

Modern slavery and human trafficking

by Ronald Weitzer



Children fetch water from the bottom of a 25-foot well. At the surface, they use the water to pan for gold. (LARRY C. PRICE/PULITZER CENTER ON CRISIS REPORTING)

Human trafficking and modern slavery have become major public issues over the past two decades. Almost every nation has enacted laws criminalizing human trafficking, and international organizations, governments, and NGOs sponsor a large variety of projects to curb trafficking and slavery. Billions of dollars have been allocated to these efforts. Between fiscal years 2001 and 2010, for example, the U.S. government spent more than \$1.45 billion on domestic and international antitrafficking programs, and the funds allocated for FY2019–FY2021 total \$430 million. Expenditures by other governments and by international organizations have been substantial as well.

Definitions

Definitional problems plague discussions of trafficking and modern slavery. Among the issues are whether a person's consent is relevant; whether slavery is distinct from or overlaps with human trafficking; the meaning of "exploitation";

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and whether bonded labor and coerced marriage qualify as slavery.

One of the biggest problems is the lack of clarity and consensus on the very definition of human trafficking, as well as the troubling conflation of trafficking and slavery. The U.S. Congress and government agencies and leading international organizations increasingly use the terms “trafficking” and “slavery” interchangeably. And a few governments equate trafficking with unauthorized, assisted migration regardless of whether the individual consented or sought out such assistance. Some governments mix human smuggling and trafficking in their official figures or in law. In Brazil, for example, sex trafficking is legally defined as “promoting, intermediating, or facilitating the entry of women who practice prostitution into national territory or the exit of women who practice prostitution abroad.” As the U.S. State Department points out, “These statutes encompass activity that does not constitute trafficking . . . such as consensual smuggling or movement for the purpose of prostitution.”

Most governments distinguish between human *smuggling* (where a facilitator helps a person illegally cross a national border and where the two parties have relatively brief contact) and *trafficking* (where at least some deception or coercion is involved in recruitment or transit and where the victim may have protracted ties to the trafficker). The two types may overlap, such as when a person first enters into a voluntary agreement with a smuggler but later experiences abuse from that handler or a third party – thus qualifying as trafficking.

In the United States the 2000 Trafficking Victims Protection Act (TVPA) criminalizes the “recruitment, harboring, transportation, provision, or ob-

taining” of (1) an adult for purposes of labor or sexual commerce through means of “force, fraud, or coercion,” (2) a person under age 18 for labor via “force, fraud, or coercion,” and (3) a minor for commercial sex acts irrespective of whether coercion or deception are involved. In other words, to qualify as trafficking some kind of *abuse* is central for adults and for minors involved in non-sexual labor, but is not a requirement for minors involved in the sex trade. Adults who willingly engage in commercial sex are not trafficking victims under TVPA.

The premier international trafficking convention, the U.N.’s *Palermo Protocol* (2000), likewise centers on coercion and deception but is broader than TVPA in prohibiting “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.” Remarkably, core indicators—“exploitation,” “abuse of power,” “benefits,” “control,” and “vulnerability”—are left undefined. Vulnerability may include risk factors such as being poor, unemployed, indebted, drug dependent, a minor, or an illegal immigrant, but it is imperative that such key terms be precisely defined in a legal instrument of such international importance. The Palermo Protocol is the model for some nations’ domestic trafficking laws, but states have found it harder to implement than the more precise TVPA.

Although the term “trafficking” suggests movement from one place to another, relocation is not required by law. Both the Palermo Protocol and TVPA include in the definition *recruitment, receipt, or harboring* of persons, any one of which qualifies as trafficking provided that other conditions (coercion, deception, exploitation) are met, regardless of whether geographical movement occurred. Many victims are recruited and put to work locally, and “harboring” consists of maintaining or housing a person in compelled work. Human trafficking does not require travel.

Modern slavery is not defined in U.S. or international law, and the lack of a universal standard means that the term is used inconsistently. The League of Nations’ 1926 Slavery Convention defined slavery as “the status or condition of a person over whom any or all of the power attaching to the right of ownership are exercised.” Today, owning another person is not included in definitions of slavery, because legal ownership is now outlawed throughout the world. Instead, *slavery* is now considered a regime of maximum economic exploitation, social isolation, and total coercive control over the workers. Some analysts use the term *slavery-like conditions* to describe circumstances that are less onerous and comprehensive than outright slavery. These conditions include confiscation of legal documents, restrictions on one’s freedom, harsh working conditions, meager pay, and debt that mushrooms over time.

Although TVPA contains language portraying trafficking as a “manifestation of slavery,” U.S. government reports and official pronouncements in the 2000s focused on trafficking per se or distinguished it from slavery. By 2012, however, the State Department had begun equating trafficking with slavery, forced labor, and bonded labor – resulting in a huge spike in the alleged number of trafficking victims (27 million in 2012). The growing conflation of distinct problems has been driven by activists’ interest in drawing greater attention to the problem.

To simplify matters, it seems prudent to treat human trafficking as acts of coercion or deception occurring at the recruitment or transit stage, and slavery as forced labor and comprehensive control of a person inside and outside of the work setting. As other experts have noted, trafficking is a *process* of recruitment into a labor arena and slavery is a potential *outcome* of trafficking. Bonded labor – when a person incurs a debt with a middleman or employer in return for a job opportunity – is included under slave-like conditions only if it involves at least some coercion, deception, economic exploitation, or other abuse.

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How many victims?

Estimates of the number of victims worldwide vary widely and have changed radically over time. In 2000, TVPA declared that “at least 700,000” persons were trafficked into slavery annually worldwide. For several years thereafter, the State Department’s *Trafficking in Persons Reports* put the total at 600,000–800,000. In 2012, however, the figure skyrocketed to 27 million, comparable to the Global Slavery Index’s (GSI) figure of 29.8 million in 2013. GSI’s total ballooned to 45.8 million in 2016, but two years later was cut to 40.3 million. GSI explains both the 2013–2016 increase and the 2016–2018 decrease as a result of changes in the methodology it uses to arrive at estimates. Regarding the overall increase from 2013 to 2018, GSI cautions that “we are not asserting that modern slavery has increased in the intervening period.”

