2013

The Growing Phenomenon of Sex Trafficking; Legal, Socioeconomic and Cultural Remedies

Anny E. Rosario
CUNY City College

Recommended Citation
Rosario, Anny E., "The Growing Phenomenon of Sex Trafficking; Legal, Socioeconomic and Cultural Remedies" (2013). CUNY Academic Works.
https://academicworks.cuny.edu/cc_etds_theses/173
The Growing Phenomenon of Sex Trafficking:
Legal, Socioeconomic and Cultural Remedies

Anny E. Rosario Diaz

August 2013

Master’s Thesis
Submitted in Partial Fulfillment of the Requirements of the Degree of Master of
International Affairs at the City College of New York

Adviser: Professor Jaqueline Braveboy-Wagner
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Acknowledgement

I owe my deepest gratitude to God and those that helped me through the journey of completing this thesis. I thank my friends and family, especially my beloved mother Maria L. Diaz, my father Ezequiel Rosario, my brother Alexander E. Rosario, my husband Robert S. Rosa and friend Marleni Alcala. Without their support, enthusiasm and encouragement I would have not been able to complete this thesis. I extend my warmest appreciation to my thesis adviser Dr. Jaqueline Braveboy-Wagner, for her detailed guidance in the progress of my thesis and I also thank my second reader Dr. Jean Krasno, International Relations Department Chair, Director, for her inspiration and continuous optimism.
Sex trafficking is a fast growing international crime affecting over 161 countries worldwide. Each year an estimated 800,000 to 900,000 human beings are bought, sold, or forced across the world’s borders and approximately 79 percent are victims of sex trafficking. Trafficking often occurs from less developed countries to more developed countries, where mostly young girls and women are vulnerable to trafficking due to the underlying socioeconomic and cultural conditions. This thesis contends that in order to successfully deal with the increase in sex trafficking, states must put in place policies that both penalize traffickers as well as address the underlying social causes. This thesis will first provide a historical background to of sex trafficking and an understanding of the international measures in place such as the United Nations (UN) Convention Against Transnational Organized Crime and the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children. In order to support my contention the thesis then provides an analysis of the reasons why sex trafficking occurs in selected developing countries in the regions of Latin America, Europe and Asia, and the legal responses offered in these countries. I find that legal responses are generally inadequate and offer some ideas about how to improve these as well as to deal with the underlying socioeconomic and cultural causes.
Chapter 1 – Introduction

Human trafficking is a growing phenomenon affecting essentially all the countries of the world. In order to understand the issue of sex trafficking it is important to understand its definition. Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children defines human trafficking as:

The trafficking of persons for the purpose of exploitation. The activity that consists of the recruitment, transportation, transfer, harboring 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 of a position, or abuse of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.¹

This definition serves as a guideline to differentiate sex trafficking from other types of crimes such as smuggling and child labor. Smugglers are typically paid to illegally take people across a particular border and once they arrive at their destination, they disappear, leaving the victim to his or her own fate. Traffickers, on the other hand, escort people across borders; once there, they often exploit their victims and make a profit by forcing them into involuntary servitude or into the commercial sex industry.²

In this thesis I contend that in order to successfully deal with the increase in sex trafficking, states must put in place policies that both penalize traffickers as well as address the underlying social causes. In support of my contention I will use case studies to show the social, cultural and economic factors that contribute to sex trafficking. My case studies will focus on countries located in different regions of the world that have the heaviest volume of sex trafficking. Thus from Latin America, data from the Dominican Republic and Mexico will be looked at; from Europe, Estonia and Poland will be

² Ibid.
examined; and from Asia, Thailand and Cambodia will be reviewed. These regions have the highest volume of human trafficking and different legal policies that deal with the issue.

Trafficking is estimated to be a $32 billion industry, affecting 161 countries worldwide on every continent and economy. Each year an estimated 800,000 to 900,000 human beings are bought, sold, or forced across the world’s borders. However, sexual exploitation is by far the most commonly identified form of human trafficking (79 percent), followed by forced labor (18 percent). According to the Trafficking in Persons 2012 Report issued by the U.S. Department of State, there are 12.3 million adults and children involved in forced labor, bonded labor, and forced prostitution around the world; 56 percent of these victims are women and girls. These data demonstrate the severity of the sex trafficking problem.

Sex trafficking victims are brought into different countries for sexual exploitation. Most trafficking cases follow a particular pattern: people are abducted or recruited within their country of origin, transported through highly sophisticated routes and transit regions, and then exploited in the destination country. Victims are coerced into prostitution, and a wide variety of other forms of sexual exploitation and slavery. They are held in unsanitary conditions, threatened with violence if they attempt to leave, and

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kept under constant surveillance.\(^7\) Although some trafficking victims are literally kidnapped, most leave their homes voluntarily and become trafficked on their journey.\(^8\)

Traffickers are as varied as the circumstances of their victims. Overall the traffickers do not have a standard profile; they range from taxi drivers, to police officers and labor brokers or contractors whose job it is to find employment for sex trafficking victims, in places such as brothels and gentlemen’s clubs.\(^9\) This situation makes it difficult for law enforcement to track the criminals.\(^10\) Although traffickers do not have a standard profile, most traffickers follow similar patterns. The United Nations Office on Drugs and Crime (UNODC) found that most of the offenders in sex trafficking were citizens of the country where they were arrested. This suggests that local criminal networks acquire the victims and sell them to criminal networks in destination countries. This stands to reason since many source countries are relatively poor with small foreign populations. Sex trafficking offenders often endeavor to win the trust of the victims and use their local connections to threaten retaliation against family members if victims resist.\(^11\)

Migration flows are enormous, and this illicit trade is hidden within the massive movement of people, making it easier for the traffickers to conduct business. As previously mentioned, the supply exists because globalization has caused increasing economic and demographic disparities between the developing and developed world, the feminization of poverty and the marginalization of many rural communities. Supply and

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9 Ibid.
10 Ibid.
demand has created a flourishing business for traffickers. Traffickers choose to trade in humans because there is low cost in the business, minimal risk, high profits and large demand. 12 Some traffickers are not motivated by profit instead the purpose is to fund other criminal activities such as terrorist groups or guerrilla movements. 13 The growth in tourism also enables people including pedophiles, to travel to countries such as Thailand, Cambodia, Dominican Republic, Colombia and Mexico to engage in sex tourism. 14

Like the drug trade, the trade in people is driven by demand from the developed world. Some transnational crime groups such as the Chinese Triads and groups from Thailand, India, Pakistan, Nigeria, Mexico, Russian–speaking Albania, and the Balkans, specialize in trading humans. Particularly active in trafficking women for the sex trade are the Russian, Thai, and Indian groups as well as the Japanese Yakuza. Yet many other lesser-known groups also traffic women for sex, labor and marriages. These include Dominicans as well as small-scale entrepreneurs around the world. 15

In all regions the crime groups are able to function effectively because they cultivate close links to law enforcement and corrupt officials in origin, transit, and destination countries. 16 In addition tour organizers in wealthy countries organize travel to many regions of the world to allow men to exploit trafficked women and children locally. These arrangements are made via the internet in order to enhance the anonymity of the customers. The customers travel from Western Europe, the United States and Japan to Asia and Latin America in order to obtain the sexual services of minors. 17

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13 Ibid, 3.
14 Ibid, 3.
15 Ibid, 5-6.
16 Ibid, 6.
17 Ibid, 15.
Within the European Union and affluent countries, public policy debate on migration, usually focuses on the forms of migration that are viewed as a threat to national security, sovereignty and security. Thus it is movements from poor or disadvantaged countries to more affluent countries, from countries with a majority of people of color to countries with predominantly white populations and from Muslim to Christian countries that have received the share of attention and concern, with very little interest being shown in flows of affluent, white and Christian persons around the world.¹⁸

Sex trafficking has existed since the beginning of slavery, but has gained importance over time. Since the start of the women’s civil rights movement, people have become more concerned about the protection of women who are victims of sexual exploitation. This movement motivated international organizations such as the United Nations to formulate different conventions with the goal of deterring the problem of sex trafficking. Gradually, governments started to demonstrate more concern about the issue by signing different international agreements and implementing anti-sex trafficking laws.¹⁹

The term “human trafficking” came into use during the early twentieth century in connection with “white slavery”, a term that was initially used to refer to forced or recruited prostitution. During this period the existence of widespread white slavery was made known by the number of criminal records of convictions that occurred at that time.²⁰ For example, from June 1910 through January 1915, about 1,057 people were

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convicted of white slavery in the United States.\textsuperscript{21} Today, research shows that over one million people are trafficked each year worldwide.

In the continuing fight to end all types of slavery, including sex trafficking, in 1948 the United Nations formulated the Universal Declaration of Human Rights which was designed to promote the protection of human beings, and the equal treatment of every person.\textsuperscript{22} At the time the United Nations’ members created the Declaration, countries were mainly concerned about their sovereignty and did not comply with the Declaration as they do today. They did not allow the United Nations to intervene in their internal affairs. Although the 1948 Universal Declaration of Human Rights was a sign of advancement in the battle for human rights, it did not provide a high level enforcement mechanism to deter sex trafficking.

Sex trafficking has evolved because of the freedom with which information can be disseminated today and the open borders that have allowed traffickers to traffic victims from one country to another. For example, the internet has allowed people to freely share information about sex trafficking with others across borders without supervision. At the same time, the internet allows traffickers to conduct business in a faster manner. Today, every country around the world is affected by sex trafficking one way of the other and therefore more people are aware of the problem. Hence, “combating the traffic in women has become a common denominator political issue, uniting people across the political and religious spectrum against a seemingly indisputable act of oppression and exploitation.” \textsuperscript{23}

\textsuperscript{21} Ruth Rosen, \textit{The lost sisterhood: prostitution in America}, (London: The Johns Hopkins University Press, 1982), 118
\textsuperscript{22} Charles W. Kegley, \textit{World Politics: Trend and Transformation}, (Belmont CA: Cengage Learning, 2009), 244
Since 1991, the move towards greater consensus on the value of human rights, and indeed liberal democracy has meant that powerful states may now be prepared to sponsor change and this might begin to have a more practical meaning, as arguably it has already begun to do. The collapse of communism in the Eastern Bloc countries intensified the focus on trafficking as stories circulated widely of Eastern Europeans sold into prostitution in Western Europe, the United States, and parts of the Middle East. Although globalization of the sex trade is by no means a new phenomenon, it is likely that such stories reflected a visible increase in the number of women forced to work in the sex industry in foreign countries. Today, anti-trafficking groups pay more attention to the increase in the rural-to-urban movement of Asian, Latin American and European women and girls, who are allegedly coerced or kidnapped by traffickers and forced into prostitution.24 This has brought about increased awareness of the problem.

In 1998, as a result of increased awareness and after nearly a decade of being bombarded by anti-trafficking activism, media reports and women’s human rights campaigns, the United Nations was forced to put the issue on the international agenda, as a way to urge governments to change their policies. Until then, the Coalition Against Trafficking in Women (CATW) whose aim was to advocate for anti-trafficking laws broad enough to encompass all acts of prostitution had instigated debates between anti-trafficking feminists and prostitution rights proponents. 25 Due to the early anti-sex trafficking efforts by CATW and their emphasis on other social issues, there is a greater interest in controlling sex trafficking today. The growth of sex trafficking has also gained

25 Ibid, 71.
the attention of governments of the regions of Latin America, Europe and Asia, where as noted earlier, high levels of sex trafficking exist. Thus it is clearly important to examine the legal social, cultural and economic factors that contribute to the growing global phenomenon of sex trafficking today. In the next chapter, I detail my plan to address the issue in support of my hypothesis.
I believe that certain cultural, social and economic factors have a significant impact on the growth of human trafficking for the purpose of sexual exploitation. I maintain therefore that in order to successfully deal with issues of sex trafficking, states must put in place policies that both penalize traffickers as well as address these underlined social and economic causes.

In order to support my contention, I will first provide background on the growth of trafficking and the cultural, social and economic factors that promote the problem. Following this, I will examine in more detail the problem as it persists in three regions of the world: Latin America, Europe and Asia. Within Latin America, I have chosen to focus on the Dominican Republic, Mexico and Colombia; within Europe I have chosen Estonia, Poland and Italy; and finally within Asia, Thailand, Cambodia and Japan. These countries have been chosen because sex trafficking is most prominent in their territories in the different regions. In each case I address the scope of the problem as well as the cultural, socio-economic and legal sanctions involved. I am specifically focusing on analyzing whether legal measures have been applied in these countries as a way to address sex trafficking, whether these measures have worked and to what extent, and whether, given economic, social and cultural conditions, it would better to put in place plans to deal with these factors and how best to do so.

In this chapter, I will present an overview of the scholarly literature on sex trafficking and the most relevant theoretical framework in international relations for framing the sex trafficking issue.
Globalization

One of the key factors in the spread of sex trafficking is globalization. For many years, human beings have migrated to new lands in search of work. Beginning in the sixteenth century, Europeans traveled the world conquering the Americas and Oceania and colonizing Africa and Asia. In the 1950s and 1960s, millions of people migrated to Europe. The majority of the immigrants were from Asia and Latin America. However, after all the shocks of the 1970s politicians closed many of the migration programs and as a result the number of immigrants was reduced.26

Globalization means a significant shift in the spatial patterns of human social organization and activity towards transcontinental or inter-regional networks of relations, interactions, and the exercise of power. Globalization can be defined simply as the widening, deepening and speeding up of processes of worldwide connectivity.27

Globalization has created a borderless economy and the control of the economy by national governments has diminished. Due to the rapid growth of the economy and free trade, governments placed fewer restrictions on borders, allowing for easier access for traffickers to take victims across borders.28 According to Polanyi, “contemporary globalization represents unprecedented market expansion accompanied by widespread structural disruptions but now at a world level.”29 These widespread structural disruptions have led to the spread of the international economy, allowing the rich to become wealthier and the poor to fall into the traps of unemployment, financial crisis, civil conflicts and crime.

28 Ibid, 333.
Globalization has had a major impact on the growth of sex trafficking because globalization allows borders to become markedly less relevant to everyday behavior in the various dimensions of economics, information, ecology, technology, cross-cultural conflict and civil society.\textsuperscript{30} Technological advances in transportation, communications, and information processing are shrinking time and space so rapidly that governments are not able to control or stop the globalization process.\textsuperscript{31}

According to Rieanne Mahon and Fiona Robinson, current trends in globalization such as the sexualization and commodification of female migrant labor and the exchange of money for bodies are part of the wider trends towards neoliberal restructuring that contribute to the socio-economic and political conditions that feminize and undervalue the activities of care. Sex work is increasingly undertaken by migrant women of color, occupying the lowest rungs on the ladder of success in the global political economy. Often times the women who perform this work are highly vulnerable in terms of their lack of relationship networks, family and formal citizenship status.\textsuperscript{32}

Although globalization has many positive effects on the development of society, it is important to consider the less publicized side of globalization that is disease, hunger, and poverty. All these intensify for those living in countries marginalized by the global marketplace.\textsuperscript{33} Globalization opens the door for illicit activities and motivates illegal behavior. It weakens control structures set up by governments. The rise of transnational organized groups, including sex trafficking groups, is driven by technological

\textsuperscript{31} Theodore H. Cohn, Global Political Economy: Theory and Practice, (New York: Longman Publishing Group, 2011), 73
innovations: air travel, telecommunications, and the use of computers in business allow
the increased mobility of people. The polarization of wealth and income broadens the
gap between the rich and the poor countries in Latin America, Europe and Asia. The
effects of globalization manifest first domestically and eventually in the international
sector. Sex trafficking is the perfect example of a crime that affects the poorest areas of
regions with high crime rates, forcing victims to fall into the hands of sex traffickers.

**Liberalism/Neoliberalism**

Liberals believe that progress in human history can be measured by the
elimination of global conflict and the adoption of principles of legitimacy that have
evolved into domestic political orders. The end of the Cold War was the triumph of
the ideal state, which led to the expansion of Liberalism. This expansion has led to the
creation and growth of organizations working together to achieve the same goals. This
change in society caused a breakdown in state sovereignty and allowed for free economic
transactions and open borders around the world. However, criminals have seen the
transition into liberalism as a door to expand the sex trafficking organized groups. Fewer
government restrictions allow criminals to move freely and traffic victims across borders
with less risks. As a result today the sex industry is divided into legal and illegal sectors.
The legal part involves the leisure sex industry supported by governments or the states
and the he illegal forms such as sex trafficking are viewed as a threat to the populations
because of the great damage it causes to society.

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35 Scott Burchill et al., *Theories of International Relations*, 4th ed. (New York: Palgrave Macmillan, 2009), 57
Liberalism focuses on interdependence, liberty, autonomy and freedom of expression.37 Liberals favor technological change, the deepening of market forces, and the growth of international institutions, which work to protect victims and prevent the growth of sex trafficking. Liberals see institutions as important as mechanisms for managing global political economy in as much as globalization is shrinking time and space so rapidly that governments by themselves can do little to control the growth of global interactions, both civil and uncivil (such as sex trafficking). Liberals also believe that institutions are one of the important mechanisms for managing the global political economy. Others argue that technological advances in transportation, communications, and information processing are shrinking time and space so rapidly that governments can do nothing to stop the globalization process, let alone control the growth in trafficking of humans caused by the global advances.

