking the job after his hired smuggler became his trafficker. For years he has been living as a labor trafficking victim. After so long in these conditions, they no longer have to lock him in or use coercive tactics or force to get him to stay. This is his life now; and he feels that he cannot go on much longer. There is no escaping his way out, no working off the debt, and if he were somehow rescued tomorrow and asked, he is likely not to self-identify as a human trafficking victim at all. He will undoubtedly report that he works for debtors and that he was stupid and fooled, that he is trying his best, but that he just cannot work hard enough. Human trafficking victims seldom self-identify as the forces of coercion, fraud, and power have worked on them long enough that they often feel culpability, guilt, shame, and despair; further, they often do not have the knowledge, training, or objective insights to understand the true nature of their exploitation.

What is human trafficking? It is today's enslavement. It is exploiting one human at the hands of another through sex or labor, or harvesting healthy organs of unwilling volunteers, or the recruitment of children and adults for combat or crime. It is a complex world-wide phenomenon of criminal markets which buy and sell humans as capital. It is one of the most lucrative criminal markets on the planet. It is thousands of years of slavery that were never truly ended. And it is the lived reality and every day stories of tens of millions of people this year alone.

CHAPTER 1

TYPES AND METHODS

Types of human trafficking

Human trafficking, though nuanced and varied across the world in the numerous ways that individuals are exploited by others, is normally understood through five major umbrella types. For most of these, the idea is to keep the victim alive for as long as possible, as exploitation requires that the person being exploited is alive (most of the time) to perform the service or task for the traffickers. It is logical to keep the "resource" around for as long as possible. Traffickers spend, on average, about 1,000 dollars to traffic a victim initially, and then receive a return of profits 100 to 1000 times that over the lifespan of the victim. Victims are usually kept fed, housed, and even are frequently taken to medical care when they get sick or injured. The victims are a valuable resource.

In order to traffic and perpetuate conditions of slavery or similar, traffickers use force, fraud, or coercion to cajole adult victims. Children, by definition, do not require one of these factors to be victims of human trafficking. For adults, only one of the three must be present for human trafficking to take place. Force is the simplest to explain. Force is the use of violence, abuse, assault, and other forms of physical supremacy to overpower a victim and ensure compliance. Fraud is at play when traffickers use deceit or misrepresentation of facts (or omission of facts) to intentionally deceive victims into believing falsehoods. The most common examples of fraud are smuggling with the intent to traffic instead, promising fake job opportunities, being untruthful about a job or the working conditions, making false promises of aid or assistance, offering fake comradery, and pretending to be a partner or lover. Coercion is the most loosely defined. The United States' Trafficking Victims Protection Act (TVPA) defines it as "(A) threats of serious harm to or physical restraint against any person; (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act could result in serious harm to or physical restraint against any person; or (C) the abuse or threatened abuse of the legal process" (22 U.S.C. 7102 (3)).

Victims of human trafficking are also commonly referred to as victims of "involuntary servitude." The TVPA offers the following explanation of that term: "A condition of servitude induced by means of any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process" (22 U.S.C. 7102 (6)). Individuals forced into involuntary service or exploitation generally fall under one of the five types—sex, labor, domestic servitude, child soldiers, and organ—although other types exist, like forced and illegal adoption, but these are not always counted as human trafficking due to their niche dynamics.

Sex: Of all the forms of human trafficking, sex trafficking is the best known, the most publicized, and the one around which awareness is highest. Sex trafficking is mostly commonly associated with forced acts of commercial sex—prostitution—in exchange for some form of currency or favors. However, sex trafficking does not require that the sex acts be commercial or even that currency or favor is exchanged. A sex trafficking victim may be trafficked in their own home, by parents, for the sexual pleasure of a neighbor or friend. In this case, no money was exchanged and no prostitution happened. Just the sheer act of one person controlling the body of another, and forcing non-consensual or underage sexual actions, constitutes sex trafficking. Victims are often forced into some form of sexual relations with one or more individuals for any amount of time, for any time interval, and with or without the exchange of payment. Simply, sex trafficking is the loss of bodily autonomy and sovereignty of rights regarding consent at the hands of another human being.

Sex trafficking is the most highlighted type of human trafficking, thanks to awareness campaigns, publicization of sex trafficking numbers, and the billboards, posters, promotionals, media, and flyers which consistently show representations of sex trafficking victims—namely women and girls—who are often dirty, crying, and scared-looking. Often, the campaigns are aimed at spreading awareness that trafficking is a global issue and that it can happen "in your own neighborhood." These campaigns have done wonders for offering people avenues for calling hotline numbers, to know the signs of potential victims, and for raising general awareness of the prevalence of human trafficking. Due to the social dynamics of women and children as victims and sex trafficking seen as an abhorrent violation of a person, sex trafficking awareness has a lot of traction. Statistics show that more than 10,000 children are sexually trafficked each year in the United States alone, and that roughly 5 million sex trafficking victims exist across

the world today—somewhere around one-eighth to one-fourth of all human trafficking victims (Golob, 2022).

Unfortunately, due to the awareness campaigns and the preference for sex trafficking as the focal point for anti-trafficking movements, sex trafficking has become convoluted with human trafficking as a whole, with many untrained individuals conflating human and sex trafficking. In effect, all other forms of human trafficking get placed to the wayside, despite the fact that labor is likely more than four times more prevalent than sex trafficking. Sex trafficking is one type of human trafficking; it is not the definition of it.

Another variant to sex trafficking, which is not included in sex trafficking statistics is forced marriages. Around the world, unverified estimates are that nearly 16 million individuals (majorly females) are living in situations of forced marriage. This, by definition, is a variant of sex trafficking as it involves nonconsensual sexual activities and does not fall under the umbrella of labor, domestic, or other forms of trafficking. The International Labour Organization does not classify forced marriage as "forced sexual exploitation," despite the obvious sexual repercussions of being cajoled into marriage with another person against one's wishes. Forced marriage is defined as "the marriage of two people wherein at least one does not consent to the marriage" (Golob, 2022). Forced marriage is not the same as an arranged marriage, where parents and other family members have a major influence on the choosing of partners, but where the ultimate, legal right to accept or refuse the arrangement still lies with those getting married. Arranged marriages are legal and do not constitute human trafficking.

Labor: Across the world, millions of individuals fall victim to labor exploitation. It is often argued that it is the most prevalent of all forms of human trafficking. Of those rescued following being cajoled into service, about 75 percent were trafficked into the private sector, while the other 25 percent were victims of state-imposed or state-sanctioned human trafficking (ILO, 2017). Common victims of human trafficking include agricultural field workers, staff of restaurants and hotels, barge workers, factory workers, and other jobs which more often take place "behind the scenes." Labor is an easily hidden type of human trafficking. While most sex trafficking victims interact with the outside world on a regular bases, labor trafficking victims may spend their lives outside of social interactions. Thus, they are often difficult to find. Over the past 20 years, the ratio of labor to sex victims has jumped significantly as researchers realized just how much more labor trafficking was past the tip of the iceberg.