Part of the overall increase is due to the inclusion of “forced marriage” in GSI’s total – an alleged 15.4 million people in its 2018 report. It is questionable whether the notion of a culturally ordained but not fully consensual marriage is tantamount to slavery. Instead

of assuming that all forced marriages qualify as slavery, it is important, as the State Department points out, to examine specific cases and “look particularly at the terms of the marriage and the possible conditions of exploitation encountered afterward.”

The shifting worldwide numbers mentioned above are troubling in their own right, raising questions about attempts to quantify globally a problem that is largely hidden from view. While the State Department asserted in 2010 that 0.18% of the world’s population had been trafficked, the agency no longer provides national or global prevalence figures in its annual reports, now using the default term “millions” instead. Some leading analysts argue that we should dispense entirely with expensive big-data projects (like GSI’s) and focus instead on the ground: specific cities or small regions of a country with the goal of identifying and rescuing victims in those places. The IOM, for example, restricts its figures to individuals that it directly assists. These individuals are interviewed at IOM field offices before they are deemed credible trafficking victims and provided with

services. IOM’s interviews with about 100,000 such individuals over the past 20 years can be used by authorities to target the main “hot spots” where they are recruited and enslaved.

There are international figures on *certified victims*: i.e., those officially confirmed as victims by government authorities. However, as the table on the next page shows, the two leading sources differ substantially: the number of confirmed victims in one source is *double or triple* that of the other source! It is not known which is more reliable, but both show that the number of officially-identified victims is but a tiny fraction of the alleged millions of undetected victims worldwide. Either the latter claim is grossly exaggerated or detection efforts have been immensely unsuccessful, or both.

Victim experiences

There is no such thing as a “typical” victim. Victims’ experiences range along a broad spectrum and depend on the amount and duration of economic exploitation, working and living conditions, the victim’s age and gender, and the extent and kind of control exercised

Global Slavery Index

There are serious problems with the Global Slavery Index:

- It is based on miscellaneous, unstandardized sources across countries: estimates come from NGOs, the media, government reports, or population surveys.
- One of the main sources, a poll of households, is deficient because so many countries are left out. Only 48 countries were polled in the 2018 GSI, and only one Southeast Asian and two Arab nations. Countries experiencing armed conflict are not surveyed, although slavery may be prevalent there.
- Poll respondents are asked whether they or any family member has experienced forced labor, forced marriage, deception about work, and some other questions. Surveys on such sensitive issues risk immense under-reporting by victims, and respondents may know nothing about their family members’ experiences.

GSI uses a bizarre “imputation” procedure. For countries where there is no information whatsoever, GSI applies a “regional average” estimate to that country. This procedure obviously assumes that the regional estimates are themselves reliable (a dubious assumption), but also creates potential error in extrapolating from a region to a single nation.

For these and other reasons, some analysts and NGOs like Anti-Slavery International consider GSI’s *prevalence* estimates totally unreliable. This does not necessarily mean that GSI’s overall *categorization* of countries is erroneous, however. It should come as no surprise that countries where slavery is most pervasive are in the Third World, with the second highest prevalence in developing nations and the best record in the developed world.

TRAFFICKING VICTIMS WORLDWIDE

Year	Victims Identified (STATE DEPT. ¹)	Victims Detected (UNODC ²)
2008	30,961	N/A
2009	49,105	N/A
2010	33,113	12,500
2011	42,291	14,000
2012	46,570	15,500
2013	44,758	17,000
2014	44,462	20,500
2015	77,823	24,000
2016	68,453	24,500
2017	96,960	N/A
2018	85,613	N/A

¹U.S. Department of State, Trafficking in Persons Report 2019 (p.38) and prior years. Figures based on data provided "by foreign governments and other sources and reviewed by the Department of State." The "victims identified" category is not further defined in the report but apparently refers to victims who have been officially certified as such by state officials, not alleged victims.

²U.N. Office on Drugs and Crime, Global Report on Trafficking in Persons 2018 (p.21). Regarding the term "victims detected": "UNODC surveys governments on trafficking victims identified in their respective countries using a common questionnaire with a standard set of indicators, and then aggregates the results." The figures presented here are rounded, based on a UNODC bar chart.

by traffickers and bosses. At one pole are those who have been kidnapped and forced into work, lack all freedom of movement, receive little or no pay, suffer physical or sexual assault, or labor under extremely unhealthy or dangerous conditions. Others face none of these. Between these two extremes are those who have shifting experiences over time or are subjected to milder forms of mistreatment. The following examples illustrate these types.

Moderate Mistreatment/Mixed Experiences. An unknown number of victims (1) endure moderate levels of abuse or (2) have mixed or shifting experiences over time. Examples of "moderate" victimization include being informed about the kind of work awaiting them but not the actual working conditions; receiving somewhat less pay or working longer hours than what was agreed to; having a passport confiscated but enjoying some freedom outside working hours;

or being occasionally subjected to verbal abuse, demeaning tasks, or arbitrary fines, but not physical or sexual assault.

Some migrants do not fully appreciate the terms of their agreement with a facilitator, are not informed about working conditions or risks of arrest in a new locale, or how difficult it can be to pay off a debt to a broker or boss. For those who performed the same kind of work at home, working and living conditions at the new worksite may be quite different than what they are accustomed to. And other laborers agree to perform a certain type of job reluctantly – a diluted form of consent – out of an obligation to support their families or because of pressure from relatives.