Liberalism contributes to the development of technological change market forces and international institutions. International institutions contribute to a learning process in which states become aware that mutual gains result from cooperation.38 Therefore the regime against slavery is formed by institutions that cooperate with each to fight different types of slavery such as sex trafficking. For example the United Nations and the Coalition Against Trafficking in Women form part of the institutions that focus on preventing the growth of sex trafficking on a global scale.

In the economic sphere, the rise of neoliberalism has a great impact on the criminal justice system everywhere in the fight against sex trafficking. The neoliberal ideas of a free—market doctrine bring about the need for laws that can control global

37 Steve Smith, A. Hadfield and Time Dunne, Foreign Policy, Theories Actors Cases, (New York: Oxford, 2008), 194
38 Juri Sepp and Dean Frear ed., The Economy and Economics after crisis, (Berlin: Berliner Wissenschafts, 2011), 256
firms and transnational sex trafficking groups that operate both above and below the state. The belief in a free market also brings with it the awareness of the need for laws that can control the operations of transnational entities such as global firms and in sex trafficking groups. According to Mittelman and Johnson,

Above the state, organized crime groups capitalize on the globalizing tendencies of borderlessness and deregulation. At the same time sex trafficking groups operate below and beside the state, by offering incentives to the marginalized segments of the population trying to cope with the adjustment costs of globalization. The marginalized groups represent labor supply in the form of social forces participating in the parallel economy of crime and impairing the licit channels of neoliberalism. The supply side, then, may be regarded as a disguised form of resistance to the dominant mode of globalization.39

The nature of the resistance and reaction to global capitalism by the disenfranchised and alienated varies with a country’s level of development and degree of commitment to the neoliberal ideology.40 For example, Mexico adopted neoliberal policies, which benefited only the wealthy and pushed aside some of its marginalized population. As a result the marginalized population was further driven into the underground sex trafficking economy.41 This explains how those who are adversely affected by globalization and are unwilling to accept degradation and hunger, enter shadow economies of international and domestic crime, such as child labor, undocumented work, and a variety of legal but illicit activities such as sex trafficking. Hence, the pressure for domestic and foreign migration also increases, easing the

detachment process for the victims of sex trafficking. ⁴² For example, over 120 million people migrate annually in search of better paying jobs, many due to the degrading aspects of liberalization. ⁴³

**Regime Theory**

Regime theory is an international relations theory derived from liberalism, and it first developed from efforts to explain why international interactions seem to be more orderly in regards to some issues as opposed to others. Thus regimes can be defined as “sets of implicit or explicit principles, norms, rules and decision-making procedures around which actor’s expectations converge in a given area of institutional relations.” ⁴⁴ Regime principles and norms refer to general beliefs and standards of behavior that guide relations in specific areas such as the creation of anti-sex trafficking norms. ⁴⁵ For example, anti-sex trafficking regimes focus on information dissemination, preventative measures and the development of programs that assist victims of sex trafficking.

The understanding of how anti-trafficking regimes operate is important because regime principles, norms, and rules can increase understanding and cooperation, and help establish standards that states and non-state actors can use to monitor each other’s behavior. Regimes can also encourage states to follow consistent policies, limit actions that adversely affect others, and become less responsive to special interests. ⁴⁶ In today’s world of sovereign states, the basic function of regimes is to coordinate state behavior to

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⁴⁵ Ibid.

⁴⁶ Ibid, 82
achieve the desired outcomes in particular issue-areas.  Hence states have the capability of using regimes as a method to control and fight sex trafficking in the same manner that states have been able to control and monitor migration.

The anti sex trafficking international regime is formed by a group of international institutions. There are conventions against sex trafficking and for the protection of sex trafficking victims. International organizations, the United Nations in particular, have utilized their resources and international laws to work towards shared objectives that help deter sex trafficking by establishing anti-sex trafficking rules and norms.

Migration and Sex Trafficking

Similar to regime theory, migration theories have been evaluated by scholars hoping to find better methods of monitoring and controlling migration. However, there has not been much theoretical work done with regards to sex trafficking. Trafficking in persons is often confused with the concept of migration, so it is important to understand the difference between the phenomenon of sex trafficking and the broader migration concept. Migration is the movement of people from one place to another. On the other hand trafficking in persons, as a subset of migration, is the movement of a person under a situation of deceit, force threat, debt bondage, etc., involving exploitation and violation of human rights, which includes the act of sex trafficking.

There are two important overlapping approaches to migration and sex trafficking. The first is an economic perspective that considers trafficking as an economic activity

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50 Karen Beeks and Delila Amir, Trafficking and the global sex industry, (MD: Lanham, 2006), 6-7
and approaches trafficking as a business in which agents or institutions seek to make a profit. The second is a legal perspective, which considers trafficking to be a criminal activity, as is the case with sex trafficking. From the legal perspective, trafficking is considered a violation of the legal provisions of the state.51

Andrea Di Nicola states that organized criminal groups exploit legislative loopholes to obtain higher profits and to reduce the risk of being penalized. There are two types of organized crime groups involved in human trafficking as noted by the United Nations in its 2006 annual assessment of the phenomenon. The first type of organized crime group is a core group specializing in human trafficking as its main activity but shifting sometimes into other illegal activities such as drugs and arms trafficking, depending on the profit margin associate with the level of risk. The second type of organized crime group is the hierarchical group which is traditionally associated with trafficking other illicit commodities, including arms and narcotics, but engages in human trafficking as a sideline.52

Anne Gallagher states that a full appreciation of the new legal landscape around trafficking requires an understanding of the changing role and position of international human rights laws. The drafting process for the Trafficking Protocol provided important insights into the placing of human rights within a broader international legal and political context. Making human rights the center of the trafficking problem allows for a better understanding of the issue of sex trafficking, as opposed to viewing it as part of migration, “public order” or organized crime. Ann Gallagher explains that sex trafficking and smuggling are two different crimes involving vulnerable victims. However, due to

the structural weaknesses of the international human rights system it is difficult to enforce the laws in place against sex trafficking. Gallagher provides an overview of the development of the definition of sex trafficking and notes that the Trafficking Protocol has served international law well, in the sense that it has provided both a framework and motivation for a new movement towards a more comprehensive range of international, and national norms and standards.53

The uncertainties and the lack of clarity in the theoretical understanding of the migration trafficking regime, often lead to the unavailability of adequate, reliable statistical data. Currently the migration trafficking regime labels trafficking in migrants as a criminal act requiring strict crime prevention strategies to tackle it. However, these policies limit the impact of interventions in sex trafficking issues because the efforts to stop trafficking are not supposed to limit the freedom of movement of people. This is why it is important for states of Latin America, Europe and Asia, to look closely at their policies in an effort to resolve the issue of sex trafficking, and at the same time allow the flow of migration, which provides opportunities for developing countries to enhance their economies. As the U.N. High Commissioner for Human Rights recommended:

…anti-trafficking measures should not adversely affect the common rights and dignity of persons, in particular the rights of migrants, internally displaced persons, refugees, and asylum-seekers. Hence, states must protect the rights of all persons to move freely and ensure that anti-trafficking measures do not infringe upon that right.54

Salvador Cicero-Dominguez recognizes that in the last decade the issue of human trafficking has become a global one. With millions of people migrating worldwide into countries offering more attractive prospects for employment, some migratory workers

54 Karen Beeks and Delila Amir, Trafficking and the global sex industry, (MD: Lanham, 2006), 11-12
and their families are undocumented and become targets of discrimination, racism and xenophobia. Often times they end up being exploited as victims of sex trafficking. He focuses on the problem between the borders of the United States and Mexico and observes that since the adoption of stringent immigration rules, the border region has become the site of increased criminal activity and the cases of sex trafficking have increased as well. Despite the recent adoption of international protocols to fight human trafficking, the lack of economic growth in Latin America has impacted the growth of sex trafficking. The increase in the criminally organized supply of illegal migrants has also accentuated the exploitation of migrants in destination countries, where they are set to work in deviant markets such as the illicit drug trade, panhandling, prostitution, and other types of illegal labor.

James Mittleman and Robert Johnston state that the leading cause of the trafficking of humans is the rapid growth of population, poverty, high unemployment rates, internal conflicts, and civil disorder. Sex trafficking is a response to the poverty trap caused by the relative decline in incomes in the countryside and limited opportunities for finding legal employment in the cities. Hence in any country where poverty and high unemployment is severe, criminal gangs of all types flourish including the so call sex trafficking groups.

Feminist Theory

Gretchen Soderlund analyzes recent developments in the United States anti-sex trafficking movement. She analyzes the current political approach to combating the traffic in women, the changes in the way sex trafficking is being viewed and how it is becoming a common – denominator political issue, uniting people across the political and religious spectrum against the act of oppression and exploitation. She argues that feminists should be the first to interrogate and critique the underlying claims about global sex trafficking because women and girls represent the majority of sex trafficking victims. This was illustrated in 1998, when the world started to recognize the efforts made by the United Nations, anti-trafficking activists, media reports and women’s human rights campaigns, which all put the issue of sex trafficking on the international and domestic policy agendas of many countries around the world.58

Feminist theory has had a great impact on international relations and it helps us understand the struggles of sex trafficking victims. Feminism focuses on a comprehensive analysis of transnational actors and structures and their transformation instead of state-to-state relations. It has improved patterns of gender relations just as gender dynamics have influenced global processes of militarization and economic globalization.59 In employing empirical studies, feminism helps correct the denial of women’s contribution to world politics caused by false assumptions that male experiences can count for both men and women, and that women are either absent from international political activities or not relevant to global processes.60

59 Scott Burchill et al., Theories of International Relations, 4th ed. (New York: Palgrave Macmillan, 2009), p237-238
60 Ibid, 240
Gender sensitive researchers have found that investing in girl’s education is one of the most cost-effective development policies, resulting in positive gains for a whole community by raising incomes and lowering population rates. Economic globalization has intensified social and economic polarization, both within and across states. Feminist scholars document how globalization has increased the worldwide inequality between men and women. In the global context, a gendered international division of labor has emerged, as migrant, Third World women become a cheap and flexible source of labor for multinational corporations in free trade zones. Saskia Sassen’s research shows how global cities, global financial markets and economic transactions are dependent on a class of women workers. Domestic workers, typically immigrant women of color, service the masculinized corporate elite in these urban centers. Feminist research reveals an even darker ‘underside’ of globalization, however, in the phenomenal growth of sex-tourism, “male-order” brides and transnational trafficking of women and girls for prostitution.61 This is the reason why so many young girls from Latin America, Europe and Asia perform cheap labor and fall into the hands of sex traffickers.

Future chapters

In chapter 3, I will provide some historical background on sex trafficking and also build on the work of theorists (above) by investigating the major social, economic and cultural factors that promote this trafficking. In chapters 4, 5 and 6 I look at the regions and countries selected, assessing first the nature of the problem, then the legal measures already applied (if any) and their shortcomings (if any), and finally the ways in which more targeted economic, social and cultural approaches might be of benefit. In the last chapter, I bring the discussion together with reference to my hypothesis.

61 Scott Burchill et al., Theories of International Relations, 4th ed. (New York: Palgrave Macmillan, 2009), 241-242
Chapter 3 – Historical Background and Trafficking Sanctions

A discussion about sex trafficking would not be complete without introducing data on slavery because sex trafficking is a form of slavery. Indeed today many scholars refer to sex trafficking as the new form of slavery. The term sex trafficking evolved from the practice of slave trading for the purpose of sexual exploitation. From the beginning of slavery, according to Marc Pileup and Michael N. Nagler, slave owners forced women and girls into sexual labor. Therefore, the history of slavery is very important in understanding the evolution of sex trafficking and the impact it has in today’s world.

Sex Trafficking and Slavery today

Slavery is considered to be as old as human civilization. Different forms of slavery took place in different parts of the world and to a different extent. All of the world's great founding cultures, including those of Mesopotamia, China, Egypt, India, Sub-Saharan Africa and the Americas accepted slavery as a fact of life. In Greek cities, such as Athens and Sparta, half of the residents were slaves. In Rome slavery was so accepted that even common people were able to afford to have one or two slaves. Some of these slaves were able to become physicians and poets. Some helped to manage estates and were aides to generals and politicians. Roman slavery was maintained by cruelty and violence, including the use of severe flogging and crucifixion. The collapse of the Roman Empire in the fifth century A.D. led to a new power structure in Western Europe, which was based on honor and the rules of the Catholic Church. However, the new order did not end slavery. Instead in some areas the slaves became serfs or peasants tied to the local lord's land and were not permitted to leave without the lord's

62 David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 282
There are different types of slavery that help us understand the evolution of modern slavery or sex trafficking: for example, debt bondage, contract slavery, chattel slavery, war slavery, wage slavery, plantation and white slavery. The European powers for example, trafficked close to ten million African Slaves into the Americas between the years of 1502 and 1807. According to American historian Milton Meltzer, “slavery is not and has never been a peculiar institution, but one that is deeply rooted in the history and economy of most countries.” Ancient societies typically obtained slaves from outside their borders, usually through war or territorial conquest and ordered them to perform hard labor. Being the owner of slaves at that time was also considered a luxury and women in particular were at times, used for sexual labor or were forced into prostitution.

In history a larger number of slaves formed part of the debt bondage or the bonded labor system compared to other types of slavery. Bonded labor means that people are sold into slavery as security against a loan, or that they inherit the debt from their ancestors. Most of these slaves continued to be slaves until the debt was paid. The debt was usually passed down the generations in a family and often times, even if the family members finished paying, they were forced to continue to work without pay. The second fastest growing type of slavery was contract slavery. This type involved slaveholders creating false contracts, where they used cover stories and corroborating witnesses to convince the victims to work. Usually the victims were promised advanced

63 David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 282
65 David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 282
education opportunities, job training, health care benefits and money for their families in return for free labor. In fact they never received any of the benefits and the work was done for free. It was difficult to find the slaveholders within contract slavery, because they often paid others to lie to the authorities, dispose of evidence or just avoid prosecution for lack of evidence and reliable testimony.\(^{67}\)

The third form of slavery was called chattel slavery. This involved the purchasing of a person to become the property of someone else. Such arrangements comprised the smallest percentage of slavery arrangements, and operated predominantly in African and Arab countries. Chattel slavery was known as the legal right to own a person. Since men dominated the slave trade and they were the ones who benefited from prostitution, a significant demand for importation and enslavement of women for prostitution was created in colonial ports along the Atlantic. Since chattel slavery was legal, sex exploitation of the young girls and women was not considered illegal. The trade in chattel slaves contributed to the formation of sex trafficking routes.\(^{68}\) The formation of sex trafficking routes was easy to track because it was based on the sex trade between Africa and the Americas.

Another type of slavery was called war slavery, and was related to the geography or politics of an area. War slavery often included slavery managed by the government, military or rebel groups. The victims, especially girls, were often forced into becoming sex slaves, whereas the boys were trained to be killers.\(^{69}\) During war, the opposition parties committed different criminal acts that induced terror in the population and gained

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more control of society and people’s emotions. For example, the war parties used rape as a form of terror, which not only affected the victim, but the victim’s family as well. War slavery still goes on today and in certain cultures, this has a great impact on families, to the point where they disowned their raped daughters or bartered them to obtain some form of freedom.

Wage slavery was another form of slavery prominent in the United States, where slaves were categorized as people whose labor was denied an equal wage exchange value. In other words, wages were never equal to the amount of work done. For example, in 1770 some wage slaves had their terms of service established under the existing slave code provisions. One of the laws mandated that slaves had Thursdays and Sundays to work on their provision grounds while the landowners enjoyed production of the slave’s piece of land previously granted to them. Although the slaves received meat, salt, fish and rum, they were still treated as slaves and were not given equal rights to their landowners. Plantation slavery was yet another form of slavery, mainly found in the Americas. Plantation slavery involved slaves who were fed, clothed and remained slaves from the cradle to the grave. Usually they were born into slavery and forced to work the land.