Filipinas working in Japanese hostess clubs enter into a standard debt-based arrangement with a middleman who facilitates their travel and employment in Japan. Many of the brokers and bar managers exploit the hostesses by inflating the debt owed; holding passports until the woman returns home; retaining earnings they are not entitled to; and overcharging for food and housing. Yet despite these arrangements, many of the women consider this bar work preferable to living in poverty back home.

A questionnaire administered to 476 Bangladeshi labor migrants who worked abroad found that 81% qualified as trafficking victims:

- Two thirds of the victims discovered during transit that their travel documents were fraudulent
- Four fifths had their passport confiscated by their employer
- Three quarters were forced to work excessive hours and/or were poorly paid.

Compared to what many other migrants and workers experience, these violations may be considered "moderate," but one pattern was especially disturbing: 96% of the female respondents experienced sexual harassment and/or sexual assault by a broker or employer.

One's experiences can change dramatically over time. A positive experience during recruitment or transit may be inverted after one arrives at a work-

place. An initial employer who treats someone properly and fully abides by a prior agreement may be followed by one who subjects the worker to at least some wage exploitation or other mistreatment. And some victims switch roles, becoming traffickers or slave managers themselves.

Moreover, a worker's assessment of and feelings about a job can flip over time. For example, women who are recruited to work as waitresses in bars along the Lao-Thai border have been pressured to engage in prostitution. They initially found sexual commerce distasteful and refused to engage in it, but once they discover that it is far more lucrative than waitressing and interact with women who like the work, many begin to normalize it and end up preferring it over low-paying jobs. This illustrates how a situation that is initially perceived as undesirable may be gradually redefined and embraced. Not only the working conditions but also the worker's attitude toward those conditions may shift radically over time.

Extreme or Polymorphous Victimization. A victim can be subject to any or all imaginable types of serious abuse, including beatings, humiliation, denial of health care, and total confinement. Determining which kinds of mistreatment are most prevalent in any given setting is tricky, given the lack of representative victim samples, but a rough sense of the experiential dimension can be obtained from interviews with confirmed victims and calls to hotlines. For example, the five main kinds of abuse recorded in 10,615 calls to a hotline staffed by the Polaris Project in the U.S. in 2017 were isolation or confinement, emotional abuse, economic abuse, threats, and physical abuse.

Victims can be recruited and enslaved in bizarre ways. Nigeria is a case in point. Women and girls began to be trafficked into prostitution in Europe in the late 1980s, and the number has skyrocketed in recent years. The number of Nigerian females arriving in Italy grew from about 1,500 in 2014 to 11,000 in 2016. Most are recruited in one region

Sex Trafficking

Multiple victimization is revealed in a survey of 4,559 women subjected to sexual exploitation, who were interviewed at IOM field missions in Europe and Central Asia:

- 96% were denied the freedom to choose clients and 88% were not allowed to determine the kinds of sexual services they would provide
- 40% were regularly prevented from using condoms and 9% were never allowed to use them
- 9% experienced psychological abuse, 17% sexual assault, and 31% physical assault
- 60% were denied all freedom of movement, while 36% were allowed some mobility but only if accompanied by a handler

- Medical care was denied to 58%
- They worked seven days a week and served an average of five clients per day
- On average, they were allowed to keep just one sixth of their earnings

These findings – which qualify as slavery-like conditions if not outright slavery – demonstrate both intense and polymorphous mistreatment. It should be noted, however, that the data were drawn from individuals who managed to access IOM field missions, not a representative sample of victims. People who contact service providers may over-represent those who have had the worst experiences.

of Nigeria (Edo State) and most were trafficked into European sex markets.

Some of the women fly to Europe, but most travel overland through Libya and then cross the Mediterranean into Italy. After arriving in Europe, the women quickly discover that they must sell sex in order to pay off their enormous debt, up to 10 times the initial agreement. It typically costs a trafficker about \$2,000 to buy a fake passport and transport someone to Europe, and they make colossal profits off these investments, to the tune of \$40,000 to \$80,000 per victim. A woman working in a Paris park, for example, was shocked to learn that her debt was €50,000. She was forced to work 12 hours a day; had to earn a minimum of €100 a day; and her handler took all of her income.

Some of the victims later return home and graduate to become traffickers themselves (madams), recruiting other women. Madams convince poor and vulnerable young women that a better life awaits them in Europe, where they will be working in a conventional job, such as waitressing or domestic work. Upon arrival they are forced into the sex industry. What makes this process distinctive is the ritualized use of the supernatural. Before they leave for Europe, a madam and village priest perform a voodoo ceremony whose purpose to secure spiritual leverage over the victim. The voodoo priest is paid by the madam for

conducting these ceremonies – as much as \$1,000 – a strong incentive for doing so often. The following techniques have been used:

- a woman is presented with photos of other girls who live the good life in Europe; naïve women believe these fake representations are genuine
- the girl is told that her relocation debt is small, or told nothing about it at all
- the ceremony involves the use of a woman's personal effects and an oath

to seal a “contract.” A woman's hair or fingernails may be mixed with powdered animal bone and then rolled into a bundle bearing the woman's name. The scroll is retained by the madam or at a shrine, tangible evidence of the contractual agreement. Alternatives include eating a kola nut and chicken heart, drinking a brew of blood and gin, or symbolic cutting of the woman's skin. During the ritual the priest casts a spell on the woman.

To ensure compliance, the women



Sex workers of Sonagachi Kolkata, West Bengal, India, the Largest red light area of South East Asia, took part in a torch rally April 30, 2019, demanding dignity, labor rights and social protection on the eve of International Labor Day. (AVISHEK DAS/SOPA IMAGES/LIGHT-ROCKET/ GETTY IMAGES)

are instructed that if they tell anyone about the oath and debt a “juju curse” will be activated, resulting in insanity, death, or harm to a family member. The latter is not a mere threat; family members have been assaulted when a victim puts up resistance or is a poor earner.