Although literature is rarely found in reference to sex trafficking during the periods of slavery, one type of slavery that is known to be connected to sex trafficking is white slavery. “White slavery” which later became sex trafficking, had a significant impact on the evolution of sex trafficking. The term sex trafficking came into use during the early twentieth century in connection with white slavery. “White slavery” is a term

70 Mary Turner ed., From Chattel Slavery to Wage Slavery, The Dynamics of Labour Bargaining in Americas, (Indiana: James Currey LTD, 1999), 33
71 Ibid, 36.
that was initially used to refer to forced or recruited prostitution. The concept of white slavery was developed by activists intent on abolishing systems of regulated prostitution in Europe and the United States. It served to distinguish “female sexual slavery” from the enslavement of Africans although females of color, who were already slaves in the plantations, were also sexually abused. By the second half of the nineteenth century, the concept of white slavery was associated with prostitution by force or fraud but only referred to white female prostitutes.72

“White slavery” is known to have existed in the 1800s, as per the number of criminal convictions. For example, between June 1910 and January 1915 about 1,057 people were convicted of white slavery in the United States.73 In the United States and Europe, immigrants (which included a majority of women of color) were accused of being responsible for the rise in prostitutes because it was believed that immigrant women were becoming prostitutes upon arrival.74 However, the reality was that these women were sexually exploited, forced into prostitution then blamed for the rise in prostitution. “White slavery” became a metaphor for a number of fears and anxieties at the turn of the century in European and American society.75 The ideology of white slavery referred to prostitution and it was viewed by society as “evil” because prostitutes were also known to carry diseases.76 Therefore the norm was to arrest any woman suspected of prostitution and have her undergo medical examinations.77

In terms of the chronological development of trafficking we can go back to the

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75 Ibid.
76 Ibid.
77 Ibid.
fifteenth century. European explorers journeyed to Asia, Africa and the Americas and began a new chapter in slavery. From the mid-1500s to mid 1800s, approximately nine million Africans were shipped to Latin America and about five percent of the African slaves ended up in in the United States. They worked on the plantations, and severe punishment was the norm. By 1650, The Dutch, Spanish, Portuguese, French and English had established colonies throughout the world. Initially the indigenous people were enslaved. However, illness and disease decimated native populations, which led to the increase of importation of African slaves.\(^{78}\) Spain and Portugal had relatively liberal laws, which allowed slaves to marry their owners and buy freedom in this manner.

In the seventeenth and eighteenth during the enlightenment era, philosophers like John Locke and Voltaire established new definitions of human freedom after seeing the spread of slavery in the world. During this period society started to question the morality of slavery or keeping someone in bondage.\(^{79}\) These ideas led to a global abolitionist movement, which arose in the late 1700s and managed to bring about a relatively swift change in the trade in human beings.\(^{80}\) However, when Eli Whitney invented the cotton gin in 1793 slavery in the United States rose. The rapid pace of industrialization transformed labor overnight.\(^{81}\) By the late eighteenth century, industrialization was taking place and therefore slavery in the South of the United States started to disappear. Around the same time, abolitionists began to gather in the Northern states.

In the 1800s many of the newly independent nations of Latin America won

\(^{78}\) David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 285
\(^{79}\) Ibid 282.
\(^{81}\) David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 275
independence from Spain and outlawed bondage. In 1833 slavery was outlawed in the British Empire but continued in India and other colonies. In 1848 France freed the slaves in their colonies. Finally in 1865, the thirteenth amendment of the U.S. constitution abolished slavery.  

The rise of slavery, especially “white slavery,” became alarming to society, and female groups of abolitionists started a movement to protect the victims. American abolitionist Josephine Butler led a major campaign to abolish the acts under which prostitutes were being incarcerated and as a result the law was revoked in 1886. The Butlerite feminist group was opposed to the view society had of prostitutes at the time and they were determined to deliver a different message to society. Prostitutes were seen as victims who should be rescued or rehabilitated, rather than imprisoned and punished. The horror of the trade in “white slavery” was magnified in the public eye, by stressing the youth of the victims, their stolen virginity and their unwillingness to become prostitutes. This connection allowed abolitionists to spread awareness of a new form of prostitution, “child prostitution.”

Social-Economic and Cultural Factors

Sex trafficking is related to the issues of irregular immigration and transnational organized crime. The last decade has seen a growing number of women that have become a source of income, profit and means for the accrual of foreign currency. Indicators show that the majority of these women are low-wage and poor women who

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82 David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 86
seek alternate ways to sustain themselves and end up in the cycle of sex trafficking. In addition a combination of economic, social and demographic factors have led to the growth of alternative circuits of survival in developing countries. These factors include the effects of structural adjustment programs (SAPs) and the opening of economic freedom to foreign companies. These conditions give rise to economic problems such as unemployment, the closing of local markets, and the ongoing and increasing burden of government debt.

In history there is an association between travel, sex, race and political domination. Today travel is still often associated with a quest for sexual experiences with exotic others, but there is also a more general association between travel and sex. Sex tourist destinations such as the Dominican Republic and Thailand offer tourists not just extensive and cheap opportunities for sexual experiences but also opportunities for types of sexual experience that would not be readily available in their home country or tourist destinations in more affluent countries.

Situational conditions in tourist destinations and the state of anonymity of travellers interact with personality and cognitive factors to enhance sexual interest and reduce inhibitions to become sexually involved with children. Research provides evidence of a relationship between situational factors and a variety of deviant and antisocial behaviors, through the processes of “deindividuation.” Deindividuation is defined as “The feeling that one will not be held responsible for his or her behavior.

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86 Ibid, 140.
89 Ibid, 438.
There is a loss of a person’s sense of individuality and a loosening of moral restraint against deviant behavior.\textsuperscript{90}

This combination suggests that there is something inherent in the nature of tourism to other countries and cultures that increases the potential for child sexual abuse to take place. Studies suggest that men are more likely to give way to repressed pedophiliac tendencies while away from home. Therefore, these studies imply that international tourists contribute significantly to the growth of sex trafficking.\textsuperscript{91}

International organizations such as the International Monetary Fund (IMF) also have an impact on the economy of many developing countries. The IMF program loans that are imposed on governments of developing countries serve to swell the prostitution labor market, for the policy packages tied to these loans have had a devastating impact on the poor. Structural adjustment processes are widely reported to have undermined traditional forms of subsidies, pulling them away from social spending and basic commodities and moving them towards debt servicing. In addition the IMF often has encouraged massive currency depreciations often leading to a concomitant drop in the price of labor.\textsuperscript{92}

Most women are driven to sex trafficking by macro-level structural factors including poverty, and inequality in economic, cultural and social life. Under these oppressive conditions, women have fewer opportunities than their male counterparts and their choices are made in “a context of structured, politically imposed inequality that ranges from male-female relations to the relationship between Western nations and the

\textsuperscript{91} Ibid.
\textsuperscript{92} Ibid, 465.
Therefore, most of these women are forced by their life circumstances, rather than by alleged traffickers exerting force, fraud or coercion.

Prostitution and sex trafficking are related phenomena, yet they are distinctly different. Women may become victims of trafficking even though their migration in prostitution may be voluntary. Many trafficked victims continue to work in the sex industry after they are rescued or have freed themselves from traffickers. Most sex trafficking occurs at the some point in the process of migration: cases in which women are kidnapped and forced to migrate and work as prostitutes are very rare.

The growth of sex trafficking is due to the social and economic factors that push people from one country to another. Aside from the great profits that traffickers make from this business, there is also great human cost, created by the physical and emotional abuse, rape, threats against the victims and family and even death of the victims. However, the desire to move to a western country for employment that promises quick money is the biggest motivation for victims that fall in the hands of traffickers. The need to improve socio-economic circumstances is a key factor in women’s increasing willingness to risk entering into the potentially dangerous of global sex trafficking.

Individuals who have a range of responsibilities experience economic deprivation and poverty. Many of these victims have caregiving responsibilities for immediate family members or extended family members. This reality combined with poor

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94 Ibid, 49.
96 Ibid.
97 Ibid.
economic security, makes it impossible for many victims to sustain life through the options offered by their governments.  

According to feminists, women and girls are victimized in all regions of the world. Yet the greatest likelihood of trafficking occurs where women and girls are denied property rights, education and participation in the political process of a country. The degradation of the women in full view of the public deals a direct blow to the rights of women and gender equality.  

Women and girls are vulnerable to trafficking because of their low social status and the lack of the country’s investment in girls. The view in some societies that females can be used as a commodity to advance a family’s economic position, results in girls in many societies being sold off to repay a family’s debt, provide cash for a medical emergency or compensate for an absence of revenue when crops have failed.  

Legal Instruments

The 1904 Convention against “white slavery” sought to suppress the “criminal traffic” of women or girls procured for “immoral purposes.” The acceptance of the end of slavery rested on the Slavery Convention of the League of Nations. However, the 1904 White Slavery Convention and international agreements under the League of Nations, such as the Suppression of the Traffic in Women and Children of 1921 and the Suppression of the Traffic in Women of Full Age of 1933, started to lose their momentum. Part of the failure of these agreements was the fact that they did not provide a specific definition of trafficking. Nevertheless, the agreements demonstrated the

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100 Ibid, 16-17.
organized concern about the illegal international movement of women and girls for the purpose of prostitution.\textsuperscript{101}

In search of promoting the understanding of the seriousness of sex trafficking and enhancing its definition, the 1921 Conference of the International Bureau for the Suppression of the Traffic in Persons dropped the term ‘white slavery in favor of the seemingly less racist term, “traffic.”\textsuperscript{102} In addition, the 1926 Slavery Convention clarifies that “slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.”\textsuperscript{103} The Slavery Convention also gave emphasis to the meaning of sex trafficking in the later established 1998 Rome Statute of the International Criminal Court, by describing the act of enslavement, as the exercise of such power in the course of trafficking in persons, in particular women and children. Hence, this terminology had a great impact on how society viewed the issue of sex trafficking and this is why today sex trafficking is still considered a form of slavery.\textsuperscript{104}

Slavery was also banned in the 1930 International Labor Organization Convention on Forced Labor and in the 1948 Universal Declaration for Human Rights, which states that "no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."\textsuperscript{105} In addition, in 1949, the United Nations adopted the Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others. This convention called for states to punish any act of

\textsuperscript{101} Anne T. Gallagher, \textit{The International Law of Human Trafficking}, (New York, N.Y.: Cambridge University Press, 2010), 14
\textsuperscript{102} David David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 276
\textsuperscript{104} Ibid, 276.
\textsuperscript{105} Ibid, 287.
prostitution. \textsuperscript{106} This convention led to the widespread dissemination of information about sex trafficking and also led to the creation of the 1956 Supplementary Convention on the Abolition of Slavery, the Slaver trade, and Institutions Practices Similar to Slavery. \textsuperscript{107}

Often time refugees in different countries run the risk of becoming victims of sex trafficking due to the unsafe and economic conditions in the refugee camps. As a result the United Nations has contributed to the protection of these victims. The United Nations Protocol Relating to the Status of Refugees of 1967 allowed for the protection of refugee removing geographical and temporal restrictions from the 1951 Convention. \textsuperscript{108} Subsequently in 1979, the United Nations, Convention on the Elimination of All Forms of Discrimination against Women was created. The Convention brought together in a single document the provisions required eliminating discrimination on the basis of sex in the enjoyment of civil, political, economic, social and cultural rights in specific women and girls. \textsuperscript{109}

As of 1981 slavery was considered abolished everywhere, with Mauritania being the last country in the world to abolish it. However, sex trafficking continues to spread and it was not until the 1990s that states and intergovernmental organizations took up the issue and conducted a survey of their attempts to form a common understanding of human trafficking. The U.N. General Assembly was in the forefront of early definitional

\textsuperscript{106} Anne T. Gallagher, The International Law of Human Trafficking, (New York, N.Y.: Cambridge University Press, 2010), 14
\textsuperscript{107} David Masci, “Human Trafficking and Slavery, are the World’s Nations doing Enough to Stamp it out?,” The CQ Researcher, 14, no. 12 (March 2004), (Washington, DC: CQ Press of Congressional Quaterly Inc) : 287
struggles and provided a clearer definition of human trafficking in 1994.\textsuperscript{110}

Human trafficking is the illicit and clandestine movement of persons across national and international borders…with the end goal of forcing women and girl-children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers, crime syndicates as well as other illegal activities related to trafficking such as forced domestic labor, false marriage, clandestine employment and forced adoption.\textsuperscript{111}

The following year, in a report to the General Assembly, the U.N. Secretary General took up the spirit of this pronouncement in his examination of the relationship between trafficking and illegal migration:

Trafficking across international borders is by definition illegal. The question must be asked however, whether trafficking is the same as illegal migration. It would seem that the two are related but different. Migration across frontiers without documents does not have to be coercive or exploitative. At the same time, persons can be trafficked with their consent. A distinction could be made in terms of the purpose for which borders are crossed and whether movement occurs through the instrumentality of another person. Under this distinction, trafficking of women and girls would be defined in terms of “the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations” and the fact that it is done “for the profit of recruiters, traffickers and crime syndicates.”\textsuperscript{112}

This report created the umbrella for the development of the definition of trafficking in future agreements negotiated by the International Organization for Migration (IOM). For example, in 1996, IOM’s definition of trafficking focused on the “illicit transporting of migrant women and or trade in them for economic or other personal gain.” However, IOM continued to research the issue and attempted to respond to a much more specific phenomenon – the cross-border movement and subsequent

\textsuperscript{110} Anne T. Gallagher, \textit{The International Law of Human Trafficking}, (New York, N.Y.: Cambridge University Press, 2010), 17
\textsuperscript{111} Anne T. Gallagher, \textit{The International Law of Human Trafficking}, (New York, N.Y.: Cambridge University Press, 2010), 15
\textsuperscript{112} Ibid, 18.
exploitation of migrant women involved in prostitution against their will and for financial benefits.\textsuperscript{113}

The research performed by the United Nations has enabled the organization to expose to the world the importance of the issue of sex trafficking. The UN Office of Drugs and Crime (UNODC) specifically, is a global leader in the fight against illicit drugs and international crime, including sex trafficking. It was established in 1997 through a merger between the United Nations Drug Control Program and the Centre for International Crime Prevention. UNODC not only offers help to States to assist in the process of drafting laws and creating comprehensive national anti-trafficking strategies, but also assists with resources to implement the laws. States receive specialized assistance including the development of local capacity and expertise, as well as practical tools to encourage cross-border cooperation in investigations and prosecutions. UNODC also produces research and issues papers on trafficking in persons and engages in both broad and targeted awareness-raising on these issues through the Blue Heart Campaign against Human Trafficking. This main purpose of the campaign is to raise awareness and to encourage public involvement to help stop human trafficking.\textsuperscript{114}

In the year 2000, the U.N. Rapporteur on Violence against Women, provided the most inclusive definition because it acknowledged that men as well as women can be victims of sex trafficking with a range of exploitative purposes. Coercion was identified as a critical element and replaced the widely accepted distinction between internal and cross-border traffic with a focus on the separation of the individual from her or his

\textsuperscript{113} Anne T. Gallagher, The International Law of Human Trafficking, (New York, N.Y.: Cambridge University Press, 2010), 19

community. The most recent agreement against slavery was created in 2001 when the United Nations approved the Protocol to Prevent, Suppress and Punish the Trafficking of Persons. By 2002, there was an international consensus on the critical elements of trafficking. The consensus was espoused in the U.N. Trafficking Protocol discussed in chapter one and reiterated in the 2002 European Framework Decision on Trafficking.

According to the 2009 U.N. Office on Drugs and Crime (UNODC) Report on Human Trafficking, prior to 2003 about 35 percent of the 155 countries included in the report adopted trafficking in persons as a specific offense. However, due to the efforts of the United Nations, the percentage increased to about 45 percent for the first time during the period of 2003 through 2008. During that period, different regions of the world started to recognize the significance of sex trafficking. For example, in 2005 the European Trafficking Convention was adopted and it incorporated the U.N. Trafficking Protocol definition.

In 2009, the UNODC put together the Model Trafficking Law, which took a different approach and suggested that a focus on the state of mind of the perpetrator, rather than on the victim, could be more protective for victims. It focused on specifying that abuse of power over someone in a position of vulnerability could be defined under national law as:

…a person being placed in a vulnerable position as a result of being a child having entered a country illegally, being pregnant or having any physical or mental disability, or being promised sums of money or other advantages by those having authority over a person.

118 Ibid, 33.
With the help of UNODC, the United Nations created the UN Convention Against Transnational Organized Crime which was adopted by the General Assembly under Resolution 55/25 of November 15, 2000. It entered into effect on September 29, 2003. One of the protocols of the Convention focused on the deterrence of sex trafficking. The United Nations formalized *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* on December 25, 2003. To date, more than 147 States have signed and ratified the Protocol. This protocol serves as a guideline for states in the combating of human trafficking and to help them develop their own polices. However, very few criminals have been convicted and most victims are not identified or assisted. Experts in the field also say that the protocol has failed to fully resolve the problem.119

According to Osterdahl, *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* has two different purposes. The first part of the protocol aims to: prevent and combat trafficking in persons, paying particular attention to women and children; protect and assist the victims of such trafficking, with full respect for their human rights, and promote cooperation among state parties in order to meet these objectives. The second part of the protocol deals with the protection of victims. However Osterdahl feels that the relaxed language used in this document does not convey the need for states to criminalize the conduct. Article 1 of the protocol establishes the criminalization of human trafficking and requires states to follow the rules of Article 5, which states that “each State Party shall adopt such legislative and

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other measures as may be necessary to establish as criminal offences.” The protocol does not deal with criminal sanctions. For this, one has to turn to the UN Convention Against Organized Crime.

A separate initiative called the UN Global Initiative to Fight Human Trafficking or UNGIFT was created by the United Nations to collect comprehensive trafficking data. The program was conceived to promote the global fight against human trafficking through the international agreements reached at the United Nations. This program was created in 2007 by the International Labor Organization, the Office of the United Nations High Commissioner for Human Rights, The United Nations Children’s Fund, The United Nations Office on Drugs and Crime, the International Organization for Migration and the Organization for Security and Cooperation in Europe. Similar to UNODC, this program provides awareness and technical assistance, fosters partnerships for joint action between its “stakeholders” and ensures that everybody takes responsibility for this fight against sex trafficking.

In response to the UN Protocol on Human Trafficking, each year since 2001 many countries, including the United States, have developed programs to help combat sex trafficking. For example, the U.S. State Department has issued the Trafficking in Persons Report (TRIP) that ranks foreign governments into one of three tiers, depending on their efforts to comply with the minimum standards and criteria established in U.S. legislation. This report has increased global awareness about human trafficking, encouraged

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122 Kimberly A. McCabe and Sabita Manian ed., Sex Trafficking a Global Perspective, (United Kingdom; 2010, Lexington Books), 45
governments that fail to comply with the minimum standards to adhere to the legislation and raises the risk of governments being sanctioned if they do not make significant efforts to comply with these standards.\textsuperscript{123} The report places each country onto one of three tiers based on the extent of governments’ efforts to comply with the minimum standards for the elimination of trafficking. Tier I ranking indicates that a government has acknowledged the existence of human trafficking, made efforts to address the problem, and complies with The Victims of Trafficking and Violence Protection Act (TVPA) minimum standards. Countries in Tier II represent countries whose governments do not fully comply with the TVPA’s minimum standards, but are making significant efforts to bring themselves into compliance with those standards. Countries in the Tier II Watch have the same qualities as those in Tier II and:

a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.\textsuperscript{124}

Countries in tier III are countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.\textsuperscript{125}

Although reports like TRIP are created in order to rank foreign governments’ compliance and sex trafficking rates, the availability of data is limited by several factors. Trafficking victims are an obscure population because trafficking is a clandestine activity, similar to illegal migration and labor exploitation. This limits the available data

\textsuperscript{123} Inger Inger Osterdahl, International Countermeasures Against Human Trafficking, ed. Anna Johnsson,(New York: Routledge, 2005), 31
\textsuperscript{125} Ibid.
on these victims and creates difficulties in getting accurate statistics on the unreported victims. In addition, some governments give low priority to human trafficking violations, and do not collect data methodically on its victims.\textsuperscript{126} Although the data may be limited, the report serves as one of the best sources for the world to measure the standards of each participating country.

Not being able to obtain data represents one of the major obstacles in tracking sex traffickers or victims of sex trafficking, because like other forms of organized crime, they are frequently not reported. At times, sex trafficking cases are not properly recorded and are “scaled down.” Instead they are reported under a different crime group. The definition of sex trafficking is often determined by specific jurisdictions that determine what should take precedence and how sex trafficking cases are recorded. For example, many European criminal justice systems still categorize sex trafficking under the same umbrella as pimping or pandering, without giving sex trafficking unique importance.\textsuperscript{127} Hence, when a country records sex trafficking crimes as a different type of crime the data presented in national and international reports is often times not accurate.

The historical background of sex trafficking demonstrates the significance of the evolution of the definition of sex trafficking and its impact on the development of anti-sex trafficking laws. Whether we consider sex trafficking a new form of slavery or just a form of forced trade of humans for sexual exploitation, it is important to recognize that it is a problem affecting every country and economy around the world. In the next chapter, I will show how countries in the regions of Latin America (Dominican Republic and

\textsuperscript{126} Inger Osterdahl, International Countermeasures Against Human Trafficking, ed. Anna Johnsson,(New York: Routledge, 2005), 31

Mexico), Europe (Estonia and Poland) and Asia (Thailand and Cambodia) have been affected by the rapid growth of sex trafficking and why today they are considered to have the highest volume of sex trafficking.
Chapter 4 – Sex Trafficking in Latin America

According to Louise Shelley, trafficking persists in Latin American regions because of an absence of law enforcement, financial resources, or state capacity to act. Also high levels of governmental corruption and the presence of powerful organized crime groups undermine any state capacity to counter trafficking.128 The following material focuses only on the socioeconomic and cultural factors that contribute to the growth of sex trafficking in Mexico and the Dominican Republic. The efforts of law enforcement to stop the growth of sex trafficking are also detailed.

Sex Trafficking in Mexico

Background

According to the State Department 2012 Trafficking in Persons Report, Mexico is considered a large source, transit and destination country for sex trafficking in women and children. There are approximately 10,000 women and girls that are victims of sex trafficking every year in Mexico. The most vulnerable are women, children, indigenous person, persons with mental and physical disabilities, and undocumented migrants from Central America. Concrete data is difficult to obtain; however, the Mexican Attorney General’s Special Prosecutor’s Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) reported identifying 89 victims of sex trafficking in 2011.129 The majority of the girls are trafficked into Mexico from Guatemala, Honduras, and El Salvador. Mexico serves as a pit stop for victims traveling from Brazil to the United States. In addition child sex tourism is found mainly in tourist areas such as Acapulco,

Puerto Vallarta and Cancun and in northern border cities like Tijuana and Ciudad Juarez. Trafficking occurs along the Mexican and United States border, where unemployment is high and thousands of United States citizens cross into Mexico for the sole purpose of purchasing young Mexican girls and utilizing them in the sex trade. Most of them are trafficked into the United States. While in transit they are exploited in Mexico and again in the United States once they arrive. According to Bruce Harris from the non-for profit organization Casa Alianza, girls are sexually exploited through networks involving immigrants, military personnel, police, governmental officials, and businessmen.

**Socioeconomic factors contributing to Sex Trafficking**

According to the 2012 Central Intelligence Agency World Fact Book, Mexico has a population of 116,220,947 and 18.2 percent live under the poverty level. The unemployment rate is 5.6 percent in comparison to the rest of the world, and the per capita income is roughly one-third of that of the United States. According to Cicero Dominguez,

…low education levels or inability to read and write, physical and sexual abuse, lack of adequate housing, poverty, lack of economic opportunities and social pressures, steer young girls and women to search for alternative methods of survival.

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Some are promised work as models or actresses in the United States. Therefore, the victims put up their own money to pay for their travel expenses and end up as prisoners taken to European brothels or in Mexico awaiting transport across the border to the United States.

**Chart 4.1 - Mexico Population Total**

Source: World Bank database


**Chart 4.2 - Mexico – Poverty, Employment & Unemployment**

Source: The World Bank

As shown in chart 4.2, young females form a higher percentage of the unemployed population in Mexico in comparison to young males. However, females with secondary education levels form a higher percentage of the employed population in Mexico in comparison to males. Therefore, young females who do not have access to education are less likely to find employment and have a higher probability of becoming victims of sex trafficking.

In addition to poverty and the lack of human development in Mexico and Central America that drive people to seek illegal immigration into the United States, there are also external factors that contribute to the growth of sex trafficking. According to Cicero-Dominguez some of the external factors are abuse of minors and widespread of gender discrimination which push women into the hands of traffickers. Also, the weak border controls between countries allow for traffickers to transport victims with ease. In addition the absence of adequate legislation to deal with trafficking and the corruption within the government prevents the proper handling of sex trafficking cases and provision of protection to victims. Finally, the demand for cheaper labor in receiving countries reduces the amount of jobs available to citizens forcing them to travel abroad for a better future. These factors contribute to the increase in sex trafficking by forcing victims to fall into the hands of sex traffickers without knowing exactly what they are expected to do when they arrive at their destinations.

Many girls and women in Mexico are the caretakers of their family and have the total responsibility of supporting their families, especially when they are raising their children without a father. Therefore, faced with the socioeconomic factors affecting their lives, they seek different methods that offer a possibility of improving their lives such as
traveling abroad or even becoming prostitutes. When women and children migrate illegally, they are at the mercy of traffickers. Many are raped or murdered in transit. If their families are wealthy or are known to have financial resources, the migrants may be held in exchange for a ransom. Most of these crimes go unreported as the Coyotes (traffickers) who transport people across the Mexico–United States border are aware that neither victims nor their families will report the crimes, since the victims themselves would face felony charges for their illegal entry into the United States. This makes illicit transport of sex trafficking more clandestine.\textsuperscript{134}

Traffickers represent a greater threat to the United States than the undocumented aliens that traffickers victimize. Traffickers are usually from the United States or work in conjunction with criminals from the United States. They contribute to the spread of crime in the United States and continue to live their lives while the undocumented aliens/victims are arrested. When these victims come in contact with the authorities, they are often deported back to their country of origin while the traffickers continue to live their lives without facing any repercussion. This immigration process overlooks the real problem and incites traffickers to continue to perform these acts without facing any strict penalties.\textsuperscript{135}

In Mexico it has also been found that high government officials working directly with traffickers are delinquent in their duties and facilitate the trafficking process, allowing organized criminal organizations to continue to operate\textsuperscript{136} According to the Department of State 2010 Trafficking in Persons Report, members of the Mexican

\textsuperscript{134} Laura Zarate, Marisa Ugarte and Melisa Farley, “Prostitution and Trafficking of Women and Children from Mexico to the United States,” Journal of Trauma Practice, 2, no. 3/4, (2003) : 147-165

\textsuperscript{135} Christina Fisanick, Human Trafficking, (New York: Greenhaven Press, New York, 2010)

\textsuperscript{136} David Kyle and Rey Koslowski ed., Smuggling the State back in: Agents of Human Smuggling Reconsidered, In Global Human Smuggling: Comparative Perspectives, (Maryland: The Johns Hopkins University Press, 2001), 352
government, and other observers continued to report that trafficking-related corruption among public officials, especially local law enforcement, judicial, and immigration officials exists. Some officials reportedly accept or extort bribes, in the form of sexual services. They falsify victims’ identity documents, discourage trafficking victims from reporting their crimes, solicit sex from trafficking victims, or fail to report child prostitution and other human trafficking activity in commercial sex locations.  

Another factor in the spread of sex trafficking along the Mexico–United States border is the return of deportees. In Mexico, criminal deportees tend to remain in border towns where U.S. immigration agents drop them off. There, they await their chance to slip back into the United States. In the meantime, Mexican police say, some traffic in drugs and commit other crimes. Since the adoption of more stringent immigration rules in the United States, which focus on criminal deportation, the Mexico-United States border region has become the stage where increased criminal activity of this sort occurs. As a result of the unilateral deportation policies and the lack of preparation of the government in Mexico to receive deportees, Mexico has experienced an increase in sex trafficking. This is also caused by the unexpected influx of United States criminals deported into Mexico who lack the programs to help them reintegrate into society, and thus have continued their criminal activities such as sex trafficking. Approximately eight percent of deportees in the United States are being sent back to Latin American countries. Mexico has absorbed 340,000 of them. Since most of the time these individuals are

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unemployable, they become involved in organized crimes including sex trafficking.\textsuperscript{139}

**Cultural factors contributing to Sex Trafficking**

Religious and legal institutions have influenced Mexican culture. For centuries religious and legal institutions in Latin America have reinforced male supremacy causing young girls and women in Mexico to run a higher risk of becoming victims of sex trafficking. According to Laura Zarate, Marisa Ugarte and Melisa Farley, these attitudes towards women still persist in Mexico and are reflected in the minimum importance given to rape charges and how in some states girls have to first prove their chastity. Mexico’s population is mainly Catholic and Christian. Therefore, society places great value on women’s virginity and purity. In addition an emphasis on virginity before marriage may compound the emotional pain suffered by victims of sexual exploitation, rape, or prostitution. Family and community members may conspire with the victim’s self-blame if they view her as damaged or responsible for her own victimization.\textsuperscript{140}

Many indigenous girls for example, suffer domestic violence or are at times raped by a family or members of the community.\textsuperscript{141} These girls feel shame and feel forced to leave their communities and often times end up in the hands of traffickers.

Girls and women who experience domestic violence, experience vulnerability, lack of financial stability, fear, and a lack of control over their lives, similar to the Battered Women Syndrome (BWS). BWS consists of the pattern of signs and symptoms that have been found to occur after a woman has been physically, sexually, and or psychologically abused in an intimate relationship in which the partner exerts power and


\textsuperscript{140} Laura Zarate, Marisa Ugarte and Melisa Farley, “Prostitution and Trafficking of Women and Children from Mexico to the United States,” Journal of Trauma Practice, 2, no. 3/4, (2003) : 147-165

\textsuperscript{141} Ibid.
control over the woman to coerce her into doing whatever he wants, without regard for her rights or feelings.142 Some of the signs and symptoms are depression, low self-esteem and lack of hygiene. As a result, oftentimes, vulnerable and fragile women who are domestically abused fall into the hands of traffickers who make promises of a “better tomorrow.”143 These girls are exposed to sexually transmitted diseases. Many become infertile, or if they become pregnant, are forced to have abortions. These conditions lead to serious psychological consequences.144

Shame and self-blame are some of the feelings that affect victims of violence and sex trafficking in Mexico. Mexico is considered to be the number one supplier of young children to North America. Teenage girls from Central America are trafficked into Mexico, especially into the city of Chiapas for prostitution. It is known that military personnel are prostituting these girls and soldiers pay $100 pesos for virgins, $50 pesos for other girls, and the prettiest are sold to high-ranking officers. According to the Servicio Internacional Para La Paz (SIPAZ) Report, girls between the ages of eleven and thirteen years of old are sold by their fathers to pimps who pay a small amount of money to the families and have the girls work in the sex industry.145 After they are sold, their families dishonor them while the fathers continue to live in their community without shame.

Legal Response

The Mexican government does not have laws that define or sanction child...
prostitution and pornography as a criminal activity. Procuring is illegal in most states in Mexico but it is permitted in the red districts where brothels, bars, nightclubs or cabarets are found. However, pimping is against the law. Women working in the sex industry have to follow requirements set by the government. For example, there is a ban on solicitation on the street from 6 am to noon and prostitutes have to work within two main districts in Mexico City and follow a specific dress code.146

Under Mexico’s federal system, state governments investigate and prosecute trafficking cases that occur within the country, except cases that involve organized crime, transnational trafficking, government officials, and cases occurring on federally administered territory. All thirty-two Mexican states have passed some anti-trafficking penal code reforms. Eighteen of the states have specific state trafficking laws, but only three have achieved convictions under these laws. The Attorney General’s Special Prosecutor’s Office for Violence Against Women and Trafficking in Persons (FEVIMTRA) handles federal trafficking cases involving three or fewer suspects. The Attorney General’s Office of the Special Prosecutor for Organized Crime (SIEDO) investigates cases with more than three suspects.147 However, the inconsistencies between state penal codes and laws on human trafficking in Mexico have caused confusion about inter-state prosecutions, making Mexico’s law enforcement efforts against sex trafficking weak. As a result Mexico is ranked in Tier 2 of the 2012 Trafficking in Persons Report.

Mexico signed the United Nations Convention Against Transnational Organized

Crime in 2000 and ratified it on April 11, 2003. However, the only judicial instrument that includes such crime is the Mexican Federal Penal Code. In Chapter III, Articles 206 and 207 this crime is defined under the name of “Trata de Personas y Lenocinio” (Trafficking in People and Sexual Pandering or “Pimping”) in the following manner:

The crime of sexual pandering is committed by: any person that habitually or accidentally exploits the body of another through carnal commerce, sustains himself from this commerce or profits in any way from it; whomever introduces or solicits a person so that with another may engage in sexual commerce with their body or facilitates the means for engaging in prostitution; any person that directs, administers or sustains directly or indirectly any prostitutes, meeting houses or places to concur exclusively with the intent of exploiting prostitution or obtains any benefit with its products.\(^{148}\)

According to Cicero-Dominguez the articles only define sexual procurement, which can lead to two interpretations: first, that pandering and trafficking crimes have the same nature and therefore are punished in the same way, or second, that both crimes coincide only in as much as sexual exploitation is involved and therefore they are classified in the law, without any distinction.

Therefore Articles 206 and 207 lack the emphasis on the difference between smuggling and sex trafficking, as explained in the definition provided in chapter 2 of this thesis. In addition, these articles do not acknowledge that trafficking may lead to other types of exploitation, such as slavery or other types of forced labor. Therefore Articles 206 and 207 consider a person a victim of trafficking only if the case involves sexual exploitation not any other type of exploitation.\(^{149}\)

In an effort to comply with the U.N. Protocols, the Mexican Congress passed the


\(^{149}\) Ibid.
2007 federal anti-trafficking law, which prohibits all forms of human trafficking and prescribes penalties of six to eighteen years of imprisonment. However, the law includes a clause that can render consent of victims over the age of eighteen relevant, even if threats, abduction or fraud were used, making the prosecution of traffickers more difficult when the victim may have originally consented to an activity. In addition on April 2011, the Mexican government enacted reforms raising trafficking to the level of a serious crime, allowing for preventive detention of suspected traffickers, as well as establishing enhanced victim identity protections. These efforts demonstrate the improvement in law enforcement against sex trafficking in Mexico.