Concern for family members, coupled with an abiding belief in the power of the oath and the victim’s traumatic experiences abroad, present huge obstacles for law enforcement. In 2018, for instance, Nigeria’s Agency for the Prohibition of Trafficking in Persons reviewed 662 cases but prosecuted only 43 suspects and convicted 26.

In a recent, rare trial, 16 Nigerian traffickers (11 women and 5 men) were prosecuted in Paris for enslaving 49 women. Some of the victims testified that they were beaten, raped, denied medical care, or forced to have an abortion. The court convicted 15 of the defendants, imposed heavy fines on them, and meted out sentences ranging from 2 to 11 years in prison.

Perhaps some good news comes from Edo State. On March 9, 2018, its revered traditional king, Oba Ewuare II, convened a meeting with about 500 juju priests in an attempt to curb the practice. The king declared that he had nullified all pacts used in human trafficking and had also placed a royal curse on any priest, madam, or parent involved in these rituals. He also proclaimed

that victims were now freed of their oaths. It remains to be seen if this recent intervention will make a dent in the lucrative business of sex slavery in Nigeria, but it does illustrate one way in which religious leaders can play a constructive role in places where trafficking is grounded in mysticism elsewhere in the world.

Child victims

Under international legal instruments, the employment of minors in the sex industry differs from employment in other sectors. As noted above, *any* involvement of minors in commercial sex is criminalized in U.S. and international law. They are deemed victims irrespective of whether they seek out or consent to work in this sector.

For other types of labor, however, age and working conditions determine whether a minor is deemed abused or exploited. The ILO considers laborers under 15 years of age victims by definition: their labor is considered both harmful and unethical. For the 15-17 age group, a 1999 ILO convention permits them to work provided that they do not engage in the “worst forms of child labor” – e.g., forced labor, debt bondage, prostitution, armed conflict, drug trafficking or other illicit activities, or hazardous work. *Hazardous work* endangers a person’s health and safety and includes:

- long hours or night work

- work underground, under water, in confined spaces, or at risky altitudes
- use of dangerous machinery/equipment or carrying heavy loads
- exposure to hazardous materials, high noise levels, or temperatures that jeopardize health.

ILO estimates that currently 152 million minors worldwide are involved in forbidden forms of child labor, half of whom (73 million) work under hazardous conditions.

With so much of their populations living below the poverty line, it is not surprising that African nations have the highest concentrations of child labor, half the worldwide total. Most of the victims work in agriculture, fishing, and forestry.

The mining industry in West Africa illustrates the challenge of ending underage labor victimization. The arduous and risky nature of this work clearly fit the ILO’s “worst forms of child labor” category (long hours, heavy loads, hot temperatures, use of mercury to amalgamate gold, work in underground mine shafts). The problem is that most of these youths are encouraged to migrate by their parents, normalize the working conditions, and view their labor as an opportunity: it is one of the few options to earn money to support their families – given the lack of work in their home villages – and also provides the boys with prestige and social capital that helps in attracting marriage partners.

Commercial fishing

Commercial fishing is a known slavery site. Ships that spend long periods of time at sea can literally imprison workers, with no option to leave even when they become sick or injured. Reports of extreme fraud in recruitment and horrendous working conditions are commonplace. In Russian and Turkish waters, commercial fishermen were forced to work 18–22 hours 7 days a week, and were beaten, often denied water, not paid, and injured by the traps they used. Similar crimes against commercial shrimpers in Southeast Asia were documented in an *Associated Press* exposé in 2015. Thai men and boys were forced to work 20-24 hours a day 7 days a week, were beaten and whipped if they complained or tried to

rest, and were paid little or nothing. Some had been kidnapped by brokers and sold to captains of fishing boats or the companies that own the boats, and some were later abandoned and died on an island far from home. Once the boats return home, a parallel cycle of abuse takes place in the shrimp-processing industry, victimizing the women and children who peel shrimp for a living. They were slapped and cursed, denied part of their wages, given short lunch breaks, and accumulated debts while working. A 16-year old girl who labored under these conditions from 3am until 7pm every day showed the reporters arms that “were a patchwork of scars from infections and allergies caused by the shrimp.”

These push and pull factors are mirrored elsewhere in the Third World, where minors suffer under slave-like conditions but do not perceive themselves as victims. Their decision to migrate for work stems from economic desperation and either filial obligation or outright pressure from family members.

It is clear that combatting such “consensual victimization” faces tremendous obstacles for both national governments and the international community. The good news is that the number of youths working in slave-like or hazardous conditions has decreased somewhat in recent years. According to the ILO, the number of minors involved in hazardous work fell from 170 million in 2000 to 73 million in 2016, with a comparable decline (245 million to 152 million) involved in impermissible but non-hazardous child labor.

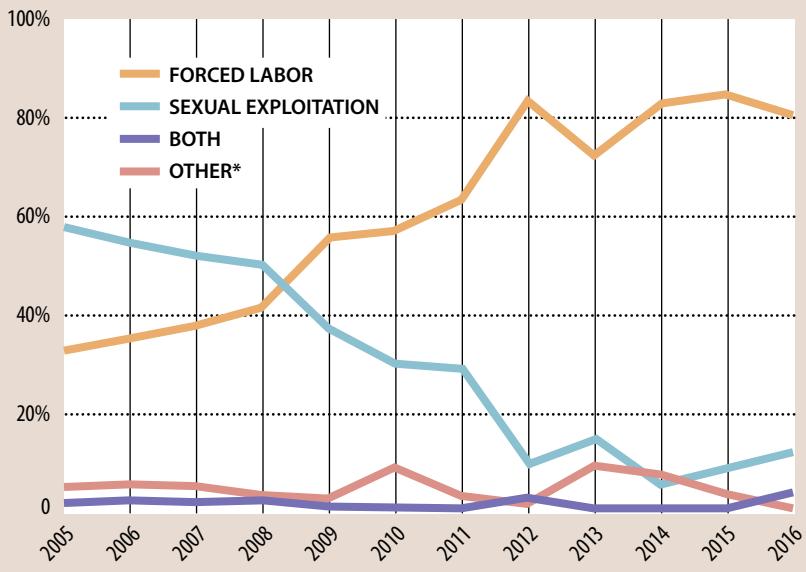
Industry sectors

Victims are trafficked into many different industries: mining, agriculture, manufacturing, domestic work, fishing, construction, and the sex industry. Regarding the latter, it is important to stress that voluntary involvement in sexual commerce does not constitute trafficking. As the State Department points out, “Prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized, or criminalized.”