The government continues to work in cooperation with NGOs, international organizations, and foreign governments to provide victim care, relying on these partners to operate or fund the bulk of specialized assistance and services for trafficking victims. In September 2011, the Mexican president established a new agency, Provictima, to assist victims of all crimes, and shifted funding and facilities from other government agencies, including FEVIMTRA, to support it. Provictima provides medical and psychological support, as well as information and assistance during legal processes, through fourteen help centers across the country, but does not provide shelter. Some interlocutors noted that the lack of clarity regarding the division of responsibilities between FEVIMTRA and Provictima, as well as the lack of organizational structure within the new agency, could negatively impact the quality of services provided to trafficking victims. The lack of Provictima centers in high crime areas such as cities

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151 Ibid.
152 Ibid.
along the northern border has hindered provision of services.\textsuperscript{153}

Summary

Socioeconomic factors such as poverty and unemployment have a great impact on the growth of sex trafficking in Mexico. As discussed in this chapter, Mexico has a population of 116,220,947 and 18.2 percent live under the poverty level. Females are the most affected as only 30 percent are employed in comparison to 56 percent of males. The unemployment rate is 5.6 percent and the per capita income is roughly one-third of that of the United States.\textsuperscript{154} These figures demonstrate the tremendous disparity in society and the lack of opportunity the government offers to its citizens. In addition, through the increase in illegal immigration to the United States (U.S.) women become targets to sex traffickers. Through the increase in deportation of sex traffickers to Mexico, women also become prone to fall into the trap of traffickers several times in their lifetime. Furthermore, the high demand for sex labor in the U.S. attracts sex trafficker deportees to the same sex trafficking business.

In an effort to stop sex trafficking all thirty-two Mexican states have passed some anti-trafficking penal code reforms. According to the State Department 2012 Trafficking in Persons Report, the U.S Immigration and Customs Enforcement Agency (ICE) started working with the government of Mexico in 2005. The ICE two year Global Trafficking Persons Program in Mexico came from the U.S. President’s fifty million dollar funding program. The program’s successes in 2007 included assisting the government of Mexico rescue fifteen victims of human trafficking and providing direct services to thirteen of the

\textsuperscript{153} U.S. State Department, Trafficking In Persons Report, (Washington DC., 2012)
<http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm> (1 November 2012)

Although authorities encouraged victims to assist in trafficking investigations and prosecutions, many victims in Mexico were afraid to identify themselves or seek legal remedies due to their fears of retribution from trafficking offenders or lack of trust in authorities. Although Mexico has made many efforts to fight against sex trafficking, it is clear that Mexico still has to improve its law enforcement and immigration systems.

**Sex Trafficking in the Dominican Republic**

**Background**

There are approximately 50,000 women from the Dominican Republic working in the sex industry. According to Carmen Moreno women are trafficked to the Netherlands where they are forced to work as prostitutes; others voluntarily obtain visas to work in the industry. They are also trafficked to Spain, Italy, Austria, Haiti, Panama, Puerto Rico, Switzerland, Greece, Germany, Costa Rica, Holland, Venezuela and the West Indies.

Many of the women who obtain visas to work outside of the country are solicited via the Internet, newspapers and magazines mainly used by tourists.

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Artist visas to Switzerland and Netherlands are commonly used for the trafficking of Dominican women for prostitution. Swiss traffickers are reported to have been active in the Dominican Republic for several years, working in the capital and beach resorts. Women have paid up to $1,500 to the traffickers for contracts of only three months in Switzerland. According to Donna Hughes and Laura Sporcic, women trafficked into the Netherlands usually do not have a Dutch visa because they travel to Denmark or Italy first where visas are not required and therefore they are able to travel easily to the Netherlands from these countries. Many of the women that are trafficked, are invited by Dutch traffickers to visit their country. The majority of trafficked women are between twenty and thirty years old. Traffickers also falsify or forge birth certificates in order to traffic girls at an early age. They claim to be the parents of Dominican girls, because children under seventeen can obtain Dutch nationality and travel to the Netherlands. These are tactics used by traffickers to allow an easier transition for their business. These

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tactics also prevent the enforcement of immigration laws for none appear to have been violated.

Socioeconomic factors contributing to Sex Trafficking

Tourism is an industry that affects the growth of sex trafficking in the Dominican Republic. Tourism has also been linked to the creation of demand for foreign made goods, consumerism and the commodification of culture, as well as trafficking in women and children, internal migration, and the disruption and corruption of traditional values and behaviors. Furthermore, scholars postulate that tourism perpetuates existing economic disparities, fiscal problems, and social tensions.160

The United Nations 2005 Human Development Report for the Dominican Republic notes that the tourism labor force is made up primarily of young women, over half of them younger than 39 and with fewer than eight years of schooling. The salary for tourism workers is below the national average, with women earning approximately 68 percent of a man's salary in the industry. According to Amelia Cabezas, women are nearly absent from supervisory and management positions. Globally, women also experience income disparities in comparison to men at all levels of hotel, catering, and tourism employment. They generally occupy the lower levels in the tourism labor market, with few career opportunities and low levels of salary.

Women who lack family networks that would allow them to migrate legally to the United States, or who do not have the right social connections in the Dominican Republic
to obtain a well paying office job, regard men tourists as opportunities for economic advancement.\textsuperscript{161} The Dominican Republic is known for its beautiful beaches and tourist attractions, especially in Puerto Plata, Boca Chica and Punta Cana. Not only are women looking for ways to travel outside the country in search of a better future but some get caught in the domestic sex industry in the hopes that they will find a tourist willing to help them financially by supporting them and their family, or by taking them to their homeland. It is known that in a small town by the name of Sosua in Puerto Plata, the sex trade is very popular and tourists from around the world visit this area in search of cheap sex. However, what many of these tourists do not notice is the conditions that push these women and girls into becoming involved in the sex industry.

As German citizens began investing in and moving to Sosua permanently in the early 1990s, it became a striking example of a town that was caught up in and shaped by the forces of a globalized economy. However, in 1996 with the election of former president Leonel Fernandez and the devastation of agriculture due to hurricane George in 1998, the economy experienced inflation, devaluation of the peso, and unemployment. In addition tourism was adversely affected by the downturn in international air travel after September 11, 2001 and the inaccessible beach areas purchased by investors took away vending spots from the locals who use of freely sell their goods.\textsuperscript{162}

Most notably, new beach resorts on the south coast at Punta Cana and Sosua have attracted a new kind of high-end tourist to the island. These resorts offer a four star experience, and in the process have been changing foreign tourists’ perception of the Dominican Republic as a cut-rate travel experience. As a result the sex industry no

\textsuperscript{162} Ibid, 215.
longer dominates the local public spaces but is now found in high-end clubs and bars also visited by tourists. The women and girls involved in the domestic sex industry are in their late teens to their mid-twenties. As Walter Mignolo and Irene Silverblatt state, Sosuans’ updated version of the tourism story, manifested through today’s globalized economy, has brought rapid and intense transformation into a sex-scape.163

Beyond just tourism, as shown in chart 4.3 and chart 4.4, about 40 percent of Dominican females with primary education are unemployed. However, as shown in chart 4.4 during the year of 2007 44 percent of females with secondary education were unemployed in comparison to 46 percent of males. Therefore, the higher the education level the better opportunities females have of obtaining employment. In addition, the data provided in chart 4.3 and chart 4.5, demonstrate that the poverty headcount ratio at the national poverty line represents about 40 percent of the total population. These high levels of poverty and unemployment in the Dominican Republic create a great hardship in its population, especially in young women. As a result, the financial hardship makes Dominican women vulnerable to becoming sex trafficking victims.

Cultural factors contributing to Sex Trafficking

Similar to Mexico, the culture of the Dominican Republic frowns upon women who are prostitutes, so they tend to work far away from home in order to prevent being humiliated in front of their families and friends. However, the number of women being trafficked into the sex industry has become such a known phenomenon, that many family members are honored to say that their relatives are working in Europe as “dancers” when

it is known they are really working as prostitutes. They use this term as a moral cover while in reality the relatives are really sex workers in other countries. 164

The majority of trafficked women obtain the information about traffickers from family members or friends in the community, who recommend they speak to the traffickers. The traffickers charge for obtaining travel documents and escorting them to the airport. At times the airline workers form part of the trafficking web and give instructions to the victims on what to do and where to go upon their arrival.165 Therefore, it is important for airline companies to implement rules for their employees that will prevent trafficking. For example, employee contracts should emphasize the repercussions an employee will experience for involvement and promotion of sex trafficking. The repercussions must include employment termination and criminal charges.

Family members of the victims of sex trafficking often times have low resources and sell their cattle and harvest to obtain enough money to pay the traffickers; however, they do not see any profit. For example, it has been found that in Holland, the traffickers only invest approximately $2,000 but they make a profit of $9,000 to $20,000 during the period the victims work because the victims have a lifetime debt to the traffickers and are only given enough money to survive.166 Corruption of the airport authorities is also known to contribute to the growth of sex trafficking. Once the women arrive in Holland, the passports of the women are confiscated. As a result they are unable to travel or return to their country.167

Family perspectives and expectations of the sex trafficking victims form part of

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164 Carmen Imbert-Brugal, Trafico de mujeres: vision de una nacion exportadora, (Santo Domingo DR: Centro de Solidarida para el Desarrollo de la Mujer, 1991), 19
165 Ibid, 16.
166 Ibid, 16-17.
167 Ibid, 17.
the growth of sex trafficking in the Dominican Republic and the rest of Latin America. The working class women are traditionally breadwinners and sole providers for their children. They are responsible for the care of the younger ones in the family. In the Latin American culture, women are expected to be the caregivers in the family. Traffickers see this gesture as vulnerability in women and often times this is the reason why many women are caught in the sex trafficking industry. The victims are concerned about feeding, clothing and educating their children or younger siblings and see the work offered by the traffickers as a way to meet their responsibilities. In the Dominican Republic, many of these victims are offered work by sex traffickers in Curacao, Netherlands. They are told they are going to be dancers or part of the entertainment business but instead they are forced to work in brothels and clubs as prostitutes.\textsuperscript{168}

The other side of the problem is that when these women are working in another country, but are trying to get out of the business, many are not only afraid of the traffickers but also afraid for their future of their families. Many times their male partners, mothers, children and other relatives have become dependent on the woman’s earnings and remittances to their home country.\textsuperscript{169} Those who have male partners go abroad with more confidence because like the rest of their families they support their decision and depend on their financial support. Those who are able to return home and escape the traffickers often times influence other young girls to follow their footsteps in order to make extra money and end up promoting sex trafficking. The women who were able to send money home are welcomed home with open arms upon their arrival home. Their clothes and jewelry, or their family’s new or improved house serve as

\textsuperscript{168} Kamala Kempadoo and Jo Doezema, ed., \textit{Global Sex Workers, Rights, Resistance and Redefinition}, (New York, N.Y.: Routledge, 1998), 132

\textsuperscript{169} Ibid, 132.
advertisement for other young women to go abroad.\textsuperscript{170} The problem is that they do not know what they are in for once they leave. This is mainly because the women who returned do not reveal their true experience due to the shame or rejection they may face from society. The women who returned have a history of suffering mental disorders due to the violent treatment they have received. Some even contract AIDS and other sexually transmitted diseases.

Gender also creates labor hierarchies within the sex trafficking industry. In the hotel business in the Dominican Republic most men are excluded from management, but gender stereotypes also give them access to positions with more opportunities for gratuities, such as bartender and luggage handler. Dominican women, in contrast, are employed in gender-designated positions of domesticity such as housekeeping. Therefore, there are few opportunities for Dominican women to participate directly in the tourism economy. According to Amalia Cabezas, to escape this predicament, many cultivate relationships of companionship, friendship, and romance with tourists and other foreigners as a way to access the global economy and travel to wealthier countries mainly within Europe and the United States to improve their lives.\textsuperscript{171} It is known that many of these young girls and women in turn fall in love with tourists who are sex traffickers and use tourism as a method to traffic women.

Legal Response

Prior to 1920 there were no laws protecting women in the Dominican Republic. The government was not concerned about prostitution and they were even less concerned


about sex trafficking. In 1958, the government created law 28.258 with the intent to legalize prostitution in the Dominican Republic but it was immediately revoked. Thus, there were no laws against prostitution, except when minors were involved in which case the sanction was three months to a year of imprisonment, and a very low fine.\textsuperscript{172} An effort was begun to provide protection for women in the sex industry in 1920, during the American invasion of the Dominican Republic. This was the first time the Dominican Republic adopted a Health Code, which protected prostitutes and provided equal health care and education for women about sexually transmitted deceases (STDs). In 1958, the dictator Rafael Leonidas Trujillo created law 4862, in which sexual work was prohibited in order to maintain social hygiene and good customs. He also required prostitutes to be rehabilitated and created a tribunal for prostitutes, which penalized women and minors involved in prostitution.\textsuperscript{173}

Since the implementation of dictator Trujillo’s prohibition of the sex industry, the Dominican Republic has been very active in supporting and ratifying the majority of international conventions and treaties. In an effort to combat sex trafficking the Dominican Republic has ratified six conventions of the International Labor Organization (ILO). In June 6, 1960, Convenio No. 77 enforced the requirement for medical exams for employment of minors in the industry work force in order to make sure that they did not carry any STDs. In 1973, Convenio 138 was ratified. Article 10, number 5, stated that the minimum work age is fifteen, allowing for the protection of younger children from becoming sexually exploited.\textsuperscript{174} On June 6, 1960 Convenio No. 79 placed a limit on

\textsuperscript{172} Carmen Imbert-Brugal, \textit{Trafico de mujeres: vision de una nacion exportadora}, (Santo Domingo DR: Centro de Solidaridad para el Desarrollo de la Mujer, 1991), 5
\textsuperscript{173} Ibid.
\textsuperscript{174} Carmen Moreno, \textit{Explotacion Sexual Comercial de Personas Menores de Edad en Republica Dominicana}, (Dominican Republic: Master Litho S.A., 2002), 26-27
nightlife jobs for minors. In 1982 the Dominican Republic adopted the United Nations Convention on the Elimination of all Forms of Discrimination Against Women. On March 7, 1996 the country ratified the Interamerican Convention to Prevent, Sanction and Eradicate Violence Against Women, of the Organization of American States and in the year 2000, the Dominican Republic adopted Convenio No. 182, which eradicated the worse forms of child labor such as forced labor and sexual exploitation.\footnote{Carmen Moreno, \textit{Explotacion Sexual Comercial de Personas Menores de Edad en Republica Dominicana}, (Dominican Republic: Master Litho S.A., 2002), 26-27}

Although these laws have been implemented, commercial sexual exploitation in the Dominican Republic is still invisible in the eyes of the government. This is due to the lack of reporting and law enforcement. Between the years of 1990 and 2000 only five cases of commercial sexual exploitation have been reported. The majority of internal sexual exploitation cases are found in Sosua Puerto Plata and Boca Chica, Santo Domingo. It is reported by non-governmental organizations that hundreds of children are victims of sexual exploitation. The main problem in obtaining accurate data is that parents or organizations need to have concrete evidence in these cases before bringing them to the appropriate tribunals. The majority of cases are kept quiet and not reported. Parents or relatives of the victims report a very small percentage of cases and usually the cases reported are those that cause scandals in their communities.\footnote{Ibid, 74.}

Government officials in the Dominican Republic see cases of minors involved in sexual exploitation as a problem for the criminal justice system. Many of the officials feel that these cases represent a waste of resources and money because they blame the victims. The officials blame it on the lack of education and the lack of responsibility on the part of the parents. They also blame it on the tourist demand for minors under
eighteen years of age. However, they do not take into consideration the responsibility of the state to control the problem.\textsuperscript{177}

The government does not fully comply with the minimum standard for the elimination of trafficking. The government reported at least 39 new human trafficking investigations during 2012, an increase from 35 investigations in 2011, but only 14 new sex trafficking prosecutions. The government also reported five new convictions for sex trafficking offenders, all of which involved child sex trafficking.\textsuperscript{178}

The first convictions for trafficking in person offences in the Latin American region only began to be registered from 2005 onwards, with the Dominican Republic accounting for the largest number of convictions. Dominican law 137-03 of 2003 prohibits all forms of human trafficking and prescribes penalties of up to 20 years imprisonment with fines. On February 2012, the District Attorney for Santo Domingo announced the creation of a new unit to investigate and prosecute cases of trafficking. The government reported that it spent the equivalent of over $112,000 on trafficking-specific training during the reporting period, including the Ministry of Foreign Affairs’ specialized training for ministry officials and 467 members of the Tourism Police.\textsuperscript{179}

The responsibility to control sex trafficking of Dominican women lies not only on the shoulders of the government of the Dominican Republic, but also on the shoulders of governments where sex exploitation is in operation. This includes the countries where Dominican women are trafficked to and transit countries where sex trafficking victims are transported through. For example Switzerland since 1996 started changing its

\textsuperscript{177} Carmen Moreno, \textit{Explotacion Sexual Comercial de Personas Menores de Edad en Republica Dominicana}, (Dominican Republic: Master Litho S.A., 2002), 75


\textsuperscript{179} Ibid.
immigration laws, allowing only six Dominican dancers to obtain visas every month. In 2001, they started to investigate cases of suspected situations where visas were being requested for sex trafficking purposes. They also created various types of visas such as visas for dancers, artists, tourism, organized tourism for travel agencies, business visas and the most requested visitor’s visas.\textsuperscript{180} The change in visa types was done with the purpose of evaluating the reason for travel before allowing entrance to their country.