Yet, sex trafficking has received the lion’s share of attention over the past two decades. Indeed, it is typically the *only* focus in news reporting, feature films, television documentaries, and many anti-trafficking projects run by international organizations, NGOs, and governments. Moreover, most of the victims who have been rescued and most of the perpetrators arrested worldwide were involved in sex trafficking. Over the past three years (FY 2016–18), for example, the Justice Department prosecuted 753 cases of human trafficking, 94% of which involved sex trafficking.

Why? Sex trafficking is uniquely disturbing for many people, pulling at the heartstrings; it is easily sensation-

EXPLOITATION TYPES AMONG IDENTIFIED VICTIMS OF TRAFFICKING, 2005 – 2016 (by percentage)



*NOTE: “OTHER” INCLUDES: FORCED MARRIAGE, MILITARY SERVICE, LOW LEVEL CRIMINAL ACTIVITY, AND TRAFFICKING FOR BLOOD, ORGANS OR OTHER BODY PARTS.

SOURCE: IOM HUMAN TRAFFICKING GLOBAL DATABASE, 2017

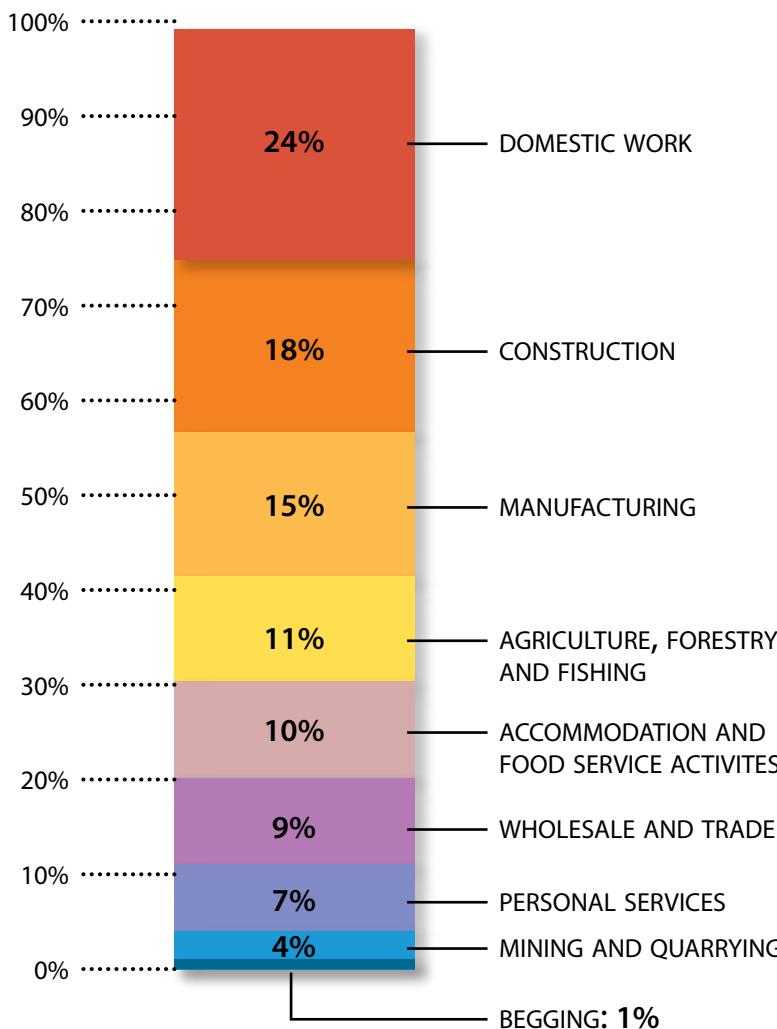
alized; and it is gendered: women and girls are the vast majority of victims, which seems to generate more sympathy than for male victims. Many people view labor trafficking, by contrast, as “boring” or see it as a subset of disreputable illegal immigration, contributing to muted empathy for those involved. What is missing here is recognition that victimization in labor trafficking and forced work can be just as severe and life-altering as what sex trafficking victims may experience. This may explain why some activists now prefer the term slavery over labor trafficking; slavery is much more stigmatized and thus more likely to generate publicity and activism.

Whereas sex trafficking remains the main focus and some nations have only recently criminalized labor trafficking, today the latter is receiving slightly more attention from governments and international organizations. One of the most important facts is that the global market for exploited non-sexual labor *far exceeds* the market for sexual services. In other words, the commercial

sex market pales in comparison to the size of all other labor arenas, such as agriculture, manufacturing, domestic work, etc. In 2010, the State Department proclaimed that “the majority of human trafficking in the world takes the form of forced labor,” a conclusion echoed by international and non-governmental organizations such as Anti-Slavery International. The International Labour Organization has consistently estimated that about four-fifths of all persons involved in forced or exploitative work worldwide were engaged in non-sexual commerce: 78% in 2012 and 81% in 2017. Another indicator of this pattern is that the number of labor-trafficking victims seeking assistance at IOM field offices now eclipses the number of assisted sex-trafficking victims, the latter comprising about 13% in 2016 (see graph above). Labor trafficking is therefore much more pervasive than sex trafficking.

Another important fact is that sex workers – more than many other laborers – have routine contact with customers and typically work and live near

FORCED LABOR BY SECTOR



Source: International Labour Organization, Global Estimates of Modern Slavery, 2017, p. 32

NOTE: DUE TO ROUNDING, PERCENTAGES DO NOT ADD UP TO 100%

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neighbors. This increases the odds that they will be discovered – that some client or neighbor will inform the authorities of someone who appears to be abused or a minor. It can be argued that (1) reporting by a client or neighbor may help to explain, at least to some extent, why the authorities become aware of sex trafficking more often than labor trafficking and (2) the presence of clients and neighbors may serve as a partial deterrent to mistreatment in the sex sector in the first place, insofar as bosses are aware that unfree or abused sex workers may alert others. Sexual commerce is more visible because clients need to know its venues, whereas other industries can be much more isolated from public view. There are few if any visitors to mines, fishing ships, agricultural sites, and construction sites.

The consensus is that labor trafficking and slavery are *most prevalent in domestic work, agriculture, construction, and manufacturing*. (This is the global picture; the leading industries naturally vary by country, depending on their local presence and the government's anti-trafficking record.) Trafficking and forced labor appear to be somewhat less prevalent globally in the mining and fishing industries; but, again, this conclusion may be a function of the fact that mining and commercial fishing can be even more isolated than the top four sectors.

Law enforcement

Traffickers do not fit a standard profile. Some operate in organized-crime networks, others work in very small groups, and yet others are solo entrepreneurs. The proportion in each category is unknown, but data on traffickers caught by the authorities suggests that the majority are small-scale operators. And many victims are recruited by acquaintances, friends, or family members. Because of their strong social ties, it is particularly difficult for the authorities to build cases against a victim's relatives or close friends.

The conventional image of a trafficker is a middle-aged male. Yet, more than a third of those arrested, prosecuted, and convicted of trafficking offenses internationally are females: 37% of those convicted in 2014 and 38% in 2016. In some parts of the world, the *majority* of those convicted of trafficking are female: Eastern Europe, Central Asia, the Caribbean, and Central America. *Women are therefore much more involved in human trafficking than in almost all other types of crime*, where they represent a small fraction

of the offender population. Women are most active as brokers at the recruitment stage (trafficking) while men predominate at the exploitation stage (forced labor, slavery). And women are more prevalent in sex trafficking than labor trafficking enterprises. Remarkably, a sizeable number of female traffickers were former victims, as a 2016 UNODC report points out:

“particularly in the field of trafficking for sexual exploitation, many former victims are at some point offered the opportunity of recruiting new vic-

Cambodian Trafficking

Accounts from traffickers themselves are scarce and usually anecdotal. An exception is a unique study based on interviews with 91 individuals incarcerated for trafficking offenses in Cambodia. By comparing the interview transcripts with other sources, the researchers determined that 25% of the respondents had indeed been involved in trafficking as defined by Cambodian law. However, 16% had been involved

simply in procuring for prostitution (not trafficking) and the remaining 59% had been “doubtfully convicted” of trafficking – meaning that their accounts did not fit the legal definition of trafficking. The narratives were cross-checked with other sources in some cases, but the researchers could not determine how many of the “doubtfully convicted” may have been wrongly convicted.

tims or serving as a “madam.” Victims’ motivation to switch to such roles may be to reduce their debt to traffickers or others, or to end their own exploitation. . . . Moreover, once victims are engaged in the enterprise, they become accomplices to the trafficking operation and are then less likely to cooperate with law enforcement.”

Prosecutions and convictions of traffickers have steadily increased worldwide, doubling between 2007 and 2018 (see Table 2). However, law enforcement efforts are not evenly distributed throughout the world, with some countries much more active than others. In the United States, the Justice Department secured convictions against 439 traffickers in FY 2016, 499 in FY 2017, and 526 in FY 2018. At the other end of the spectrum, UNODC found that 9%

of 181 countries reported no trafficking convictions and 27% reported only 1–10 convictions from 2014 to 2017.

It is not known whether “low” prosecution and conviction rates are due to low incidence of trafficking in a country or to meager enforcement efforts. What is clear is that prosecutions are inherently difficult everywhere, since they typically depend on the testimony of victims who may distrust the authorities, dread recounting traumatic experiences at trial, or fear retaliation from traffickers. When the perpetrators are police, military, or other state agents, the prospects for prosecution are much lower than for civilian traffickers.

There are no international data on the punishments meted out for persons convicted of trafficking, but we do know that sentences can be as severe as life imprisonment. In the United States, the federal penalty for someone convicted of trafficking is a fine and/or imprisonment for 10 years to life. The punishment for a slavery-like condition (i.e., holding a person in debt peonage or involuntary servitude) ranges from a fine to incarceration for 20 years. Each of the 50 states has its own trafficking law, and sanctions vary from state to state.

Of the U.S. federal trafficking cases that resulted in verdicts in 2015, 98% of those convicted received a prison term and the average length of sentence was 183 months, or 15.3 years. These figures combine forced labor, slavery, sex trafficking, and peonage. In FY 2018, trafficking sentences ranged from 3 months to life in prison, and more than 70% exceeded 5 years.

While the global pattern is clearly under-enforcement, there have also

been instances when individuals were prosecuted and convicted for acts that do not legally qualify as trafficking offenses, as the Cambodian study shows. In the United States, a clear trend is to prosecute individuals engaged in pimping (i.e., supervising or living off the proceeds of a prostitute) under more severe trafficking statutes, and those convicted typically receive much longer sentences than they likely would have in the past. And in a notorious Seattle case, clients of Korean massage parlors who discussed their experiences on a client-centered website were charged with operating a “human trafficking ring.” One of the accused later committed suicide. The prosecution was criticized for engaging in a gross misapplication of trafficking law to individuals who had simply purchased sexual services and discussed this online.