There have also been shifts in other countries. Since 1995, Austria established new requirements for Dominican nationals requesting visas to travel for the purpose of preventing easy transit of sex trafficking victims into their country. For example, they no longer issue dancer visas to Dominican women as easily as they did before because now they are required to have the return flight, prepaid hotel, a legalized invitation from the Austrian government, an approved trip certificate, and a minimum of $100.00 for their daily expenses.\textsuperscript{181} Although traffickers always find a way to obtain the proper documentation, these changes demonstrate improvement in the monitoring and prevention process of sex trafficking in Austria.

Germany, Spain and Argentina have also made great efforts to prevent sex trafficking of Dominican women. For example, Germany requires women to present an invitation from a German resident, proof of a return flight, a health insurance certificate, proof of employment in the Dominican Republic, bank account statements and a deposit of approximately $1,000 which is then returned if the person returns to their country within the time period granted in the visa. After 1992, Spain required Dominicans to obtain visas because Spain became a gateway for traffickers, after Spain began allowing

\textsuperscript{180} Gina Gallardo Rivas, Trafico de Mujeres desde la Republica Dominicana con Fines de Explotacion Sexual, (Santo Domingo, Dominican Republic: OIM 2011),23
\textsuperscript{181} Ibid, 22-23.
more people to travel to their country in order to fill jobs within labor sectors where there was a high demand, especially for maid services. The new requirement appears to have reduced the number of women trafficked into Spain to work in the sex industry. In addition the financial crisis in some European countries like Spain, may have also reduced sex trafficking in these countries. Argentina on the other hand does not have any requirements for Dominicans but the Dominican authorities have introduced a requirement that travelers present a minimum of $1,000 deposit in order to justify how they will cover the cost of their stay in Argentina.182

The Dominican government maintains a specialized police unit empowered to vigorously investigate and prosecute child sex tourism cases in the Dominican Republic. The Office of the First Lady signed a memorandum with a Non Governmental Organization (NGO), which requires that travel agents be educated about human trafficking.183 One of the most effective organizations working with the government of the Dominican Republic in the effort to control sex trafficking is Comite Interinstitucional de Proteccion de la Mujer Migrante (Interinstitutional Committee for the Protection of Migrant Women-CIPROM). This organization offers a diversity of services that help prevent and reduce the social and economic problems created by the migration of Dominican women. They also ensure the protection of human rights and of labor laws and work in collaboration with the Secretaria de Estado de la Mujer (Secretary of State for Women – SEM) in an effort to provide assistance to victims of sex trafficking upon

182 Gina Gallardo Rivas, Trafico de Mujeres desde la Republica Dominicana con Fines de Explotacion Sexual, (Santo Domingo, Dominican Republic: OIM 2011), 24-25.
their return.184

Summary

Poverty and unemployment are the main cause of the growth of sex trafficking in the Dominican Republic. In addition, tourism and the cultural acceptance of prostitution amongst young girls and women living in tourist areas of the country are also factors contributing to sex trafficking. Prostitution abroad is not an unknown option for poor women in the Dominican Republic. The majority of trafficked women obtain the information about traffickers from family members or friends in the community who know someone that can offer work abroad often involving prostitution or dancing. Since the working class women are traditionally the sole providers for their families it is moderately acceptable amongst society for women to find any available means to support their families. As a result, the socioeconomic pressures make women in the Dominican Republic become vulnerable and fall in the trap of sex traffickers.

Chart 4.6 - Dominican Republic Tier Tracking by Year

![chart](http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm)

Although stricter measures have to be put into place by the government, according to the 2012 State Department Trafficking In Persons Report, the government has made notable progress in identifying and assisting child trafficking victims, and

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184Gina Gallardo Rivas, Trafico de Mujeres desde la Republica Dominicana con Fines de Explotacion Sexual, (Santo Domingo, Dominican Republic: OIM 2011), 26-27
convicting child trafficking offenders.\textsuperscript{185} As a result the Dominican Republic has improved to Tier II of the report as shown in chart 4.6.

Chapter 5 – Sex trafficking in Europe

This portion of the thesis focuses on Europe in particular the countries of Estonia and Poland where a high volume of sex trafficking exists. According to Corrin, the lack of human rights for women and children in Estonia and Poland is a problem that plays a significant part in the recurring nature of the feminization of poverty. The gendered poverty linked with family demands on women, forces some women to take high risks and often times migrate to other countries in search of employment and, as a result, end up in the traps of traffickers who force them to work in the sex industry.186 Although culture is often a contributor to the growth of sex trafficking in some countries, in Estonia and Poland this is not the case. The main factors contributing to sex trafficking in these countries are socioeconomic. Sufficient research does not exist on culture as contributing factor to the growth of sex trafficking in these countries.

The pattern of sale and resale of women, trafficked for the purpose of sex seems increasingly common in Europe; so common that at times women are sold in auctions. Once they are sold, they are still responsible for paying a debt to the traffickers. These debts are often extremely high and almost impossible to be pay off. The differential pricing of trafficked persons across various forms of human trafficking networks reflects the processes of both commodification and racism. For example, higher prices are charged for Slavic women than for those from the Caucasus.187

The democratic transition to a commonwealth of independent states has been derailed by institutionalized corruption. Corruption and organized crime have facilitated

187 Liz Kelly, “You can find anything you want, a critical reflection on research on trafficking persons within and into Europe,” International Migration, 43, no. ½ (2005) : 248
sex trafficking in these countries. According to Liz Kelly, war and conflict have also been implicated as they increase vulnerability and decrease protection, especially where civilian populations, predominantly women and children, begin to move. War also creates internal displacement, which increases border crossings, offering opportunities for traffickers. All of these issues are common factors contributing to the growth of sex trafficking in Estonia and Poland.

Sex Trafficking in Estonia

Background

After the decline of the Soviet Union, Estonia regained its independence in 1991. Estonia underwent a period of profound political, economic and social change. Differences in life-style and long-term socio-economic marginalization generated criminal acts and increased crime rates amongst certain ethnic groups, such as Russians, living in Estonia. These socio-economic demographic trends had a negative impact on the population of Estonia and the other Baltic countries.

The unfair distribution of wealth and the lack of opportunity led to an increase in sex trafficking specifically in minors. Estonian minors are trafficked mostly to North and South Europe. However, since its accession to the European Union, the country has become more desirable to tourists as a destination country. According to the State Department 2012 Trafficking in Persons report most Estonian women are sex trafficked in Finland, the Netherlands, the United Kingdom, Germany, Spain, France, Cyprus, Portugal, Ireland, and Italy. Estonian women with mental disabilities are also forced into

188 Liz Kelly, “You can find anything you want, a critical reflection on research on trafficking persons within and into Europe,” International Migration, 43, no. ¾ (2005) : 253
prostitution in Tallinn. According to The Advocates for Human Rights, there are approximately 500 trafficking cases per year in Estonia. As previously mentioned, Estonia is a destination for sex tourists from other European countries, particularly Finland. The sex buyers of girls involved in prostitution include: tourists from Finland (45 percent); businessmen from Estonia (23 percent); tourists from other European countries (13 percent, including from Sweden); tourists from Russia (10 percent); and others (9 percent). Finns account for 60 percent of brothel visits in Estonia.

Socioeconomic factors contributing to Sex Trafficking

During the transitional period from the Soviet Union to the European Union, income support via welfare, pensions and allowances, decreased significantly creating a hardship on low-income families. Some regions became more market-oriented while others struggled to maintain their welfare system. This transitional period also led to an increase in unemployment and food shortages. For example, according to the World Food Program, there were 100,000 undernourished people in Estonia in 2008 alone.

Other socioeconomic changes have had an effect on the crime rates and growth of sex trafficking. For example, between the year 1990 and 2000 the divorce rate in Estonia rose from 49 per hundred new marriages to 77, the highest within the European Union. According to Vania Ceccato this led to the conclusion, that economic change had also affected the social changes in the family. Therefore, regions with high proportions of

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juveniles from broken families had higher rates of crime and acts of violence.\textsuperscript{195} In addition the increase in unemployment rates especially in young females led to the rise of sex trafficking.

\textbf{Chart 5.1 - Estonia Population total}

![Estonia Population total chart](http://databank.worldbank.org/data/views/reports/tableview.aspx#)

The above shows the total population of Estonia for the period of 2003 through 2011. This data should be used in conjunction with chart 5.2, to better understand how socioeconomic factors impact the growth of sex trafficking in Estonia.

Chart 5.2 demonstrates the high levels of unemployment amongst females in comparison to males and the male unemployment in comparison to females based on their education levels. The comparison in chart 5.2 focuses mainly on females because
they are the most vulnerable victims of sex trafficking. Note that no data was available for the years of 2009 through 2011 for unemployment based on education.

According to Maris Kask and Anna Markina, the unemployment rates have most affected residents of lesser-developed republics of the former Soviet Union living in Estonia and migrants originating from Asian and African countries. The labor market in Estonia went through a severe negative transformation since the recession in 2007 as chart 5.2 shows unemployment rose by almost 10 percent after that. Furthermore although women have the same legal rights as men and are entitled to equal pay for equal work, the rights are not always practiced. While the average education level of women is higher than of men, their average pay is generally lower. At times the difference in salaries between men and women has been more than 20 percent. As a result, the socio-economic background of the population has deteriorated and the risk of Estonia residents being victimized by sex traffickers has increased.\textsuperscript{196}

Legal Response

Significant proportions of the women involved in prostitution in Estonia are treated as illegal migrants, and are frequently held in prisons and detention centers for weeks and months. Some countries of origin often cannot afford, or choose not, to fly the victims home, preferring to have them travel by bus or train which allows for a higher possibility of being re-trafficked, because corrupt officials alert traffickers when women are being returned.\textsuperscript{197}

Sex trafficking is not defined in the Estonian legislation; however, there are some


\textsuperscript{197} Liz Kelly, “You can find anything you want, a critical reflection on research on trafficking persons within and into Europe,” International Migration, 43, no. ½ (2005) : 249
provisions in the Estonian penal code that may be used to prosecute the crime. Articles 258 and 259 punish the crossing of and the unlawful transport of aliens across state borders and the temporary control line. Punishment may include a maximum sentence of fifteen years imprisonment. Article 133 punishes enslavement by one to five years’ imprisonment. Punishment increases to a term of three to twelve years if committed against a minor or against two or more individuals. Abduction, child stealing and the sale or purchase of children is punishable under Articles 134, 172 and 173. While prostitution and trafficking are not explicitly illegal, the Penal Code punishes various activities relating to prostitution, including inducing minors to engage in prostitution (Article 175), aiding prostitution that involves minors (Article 176) and pimping (Article 268). In addition, the Crime Victims Compensation Act of 2003 expanded the victim support system and raised the amount of compensation available to victims from the government.\footnote{The Advocates for Human Rights, Violence Against Women in Estonia, June 2011, \url{http://www.stopvaw.org/estonia2} (12 November 2012)} In addition to these articles, on August 28, 2005, the government of Estonia signed the Laulasmaa Declaration, to strengthen laws against sex trafficking. It was agreed in the declaration that the fight against crime related to trafficking in human beings will become a common priority for the Prosecutor’s Office and the police forces.\footnote{European Commission, “Estonia” Together against trafficking in human beings, 25 March 2013, \url{http://ec.europa.eu/anti-trafficking/showNIPsection.action?country=Estonia} (11 April, 2013)} They also created an Anti-trafficking hotline in 2004, which advises 300 people each year on how to work and study safely abroad and how to avoid trafficking.\footnote{United Nations Office on Drugs and Crime, Global Report on Trafficking of Persons, 2009 \url{http://www.unodc.org/documents/human-trafficking/Glbal_Report_on_TIP.pdf} (5 October 2011)}

According to the State Department 2012 Trafficking In Persons Report, in March 2012, the Estonian parliament passed an anti-trafficking law that amended their laws to increase trafficking penalties to fifteen years imprisonment. During the reporting period
of 2011 and 2012, Estonian authorities conducted three new investigations and prosecuted one trafficking offender, compared with approximately three investigations and three prosecutions under their statute in 2010. In 2012 many trafficking cases were closed in the pre-trial investigation stage and no criminals were prosecuted. According to the State Department 2012 Trafficking In Persons Report, awareness of trafficking remained low among law enforcement officials. In addition prosecutors allegedly lacked experience trying trafficking cases and had difficulty constructing their cases because of victims’ unwillingness to testify. The victims were often times afraid to testify because of the lack of protection provided by the government.

**Summary**

The socioeconomic factors causing the increase in sex trafficking in Estonia are high levels of unemployment, gender inequality in the workforce and poverty. According to the World Fact Book 2013 report ten percent of Estonia’s population was unemployed in 2012 and two percent of the population are living under extreme poverty.\(^{201}\) Estonia’s population is well educated in comparison to other countries in Latin America and Asia. However, the financial pressures caused by unemployment, force girls and young women in Estonia to migrate to western countries that offer better employment opportunities. As previously explained, these girls and young women become a target for sex traffickers.

Law enforcement in Estonia has made improvements in addressing the issue of sex trafficking and victims protection. According to the US Department of State Trafficking In Persons Report (TIP), Estonia ended up ranking in Tier II of the watch

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This is in part because sex trafficking is not defined in the Estonian legislation and sex trafficking cases are processed under different crime categories or the cases are closed before any traffickers are prosecuted. This situation also makes it very difficult for law enforcement to identify cases of sex trafficking. For example in 2012 many trafficking cases were closed in the pre-trial investigation stage and no criminals were prosecuted. Therefore, Estonia law enforcement is still in need of improvement when it comes to better handling of cases of sex trafficking.

Sex Trafficking in Poland

Background

Prior to the decline of the Soviet Union, Poland had a restrictive passport policy, which made free movement almost impossible in Poland. However, like Estonia, after the fall of communism, passport and visas policies changed significantly. As a result organized crime groups emerged. These groups were involved in smuggling drugs, arms and stolen goods from countries such as Germany, Italy and Russia. Before the 1990s, Polish centers of prostitution were found often times in hotels and restaurants; however, after the 1990s, the number of prostitution centers grew enormously and were found in massage parlors and brothels. This is the period in which the numbers in sex trafficking started to show.

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Poland has approximately 38.7 million people and it has the largest population in the European Union. Poland is considered to be mainly a country of origin for female victims trafficked for sexual exploitation. Poland is considered a source, transit and destination country for women from Bulgaria, Romania and former Soviet Union countries, primarily Ukraine and Belarus. Women and children from Poland are subjected to sex trafficking within their country and also in Germany, Austria, the Netherlands, Italy, and Finland. Women and children from Ukraine, Bulgaria, Belarus, and Romania are trafficked for commercial sexual exploitation in Poland. In a more recently identified trend, women from Africa, including Djibouti, Democratic Republic of the Congo and Cameroon, are subjected to forced prostitution in Poland. According to the European Institute for Crime Control and Prevention, in 2012 the number of victims of trafficking as a place of origin, destination or transit was over 15,000. In the period of 1998 and 2008 the police detected 286 crimes of human trafficking and 166 suspects in connection with the crimes. In 2009, 611 persons were victims of human trafficking

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and in 2010, 323. In 2010, 80 percent of the charged persons were citizens of Poland; charged foreigners were citizens of Bulgaria and Ukraine. In total 157 people were charged.\textsuperscript{206}

**Socioeconomic factors contributing to Sex Trafficking**

In many Polish cities, the restricting of local economies and their exposure to the competitive global economy have led to de-industrialization, bankruptcy of large state owned enterprises and high unemployment. The central government funding is restricted as is access to some government funds. Polish private capital is scarce which makes it difficult for many cities to attract foreign direct investments.\textsuperscript{207} During the Second World War almost the entire Jewish population was exterminated. Jewish, and subsequently German property was appropriated. The horrendous memories of the holocaust prevented some investors from contributing to the economy in Poland.\textsuperscript{208}

Although victims of sex trafficking in other countries may be uneducated in Poland most have an education; they have at least graduated high school or primary school. Many of these victims are young women or girls looking for a better financial status who decide to move abroad or work in the sex business. At times some participate in the sex business by choice, but others are tricked, and told by traffickers that they will do a different type of work.

\textsuperscript{208} Ibid.
In addition women have very limited opportunities for employment in Poland because men traditionally dominate the labor markets. As shown in chart 5.4, young females have a higher percentage of unemployment in comparison to young males. As a result many of the victims of sex trafficking are women who migrate alone or fall in love with men who many times are the traffickers. Once they leave the country, these men become their pimps.\(^{209}\)

**Legal Response**

Estonia and Poland’s penal code are very different when it comes to dealing with the issue of sex trafficking. In Poland, model legislation has been put in place on the other hand police are not properly trained to take the necessary measures to respond to the issue of sex trafficking. One of the main issues is that Poland has no clear definition of forced labor and so many cases of sex trafficking are prosecuted as illegal

employment. This is the method also used to process undocumented employees. In the end, the victims of trafficking are prosecuted and convicted instead of the traffickers.\(^{210}\)

Two regulations of the Polish penal code of June 6, 1997 may be applied in specific cases of human trafficking. The first is Article 253 (1), which states that a person who traffics human beings, even with their consent is subject of penalty of imprisonment for periods of time not shorter than three years. Although the article mentions human trafficking it does not define it. In addition Article 253 (2) penalizes illegal adoption.\(^{211}\) Article 253 helps prevent traffickers from abducting children illegally for the purpose of sex trafficking. Although this is a step in the right direction these crimes are still difficult to prosecute because there is no clear definition. The second regulation is Article 204 (4), which deals with crimes abroad and states that a person who entices or abducts a person into prostitution abroad is subject to a sentence of imprisonment for a period of one to ten years. Article 204 (1-3) penalizes inducing a person into prostitution or facilitating prostitution of a person in order to gain financial profits and benefit from another person’s prostitution. Although a victim’s consent is not important, the essence of the article indicates that the crime must occur abroad, making it international in contrast to article 253. Based on the above, the traffickers may be prosecuted under both articles.\(^{212}\)

Article 8 was introduced in the 1997 Polish Penal code. It makes it a crime to give another person into slavery or to traffic in slaves. Although the article exists, it is not used very often because of how difficult it is to prove slavery. In 1952 the


\(^{211}\) Ibid, 61-62.

\(^{212}\) Ibid, 62..

In 2003, the Polish government adopted for the first time the National Action Program for Combating and Preventing Trafficking in Human Beings. The main task of the program was to implement the recommendations contained in international law and to place border guards on the Eastern part of Poland.214 The Central Team for Combating Trafficking in Human Beings was established in 2006 as a special unit in the police department and about 500 police officers were assigned to this unit.215

The National Action Program is a model example for other countries. This program does not only intend to prevent sex trafficking but also provides assistance to the victims of sex trafficking. One of the deficiencies of the anti trafficking efforts in Poland is that although all persons who identify as victims of human trafficking are entitled to social assistance, the special program for support and protection ordered by the Minister

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214 Ibid, 63.
of the Interior and Administration addresses only foreigners and not Polish citizens. However, since April 2009, the National Intervention and Consultation Centre has guaranteed support to Polish citizens who are victims of trafficking.\textsuperscript{216}

Summary

The high unemployment rates in have placed a financial pressure on Poland’s population. As previously stated the majority of the jobs are usually given to men instead of women, creating the need for young educated girls and young women to seek employment outside of the country. Not only does this situation cause victims to suffer individual psychological and physical problems but it also affects the development of Poland’s economy and its citizens.

In addition to the socioeconomic factors causing an increase in sex trafficking in Poland, the laws against sex trafficking still need improvement. One of the main issues in the anti sex trafficking laws, is that there is no clear definition of forced labor. As a result many cases of sex trafficking are prosecuted as illegal employment instead of a sex trafficking crime. This is the method also used to process undocumented employees. Therefore, this process becomes demoralizing for victims of sex trafficking and traffickers may continue to operate freely without any punishment for their acts. Due to the efforts made by the Polish government, Poland is listed in Tier I watch list of the Trafficking In Persons 2012 Report and is considered to be making improvement in the prevention of sex trafficking and protection of the victims. However, both Poland and Estonia still need to define sex trafficking and create transparency in their countries’ penal codes in order to better identify cases of sex trafficking.

Chapter 6 – Sex trafficking in Asia

Sex trafficking in Thailand

Background

Thailand has the largest rates of sex trafficking cases compared to all the countries studied in this thesis. Thailand has been identified as a source, transit point and destination country for sex trafficking. Victims from China, Vietnam, Russia, Uzbekistan, Fiji and Burma, migrate willingly to Thailand. However, the majority of the trafficking victims within Thailand are migrants from Thailand’s neighboring countries who are forced into commercial sex exploitation.217

Reports have estimated that there are of about 75,000 to over two million prostitutes in Thailand and the majority of them come from rural areas. These women are found in brothels, hotels, bars, massage parlors, teahouses, call houses, restaurants, coffee shops, nightclubs and other entertainment locations.218 A study done by the UN Inter-Agency Project on Human Trafficking (UNIAP) found that “Thai authorities deport over 23,000 Cambodian trafficking victims per year.” 219

Socioeconomic factors contributing to Sex Trafficking

Thailand has a long history of tolerating commercial sex (see ‘Cultural Factors”) but since the 1960s, commercial sex in Thailand has grown into an industry involving large investments and networks and spreading internationally. One of the reasons that the business spread internationally was due to the arrival of U.S. soldiers during the Vietnam

218 Ibid.
War between the 1960s and 1970s. A commercial sex service developed rapidly in response to the Rest and Recreation Program in Thailand where many American military bases were located. The Rest and Recreation Program provided entertainment for the Americans including prostitutes available for the soldier’s pleasure. Following the war, the Thai government was left with the challenge of rebuilding the capital full of brothels that surrounded the military base. The government used the presence of these brothels as an opportunity to gain money to rebuild, by offering young desperate women a way to make money for their families. This period led to the spread of sex trafficking and even women who were not trafficked at times chose to become prostitutes because of the scarce employment opportunities for Thai women.

This led to the rapid expansion of tourism, which drew a large number of foreign customers attracted by the sex business that emerged due to rural poverty. The national policy for economic development, placed great emphasis on service and export industries, leaving agriculture behind. The national economic development policy of Thailand emphasizes the industrial sector, but neglects the agricultural sector. In recent years, although the national economy has grown rapidly, the economic gap between the rural and urban sectors has broadened.

The consumer culture of Thailand’s society, which places great emphasis on consumption of material goods, has also spread to the rural areas through communication networks and the media. Therefore, a successful individual is defined in terms of his or


her ability to obtain material rewards and enjoy a luxurious life. This mentality forces the underprivileged to seek illegal means such as sex trafficking and prostitution as a way to earn money and to meet the expectations of the family and/or society.

Women are expected to help their families and prostitution is an accepted way of making money. The small profits made by the prostitutes help pay for many important family needs. Many of these needs involve money for siblings’ education, shelter, appliances and parents medical expenses. Therefore, many young girls and women end up being victims of sex trafficking. Chart 6.2 shows that participation of males in the labor force is higher than females. The same situation is demonstrated in the employment population ratio of young males (ages 15-24) and females (ages 15-24).

Chart 6.1 - Thailand - Population

Source: The World Bank
In Asian countries such as Thailand and Cambodia, sex trafficking continues to expand partly because government officials have not placed sufficient focus on deterring the sex tourism industry. This is because the sex tourism industry brings a lot of revenue to the countries. Approximately sixty percent of Thailand’s tourists visit the country for sexual purposes.\textsuperscript{225} The sex trade is advertised in travel brochures and websites dedicated to promoting prostitution and sex trafficking as shown on the picture below.\textsuperscript{226}


\textsuperscript{226} Ibid.
A participant in outreach activities to assist women and girls who want to transition out of prostitution in Thailand shared one story out of the many about sex victims in Thailand. During one of her outreach visits to the bars, she came across two girls who ran to her to seek assistance. The girls were kicked out of a bar they worked in simply because they were not wearing high heels shoes and this was a style that would attract more customers. The sixteen and seventeen year old girls shared the fact that they wanted to stop working at the bar as prostitutes, but they had family back home who needed their support. Most of their families did not know they were prostitutes, because the family had sent them to work in Bangkok because they knew that in the city there were more jobs and opportunities to make money. Like many other girls they expected to find love and marry a financially stable tourist who could rescue them from the poverty they live in.  

This is just one story that demonstrates the need to understand the financial needs and norms of prostitution in Thai culture.


228 Evette Rivera, <evetterc@gmail.com> “Update,” 15 September 2012, personal e-mail (15 September 2012)
Organized crime in Thailand also has a great impact on the growth of sex trafficking. For example, the leading organized criminal group in Thailand, Jao Pho or the Godfathers, has control over the largest sex trafficking web in Thailand. Jao Pho, is composed of native businessmen and their subordinates, who form part of the law enforcement and judicial system of Thailand. They operate independently and establish connections with important government officials. Jao Pho turned criminal acts into profit making opportunities in sex trafficking. The Jao Pho are allied with powerful bureaucrats, policemen and military figures through bribery, which allows the trafficking of persons to take place with ease and with fewer risks. It is said that corrupt government officials aid Jao Pho to import women from Southeast Asia, especially Burma and then into the United States. To avoid detection by law enforcement officials, the women are rotated to different locations every few weeks or months.

Cultural factors contributing to Sex Trafficking

Commercial sex in Thailand can be traced back to the Ayuthya period (1350-1776). Some European travelers who visited Siam in the seventeenth and eighteenth centuries wrote of the practice of prostitution. One of the travellers was a French envoy, La Loubere, who was sent to Siam during the time of Louis XIV. He was sent to buy women and maids to prostitute them. Another traveler by the name of Salmon wrote in 1725 that a royal concubine who committed adultery was punished by death or forced to serve in a brothel for noblemen. Prostitution was practiced throughout the Ayuthya

229 Kimberly A. McCabe and Sabita Manian ed., Sex Trafficking a Global perspective, (United Kingdom: Lexington Books, 2010), 40
230 Ibid.
231 Ibid.
period up to the nineteenth century. Taxes were collected on the money made off prostitution. During the reign of King Rama IV of the Bangkok period, it was found that up to $50,000 bahts were collected from prostitution in a year. Just as in today’s culture, in the Bangkok period in Thailand, it was believed that women should leave their families to work in order to provide a better future for them.\textsuperscript{233} During the Bangkok period, prostitutes also served the Chinese immigrants who migrated to Siam in increasing numbers. It is believed that in the later years of the reign of King Rama V (1868-1910), with the abolition of slavery, a large number of women who had been slaves were brought into the trade.\textsuperscript{234} With the increase in prostitutes during the reign of King Rama V, the number of women infected with sexually transmitted diseases (STDs) increased. As a result in 1908, a law was passed to control and prevent STDs and prostitutes were required to register with the state in order to work and control the disease and keep it from spreading. The law was in place up until 1960, when prostitution was declared illegal.\textsuperscript{235} However, the legalization of prostitution did not totally change its acceptance in Thai society.

Sex trafficking is not recognized as a normal crime, such as murder or robbery, by society in Thailand. In both Thailand and Cambodia, being a servant it is a normal occupation for women and children.\textsuperscript{236} As already mentioned, women have historically been expected to help take care of their families. In addition the majority of sex trafficking victims in Thailand are girls and young women who run away from home.

\textsuperscript{234} Ibid.
\textsuperscript{235} Ibid.
\textsuperscript{236} Ibid.
because of family problems or because of shame and disappointment.  

Legal Response

According to McCabe and Manian, sex trafficking is not recognized as a serious problem in many Asian countries. Corruption is a leading factor in the sex trafficking trade and organized crime is able to ally with top government officials in the forging of documents, facilitating the passport process and avoiding detection by authorities. The lack of identification as proof of citizenship is also a major cause of sex trafficking. Studies by the United Nations Educational, Scientific and Cultural Organization (UNESCO), have demonstrated that a lack of proof of citizenship is the single greatest factor for girls and women to be trafficked into Thailand. If they do not have the proper identification, they are not able to become part of the normal workforce. However, some corrupt government officials allow sex trafficking victims entrance into a country by not requesting immigration documents or without the requirement of immigration documents.

Even though sex trafficking was not normally viewed as a serious problem, Thailand seems to be changing and making changes to reduce and control sex trafficking in their country. In 1977 Thailand placed specific provisions against trafficking in persons in their laws, and adopted a national plan of action in 2003. The state authorities are now required to provide legal protection, temporary stay permits, medical and psychosocial support, housing and shelter and vocational training for victims of


238 Kimberly A. McCabe and Sabita Manian ed., *Sex Trafficking a Global perspective*, (United Kingdom: Lexington Books, 2010), 42

trafficking.\textsuperscript{240} Between July 2005 and June 2007, Thai law enforcement officials reported the arrest and prosecution of about 150 sex trafficking offenders.\textsuperscript{241} In 2008, Thailand increased efforts to control sex trafficking by introducing yet another law. The 2008 anti-trafficking law prohibits all forms of trafficking and prescribes penalties ranging from four to ten years of imprisonment and penalties prescribed for other serious offenses.\textsuperscript{242}

In 2011, Thailand made another major improvement with the goal of assisting victims of sex trafficking. The Ministries of Labor and Interior issued regulations to allow foreign victims the right to at least seek employment while waiting for the finalization of their legal status. This was a major change because in the past victims of sex trafficking waiting for legal status often ended up in the hands of traffickers again or were arrested by the Thai immigration authorities because they had no other way to support themselves. However, there is no specific criterion that explains who meets the qualifications for this program. The Thai government decides on a case-by-case basis, which sex trafficking victims qualify or do not qualify for the program. Those who are chosen are eligible for a six-month work permit and visa, renewable for the duration of their court case.\textsuperscript{243} In addition the government continues to promote awareness programs on the illegal sex tourism industry. Thailand also recently proposed to establish prostitution zones in order to control the sex trafficking trade.

\textsuperscript{241} Kimberly A. McCabe and Sabita Manian ed., Sex Trafficking a Global perspective, (United Kingdom: Lexington Books, 2010), 40
\textsuperscript{243} Ibid.
Even with all these new provisions, trafficking in persons continues to spread in Thailand, and the Cambodia government blames the Thai government for the increase in sex trafficking in Cambodia. They claim that the efforts made in Thailand to end prostitution have forced organized crime to increase activities in Cambodia, pushing the business into Cambodia.\textsuperscript{244} According to the State Department’s 2012 Trafficking in Persons Report, twenty three percent of all Cambodians deported by Thai authorities were trafficking victims. Also, the United Nations Inter-Agency Project on Human Trafficking found that Thai authorities deport over 23,000 Cambodian Trafficking victims per year.\textsuperscript{245}

Summary

Sex trafficking in Thailand continues to grow due to the financial burden young girls and young women carry in their society. Women are expected to support their family and the servant occupation is accepted by society. Therefore, those who are not able to find employment are often caught in the cycle of sex trafficking. Although some are involved in prostitution by choice, they are not aware of the dangers of becoming victims of sex trafficking. In addition many have the hope of finding a tourist who would be interested in marrying them and hope they would support their family. However, many tourists travel to Thailand just for the simple purpose of having sex with young girls for a cheap price and without prosecution.

Although efforts have been made by the government of Thailand to stop sex trafficking, corrupt officials on both sides of the border facilitate the smuggling of


undocumented migrants between Cambodia and Thailand; many of these migrants subsequently become trafficking victims.\textsuperscript{246} According to the State Department 2013 Trafficking in Persons Report “pervasive trafficking-related corruption and weak interagency coordination continued to impede progress in combating trafficking.”\textsuperscript{247}

The government of Thailand does not fully comply with the minimum standards for the elimination of trafficking and has not shown sufficient evidence of increasing efforts to address human trafficking. As a result in 2013 Thailand was placed in Tier 2 and the Watch List for a fourth consecutive year. Thailand was also granted a waiver from an otherwise required downgrade to Tier 3 because the government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking, and it is devoting sufficient resources to implement that plan.\textsuperscript{248}

According to the State Department, the government disbursed the equivalent of approximately $3.7 million for anti-trafficking efforts in 2012 and reported investigating 305 trafficking cases, versus 83 in 2011, but initiated prosecutions in only 27 cases during the year and obtained only 10 convictions. In order to incentivize victims to testify, the government issued more temporary work permits to victims who participated in prosecutions. The government registered more than 800,000 undocumented migrants over the course of the year, but it failed to adequately regulate brokers, reduce the high costs associated with registration, or allow registered migrants to change employers.\textsuperscript{249}

\begin{flushleft}
\textsuperscript{247} Ibid. \\
\textsuperscript{249} Ibid.
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Sex trafficking in Cambodia

Background

Cambodia is also considered to be a source, transit and destination country for sex trafficking, especially for children. Trafficked individuals are primarily from Thailand, Malaysia and Vietnam. According to the Bangkok Post, there are about 15,000 prostituted persons in the city Phnom Penh, Cambodia and about thirty five percent of them were trafficked from China and Vietnam. One third of these sex workers are under eighteen years of age. According to Frank G. Shanty and Paitit Paban Mishra, the average age is closer to twelve as the brokers buy nine year old girls, have them cook and clean the brothels until they get a few years older and are able to offer them to clients. These young virgin girls are called cherry girls. Many of them are found in the red light District of Svay Pak, Poipet, Koh Kong and Sihanoukville in Cambodia. They are trafficked under contracts that last from six months to a year. In the city of Phnom Penh alone, there are up to twenty brothels next to each other on main streets. The situation is so horrific that six-year-old boys and girls are sold to tourists for a week for five hundred dollars. As shown in chart 6.3, Cambodia is considered a rural country. In 2012 alone its rural population was 11,863,176 million in comparison to country’s total population of 14,864,646 million. Similar to Thailand, the majority of girls and

<http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm> (1 November 2012)
253 Ibid.
<http://www.uri.edu/artsci/wms/hughes/mexico.htm> (1 October 2012)
young women trafficked into the previously described urban cities originate from poor rural areas in Cambodia.