In both the U.S. and elsewhere in the world, relatively little is known about the crucial law enforcement dimension. We need much more research on the ways in which criminal justice systems, throughout the world, investigate and adjudicate cases of accused traffickers and slaveholders, as well as the reasons why some nations have such a poor record in this domain.

U.S. foreign policy

Since the passage of TVPA in 2000, the U.S. Government has taken the lead internationally in efforts to combat human trafficking. It does so through its embassies, collaborative initiatives with other governments, funding foreign NGOs, and in detailed annual reports on international trends and country compliance with a set of best practices.

Worldwide prosecutions and convictions for human trafficking

Year	Prosecutions	Convictions
2007	5,682	3,427
2008	5,212	2,983
2009	5,606	4,116
2010	6,017	3,619
2011	7,909	3,969
2012	7,705	4,746
2013	9,460	5,776
2014	10,051	4,443
2015	19,127	6,615
2016	14,939	9,072
2017	17,471	7,135
2018	11,096	7,481

Source: U.S. Department of State, Trafficking in Persons Report 2019 (p.38) and prior years



Migrant workers from Cambodia at work on a fishing boat in Mahachai, on the outskirts of Bangkok, Thailand, February 25, 2010. (NICOLAS ASFOURI/AFP/GETTY IMAGES)

Since 2002 the Labor Department has issued its *Worst Forms of Child Labor Report*, which identifies countries that have made progress in fighting child labor, making them eligible for trade-preference programs. The second and more comprehensive international assessment is the State Department's annual *Trafficking in Persons Report*. The objective is to hold countries accountable for trafficking and to encourage them to adopt a set of best practices for detecting and combatting it. Since 2001, each country receives a detailed narrative evaluation of its record and is assigned a tier ranking, subject to revision if conditions change during the following year:

Tier 1: the government fully meets TVPA's minimum standards for the elimination of trafficking; 33 countries were listed under this tier in 2019, including most of Western Europe

Tier 2: the government does not fully meet TVPA's minimum standards, but is making significant efforts to comply with them; 93 countries in 2019

Tier 2 Watch List: the government does not fully meet TVPA's minimum standards and is making significant efforts to do so, but (a) the number of victims is substantial or significantly increasing and/or (b) the regime has failed to provide evidence of enhanced efforts to combat trafficking in the past year; 38 countries in 2019

Tier 3: the government does not fully meet TVPA's minimum standards and is not making significant efforts to do so; 22 countries in 2019, including Burma, China, Cuba, Iran, North Ko-

rea, Russia, Saudi Arabia, Syria, and Venezuela.

Minimum standards include the existence of an anti-trafficking law, ongoing "serious and sustained efforts" to eliminate severe forms of human trafficking, cooperation with other governments' anti-trafficking efforts, policies for meaningful protection of and assistance to victims, and "stringent" punishment of perpetrators. The State Department recommends prosecuting traffickers under trafficking laws, not as a civil offense or labor violation. Trafficking laws typically stipulate harsher punishments, and convictions under them send a stronger deterrent message to would-be criminals.

Tier 3 countries are subject to economic sanctions. The TVPA gives the U.S. government the power to deny foreign assistance to a regime in this category, although it has rarely done so, preferring soft pressure instead.

Sanctions are usually waived for Tier 3 nations unless that country is already under U.S. sanctions for other reasons. From 2005 to 2016, sanctions were imposed on Burma, Iran, North Korea, Russia, and Syria, but only Iran and North Korea in recent years. The very fact that Tier 3 and Tier 2 Watch List nations are officially branded as such is intended to "name and shame" and thus encourage greater compliance. Over the past two decades, the threat of foreign aid restrictions has indeed catalyzed reforms in several nations, after which they were rewarded with a higher tier ranking. But many countries have remained stuck in a low tier.

The State Department did not rank

the United States itself in its first nine annual reports; it was first included in 2010, in Tier 1 and retains that ranking today.

With its tier-ranking system it is clear that the U.S. is attempting to convert its own standards into global norms. International organizations – such as UNODC, IOM, and ILO – do not routinely reveal which governments are compliant with the Palermo Protocol and do not rank countries. It has thus fallen to the U.S. to take the lead in the worldwide anti-trafficking campaign, gradually building consensus on key norms and best practices.

The U.S. government also works directly with other governments, funding and staffing bilateral prevention initiatives, victim-assistance programs, and enforcement efforts. Regarding enforcement, in the past four years (FY 2015-2018) the State Department opened 780 human trafficking cases outside the U.S. Other international investigations and prosecutions are initiated by the Departments of Defense and Homeland Security. A major example is ongoing collaboration between Mexican and American authorities working to dismantle trafficking rings operating along the U.S.-Mexico border. This joint effort has resulted in successful prosecutions in both countries, including U.S. federal prosecutions of over 170 defendants, and the dismantling of some cross-border trafficking networks.

A policy that overlaps the domestic and foreign realms is the special visa available in the United States to immigrants who are certified as trafficking victims: a T-visa allows the immigrant to remain in the country. TVPA caps the number of T-visas at 5,000 per year, but the number applied for and granted has fallen well short of that. Under the Obama administration from 2009-2016, between one-sixth and one-third of such applications by victims were denied, depending on the year; during the first year of the Trump administration, one-fifth were denied.

The growing international attention to labor trafficking, mentioned earlier in the article, has prompted in-

creased concern with working conditions throughout entire supply chains. Because a product passes through a lengthy chain of producers, distributors, and retailers, determining whether any given product is slavery-free is extremely difficult. Is the cocoa in the chocolate bar you are eating or the gold in the ring you are wearing a result of slave labor? Major corporations are beginning to take measures to decrease the risk of forced labor occurring at each stage in their supply chain, but governments can push corporations further. Australia and the UK recently passed legislation that requires major corporations to report annually on the risks of slavery in their operations and supply chains and to make efforts to reduce those risks. The laws are limited to disclosure; they do nothing to combat slave-like conditions other than the required statement of risks and remedies. No similar law exists in the United States, although some bills have been proposed recently in Congress. State intervention in the corporate world is not a conventional foreign policy issue, but the application of new legal norms to multinational corporations is clearly an attempt to increase accountability among entities that operate both domestically and internationally.

Public shaming is another way to compel corporate compliance. An example is the Department of Labor's annual *List of Goods Produced by Child Labor or Forced Labor*; the 2018 list identified 148 goods and 76 countries where they are produced. The Departments of State and Homeland Security publish similar lists, blacklisting foreign products that are suspected of being produced with forced labor, child labor, or convict labor. Listed products can be subject to an importation ban.

Businesses that appear to be implicated in trafficking and slavery, including a lack of supply-chain transparency, are vulnerable to grass-roots campaigns and consumer boycotts. One recent opinion poll found that a majority of consumers would stop buying a product if they discovered it was produced with forced labor.

Conclusion

It is often said that cross-border human trafficking is human smuggling gone awry. For those who cross national borders, social, economic, and political "push factors" in one's home country (lack of job opportunities, intense poverty, political persecution, pervasive violent crime, widespread disease, domestic abuse) are the flipside of a set of "pull factors" in other countries (job or educational opportunities, political asylum, enhanced health care, physical security). When people decide to move across a border, they usually need the assistance of smugglers, some of whom are traffickers who engage in deception or coercion. The more restrictive the barriers to cross-border migration, the greater the odds that the migrant will be victimized by middlemen.

The circumstances are somewhat different for those who are seeking opportunities in their native country, not crossing a national border. Nevertheless, these domestic cases share the core characteristic of *vulnerability* to economic exploitation and other mistreatment at the hands of recruiters and nefarious employers. What ties domestic and cross-border types together is abuse during the recruitment stage and exploitative or coercive conditions at the worksite.

At the same time, we must remem-

ber that migration, trafficking, and labor conditions vary from one location and social network to another and that participants' lived experiences vary contextually as well. Relations between workers, middlemen, and employers range from extreme physical and psychological abuse, severe economic exploitation, and terrible working conditions to less extreme and less oppressive working and living conditions.

We have questioned the preoccupation with "guesstimating" the number of victims nationally and worldwide. Some analysts consider this an inherently flawed exercise, given the clandestine nature of much trafficking and slavery. Recall that the U.S. State Department has now abandoned numerical estimates and instead simply notes that there are "millions" of victims worldwide. It can be argued that resources should be shifted downward: away from costly big-data quantification of trafficking and slavery at the macro level toward sponsoring micro-level research in specific cities and with distinct victim populations, as IOM does. Such research on the ground has important policy and enforcement implications: When findings pinpoint specific "hot spots" of victimization, they can help the authorities locate perpetrators and disrupt trafficking rings and slave-based enterprises.



Activists take part in a 'Walk for Freedom' to protest against human trafficking in Berlin, Germany, October 20, 2018. (FABRIZIO BENNSCH/REUTERS)

discussion questions

1. What are the main differences between human trafficking and human smuggling?
2. The author argues that estimates of human trafficking and slavery are inherently flawed, especially at the national and international level. What is the basis for this argument, and what does the author recommend as an alternative focus?
3. Sex trafficking receives most of the attention from activists, the media, governments, and international organizations. If labor trafficking is far more prevalent throughout the world, why is so much of the focus on sex trafficking, and what can we do to rebalance official discourse and policy priorities?
4. What is the difference between slavery and slave-like conditions?
5. Every year the U.S. government ranks nations into one of four tiers and uses the threat of economic sanctions to pressure countries into conformity with a set of minimum standards for combatting trafficking. Many countries have remained stuck in one tier, while others have improved their ranking. Is this an effective foreign policy method? Are there alternative ways of convincing other nations to crack down on trafficking in their countries?
6. Should minors who willingly engage in hazardous work be considered victims?

Don't forget: Ballots start on page 98!!!!

suggested readings

Gozdziak, Elbieta, and Micah Bump. **Data and Research on Human Trafficking.** 56 pp. Washington, DC: Institute for the Study of International Migration, 2008. A review of 1,500 publications on human trafficking. The authors found that the vast majority were overviews or commentaries; only one-third reported empirical research findings; and most of the empirical writings either did not identify their research methods or used convenience samples instead of random samples. The analysis can serve as a litmus test for writings produced since this study was published.

International Labour Organization. **Global Estimates of Child Labor: Results and Trends 2012-2016.** 65 pp. Geneva: ILO, 2017. The definitive analysis of labor among minors.

Siskin, Alison, and Liana Sun Wyler. **Trafficking in Persons: U.S. Policy and Issues for Congress.** 70 pp. Washington, DC: Congressional Research Service, 2013. Overview of trafficking in the United States and the U.S. government's foreign policies toward trafficking.

Aronowitz, Alexis. **Human Trafficking: A Reference Handbook.** 406 pp. Santa Barbara, CA: ABC-CLIO, 2017. Covers all major dimensions of human trafficking including official documents, legislation, resources, and major organizations involved in anti-trafficking work. Also features several short essays by experts.

U.S. Department of State. **Trafficking in Persons Report 2019.** 538 pp. Washington, DC: Department of State, 2019. Comprehensive examination of worldwide patterns and trends and detailed narratives on conditions in virtually every country.

Weitzer, Ronald, and Sheldon Zhang (eds.). **Human Trafficking: Recent Empirical Research.** Annals of the American Academy of Political and Social Science. 265 pp. Volume 653, May 2014. A special issue of the prestigious journal devoted to various dimensions of human trafficking, including youth involvement, pimping practices, law enforcement, celebrity involvement in anti-trafficking campaigns, and sex and labor trafficking in selected countries.

To access web links to these readings, as well as links to additional, shorter readings and suggested web sites,

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and click on the topic under Resources, on the right-hand side of the page.