The growth of sex trafficking in Cambodia resulted from the civil war that took place in the 1970s and 1980s in Cambodia. During this period millions of people died and there was tremendous poverty. As a result criminals saw this time as an opportunity to strengthen their lucrative businesses. The United Nations was involved in ending the war, but they did not participate in controlling the sex trade. According to UNICEF, instead the troops sent by the United Nations may have caused an increase in sex trafficking because they were involved in using the services offered by the sex trade. It appears to be a pattern in Thailand and Cambodia, that during times of war, soldiers contributed to the increase in sex trafficking in these countries. By the time the United Nations left the country, tourism expanded based on tourists seeking to use the prostitution services. Sex trafficking of minors became a part of the sex trade in Cambodia and Cambodia came to be known as the tourist destination for pedophiles from around world.256
Socioeconomic factors contributing to Sex Trafficking

As Hill and Ly note, in Thailand, poverty in Cambodia adds a level of complicity to the issue of sex trafficking as poor rural families receive financial incentives to entrust their girls to traffickers in return for false assurances of work. Poverty has been linked to the spread of child labor and migration from remote areas to Phnom Penh.\(^{257}\) As is the case with Thailand, Cambodia has also become a tourist attraction for sex trafficking. Once the children and young girls are trafficked into the red light districts, tourists do not have to travel far to buy them as sex slaves.

According to UNICEF, the United Nations soldiers presence in Cambodia caused the number of prostitutes to rise to an estimated of 20,000, allowing an increase in the trafficking of women from other countries into Cambodia where the business of prostitution was at its height. Once the soldiers left the country the number of prostitutes decreased to 10,000 decreasing the demand for trafficking of women.\(^{258}\)

HIV/AIDS is another factor contributing to the growth of sex trafficking in Cambodia. Although the rising incidence of HIV/AIDS would seem to be a deterrent to sex trafficking, it has in fact had the opposite effect. By this we mean that in fact traffickers have been forced to turn to younger women and children who are seen as AIDS-free. Approximately seventy percent of girls rescued from brothels in Cambodia have HIV. Those that are not rescued by authorities or NGOs, become too ill to work in the brothels and as a result are left in the streets. For example, orphaned children or children abandoned in the streets are left at the mercy of traffickers. They pick them up.

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\(^{258}\) Laura Bobak, "For Sale: The Innocence of Cambodia," Ottawa Sun, 24 October 1996
off the street, and then prostitute them. The traffickers win in situations such as these because they do not have to pay advances in salary to the relatives for taking the children to work. They also do not have to worry about being reported to the authorities because no one else is looking after these children. In addition, brothel owners see children as HIV/AIDS-free individuals; as a result brothel owners who used to sell women now sell children. It is also known that tourists feel more comfortable buying a child to satisfy their sexual appetites so they will not contract HIV/AIDS.\textsuperscript{259} Chart 6.4 shows the high percentage of women over the age of fifteen with HIV.

\begin{center}
\textbf{Chart 6.4 - Cambodia/Thailand – HIV Rates}
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<thead>
<tr>
<th></th>
<th>Cambodia</th>
<th>Thailand</th>
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<tbody>
<tr>
<td>Women's share of population ages 15+ living with HIV (%)</td>
<td>55.6</td>
<td>40.5</td>
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</table>

Source: The World Bank

In addition, the low level of education in Cambodia is also a factor contributing to the growth of sex trafficking. Parents who lack education are not able to obtain well-paying jobs, which forces them to send their children to work instead of going to school. Most of the times boys attend school while girls are forced to work. Chart 6.5 demonstrates the disparity between boys and girls with primary and secondary education in Cambodia. Chart 6.5 and 6.6 also shows that poverty has decreased in the country and
employment among males continues to be higher than females. In addition, the poverty head count ratio still ranges close to fifty percent of the population living under two dollars a day. The lack of work available in these girls’ communities makes them vulnerable to becoming victims of sex trafficking. Sex traffickers also see this as an opportunity to offer the parents a contract to find jobs for the girls in the city or abroad.

Chart 6.5 - Cambodia – Poverty & Education

Source: The World Bank

<http://databank.worldbank.org/data/views/reports/tableview.aspx#>
Cultural factors contributing to Sex Trafficking

Prostitution is a great contributor to sex trafficking in Cambodia because prostitution has become an integral part of urban life in Cambodia. Sexual exploitation in Cambodia is often described as part of their culture where women’s role in society is to work in the sex industry. Prostitution has an established role in Cambodia’s society and has caused an increase in sex trafficking. In addition, the belief of Cambodian locals that sex with a virgin renews the vigor of youth and the fear of contracting HIV has increased the demand for young virgin prostitutes. As a result, brokers disguise themselves as legitimate businessmen seeking employees, and the family members are

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<http://www.uri.edu/artsci/wms/hughes/mexico.htm> 11 October 2012
tricked into signing contracts for what appears to be legitimate work as cooks, maids, waitresses and factory workers. However, the jobs offered are fictitious and the children are forced to work as sex slaves.

On occasion family members or parents sign the contracts knowing the consequences and the damage the children may suffer. The family members do it for their own financial benefit. The contracts are almost impossible to break because the debt has to be repaid and the children are too ashamed to return home. These debts are similar to the debts accrued by slaves during the period of “debt bondage slavery,” where slaves entered into a contract that stated they would not be freed until their debt was paid. However, the slaveholders always padded their bill for food or clothes and failed to pay them their just due for crops grown, so they could never get out from under the debt. In today’s sex trafficking business, the sex traffickers and brothel owners own sex trafficking victims, and they too are treated as slaves.

Gender inequality is another contributing factor to sex trafficking in Cambodia. Despite generous guarantees of gender equity and equality within the Cambodian Constitution, which recognizes the human rights expressed in the United Nations Charter, the Universal Declaration of Human Rights and related conventions, implementation of the guarantees through the political and legal system has been problematic. Gender has no equivalent translation in Khmer and despite the establishment of Ministry Strategy Papers, gender mainstreaming has not made an impact on government.262

Gender inequality exists within the Khmer culture and therefore males often are the only ones obtaining an education and excelling in politics and businesses. Women in particular are educationally disadvantaged and traditional deference to male leadership has limited their engagement in political forums, even where women’s issues are the focus. For example, in 1995, the Cambodian government proposed that the delegation to the Fourth World Conference on Women in Beijing should be led by the male Secretary of State for Women’s Affairs, because the government felt a woman would not be able to answer questions because of her lack of experience and education. However, the constraints placed on women by traditional Khmer culture are increasingly being challenged. For example, in 2002, Mu Sochua, a Cambodian woman from the Sam Rainsy Party, mobilized over 12,000 women candidates to run for commune elections. Mu Sochua challenged conventions that reinforce the notion that to be born female is evidence of negative karma, which brings with it the attendant passivity, acceptance of abuse and unquestioning subservience to one’s husband. As a result of her work over 900 women won elections for public office and are actively promoting the women's agenda at the grass-roots levels in Cambodia.

Legal Response

As in the other countries discussed, corruption in law enforcement is a contributing factor in the spread of sex trafficking in Cambodia. The police are involved in a cycle of protection and corruption in the Tuol Kork and Russey Keo districts of Phnom Penh, which are the ones most visited by tourists. Endemic corruption at all levels

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264 Ibid.
continued to impede anti-trafficking endeavors. Local observers believe corruption to be the reason why impunity is afforded to recruiting firms, including some with reported financial ties to senior government officials, engaging in illegal recruitment practices that contribute to trafficking. Police officials reportedly cooperate with labor brokers who send migrants across the border into Thailand without regard for their vulnerability to trafficking. For example, brothel owners in these districts bribe higher-level authorities, and lower-level police give warnings to owners of impending raids that can occur in seconds but right after the raids take place, they are able to return to business as usual because the brothels owners pay the police a monthly sum of money to protect their business. There are also mock raids where police come in, clear out and appear to release victims. There are occasions when victims must truly be released because there are NGO officials present during the raids. The few victims that are released are given compensation not to press charges against the police.

As in Thailand, sex trafficking laws in Cambodia are not enforced. Prostitution is not in the hands of government and brothel owners and tourists appear to control the sex industry without any regulations. Prostitution in Cambodia is linked with sex trafficking because girls and boys are trafficked into Cambodia for the purpose of prostitution. Prostitution was outlawed in Cambodia from 1975 through 1979 during the period that the Khmer Rouge ruled in Cambodia. However, as of 1980 prostitution

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resurfaced. This was around the time when the United Nations established a mission in Cambodia to oversee the transition of power after the end of genocide.\textsuperscript{267}

In efforts to control sex trafficking, on January 1997 a law was passed in Cambodia, which allows law enforcement officers to fine pimps and brothel owners involved in sex trafficking up to $12,000 and sentences them up to twenty years in prison.\textsuperscript{268} In the year 2000, Cambodia passed even stricter laws, but the threat of conviction and penalties has not been successful. This is mainly due to the ineffective efforts and lack of preparation by the government and law enforcement officials. The authorities are aware of the problem and are also conscious that they do not have control over the sex trafficking problem in their country. The police accept bribes, evidence is allegedly lost before trials, brothels are informed before raids take place, and pimps are not held accountable when taken to court. In addition, prosecution only takes place in circumstances when international intervention is involved. In this situation, the offenders are given short sentences.\textsuperscript{269}

In addition in 2008, the Cambodian Law on Suppression of Human Trafficking and Sexual Exploitation, addressed trafficking offenses. It prohibited all forms of trafficking and it also penalized other serious crimes such as rape.\textsuperscript{270} In October 2011, the government of Cambodia also enacted a ban on recruiting, training and sending domestic workers to Malaysia because such workers could end up being sexually exploited. At the same time in 2012 the government was negotiating a memorandum of

\textsuperscript{267} Laura Bobak, “For Sale: The Innocence of Cambodia,” Ottawa Sun, 24 October 1996
\textsuperscript{268} Donna M. Hughes, Laura Joy Sporcic, Nadine Z Mendelsohn and Vanessa Ghirgwin, “Coalition Against Trafficking inWomen” Factbook on Global Sexual Exploitation, (1999): 3
understanding with the Malaysian government to protect the rights of Cambodian migrant workers in Malaysia. Consequently in 2012 the Ministry of Justice in Cambodia reported that 102 prosecutions took place that resulted in 62 convictions due to new laws. Out of the 102 cases, 49 traffickers were prosecuted under the human trafficking law and 32 under the penal code and law on Aggravated Circumstances. There were also three convicted pedophiles one of whom was involved in the largest sex trafficking offender case in Cambodia. However they were pardoned and released from prison early.

Summary

As in Thailand, the growth of sex trafficking in Cambodia is caused by socioeconomic and cultural factors. The lack of employment, the lack of education, and gender inequality forces young women and girls to become involved in prostitution. These girls often become victims of sex trafficking. The rise in HIV amongst these women has also created a high demand for younger girls to be forced into the sex industry. This is partly because of the volume of tourists that demand to have sex with STD free young girls.

Although Cambodia has improved its efforts to control human trafficking, the poor law enforcement on brothel closings, the lack of protection of the victims and the continued acts of corruption amongst government officials, demonstrate that Cambodia will continue to allow traffickers to operate in their country. As a result of the lack of full enforcement and change, Cambodia was ranked low in the Tier II and placed on the watch list of the 2013 State Department Trafficking In Persons Report.

272 Ibid.
In the previous chapters I have described the various influences on sex trafficking in Latin America, Europe and Asia by focusing on several countries that demonstrate the growth of sex trafficking. It is my contention therefore, that unless all these factors are addressed effectively, countries will have a difficult time combating this scourge. In this chapter, I will review first, the pros and cons of legislative and punitive methods as revealed in my previous chapters and propose ways to strengthen the legal end. Secondly I will proceed with a summary of the problems I found with respect to socioeconomic and cultural factors and offer solutions on how to tackle the fundamental underlying conditions.

**Legal Methods**

Poland is an example of a country that has improved its legal system in the fight against sex trafficking, and so it is worth reviewing some of these improvements. Poland has adhered to international conventions including the Convention Against Organized Crime and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. According to the State Department Trafficking in Persons Report 2012, which ranked Poland in Tier 1, Poland now has clearly defined sex trafficking and now prohibits all forms of trafficking in person in its criminal code. Punishments now range from one to fifteen years of imprisonment. Fifteen years is stringent by global standards.

In addition to increasing penalties, Polish authorities have engaged in collaboration with foreign governments; Poland has collaborated actively with Germany and United Kingdom in human trafficking investigations. For example in 2011 the
government opened an investigation of the alleged forced labor of two South Asian women working as domestic servants in the house of a diplomat from a Middle Eastern country, but the case was dropped due to a lack of evidence.

All of the other countries reviewed in my thesis did not meet the standards set by Poland. These countries have adhered to the international conventions but have neither defined trafficking clearly nor put in place strong punitive measures. For example, sex trafficking is often not defined separately from crimes such as illegal employment, pimping or rape. Victims often have to be prosecuted under these designations and they, rather than the traffickers, are the ones prosecuted and deported to countries of origin. Clearly then it is important as a first step for countries to define sex trafficking and secondly, to punish the crime appropriately.

With respect to both the punishment of sex trafficking and the need for collaboration with other countries, one of the areas that needs addressing is tourist activities. In the Dominican Republic, Estonia, Thailand, Cambodia and other countries, tourists are heavily involved in abusing victims. They are able to leave the crime scene without shame of penalization. There are few laws in place to deal with sex tourism. Travel agencies as well as corrupt officials are often implicated in this crime. In Thailand, we saw that foreign soldiers also were involved in this sort of abuse. It is imperative therefore that countries monitor tourist activity, put in place strong laws against sex tourism and sex abuse arising from tourism, punish corrupt officials, impose costly bail sanctions and lengthy jail sentences on sex traffickers, and establish bilateral agreements with governments that send their military abroad, punishing soldiers who engage in abuse by automatically discharging them from duty and other penalties. Such
agreements will prevent the abuse of children and women forced into prostitution as happened in Thailand during the Vietnam War in the Rest and Recreation areas created to provide entertainment and prostitutes to soldiers.274

Governments also need to establish bilateral agreements where tourists may be punished in both the country where the crime occurred and their country of residence. An international website should be created where the names and pictures of criminals are posted in order to produce shame and demoralization for their acts. In addition, law enforcement practice in transportation ports and borders needs to be revised, and organized to the extent that officials would receive the proper training needed to verify the validity of travel documents, method of obtaining the documents and identifying traffickers and victims of sex trafficking. As previously stated in chapters five and six, traffickers in the Dominican Republic, Mexico, Thailand and Cambodia are able to purchase documents from government officials for traffic victims with very low risk of getting caught.

The level of international attention should be raised through international awareness campaigns focused on the travel industry to warn tourists of the penalties. Since both women and men are victims of trafficking, it is the government’s responsibility to promote awareness of the dangers of sex trafficking. Government officials need to provide sex trafficking awareness classes, distribute informational pamphlets in the ports of entry and use television/radio advertisement as methods to promote awareness. This approach would make citizens and tourists become more knowledgeable and less likely to form part of the sex trafficking industry.

Earlier, corruption was mentioned as a factor in facilitating sex tourism. In many of the countries we looked at the thesis, law enforcement officials and border personnel were found to have looked the other way when young women cross borders for sex trafficking. For example, in the Dominican Republic, dancers fly to Spain in search for a better future expanding their dancer careers. The corruption of the airport authorities allow for easy entrance of these girls as they work in conjunction with the traffickers while being fully aware they are being trafficked for sex labor. Therefore, it is important for governments to put in place measures that can curb corruption and prevent the expansion of sex trafficking.

Finally all that has been described above also highlights the need for collaboration between the governments. For example, as we saw Poland has agreements with Germany and the United Kingdom, Spain and Austria have a greed with the Dominican Republic to take certain measures against sex trafficking and the states of the European Union has agreements like the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. The Directive adopts a comprehensive, integrated approach that focuses on human rights and on the victims and is gender-specific. It not only focuses on law enforcement but also aims to prevent crime and ensure that victims of trafficking are given an opportunity to recover and to reintegrate into society.275 Such agreements are necessary because the problem is not confined to one country but is transnational. Moreover the sharing of experiences and granting of assistance in training are also part of many agreements because although sex trafficking is not a new crime, countries are not properly equipped with the education and data

needed to tackle the issue. The sharing of experiences allow for governments to create programs that can better track traffickers and assist the victims.

Socioeconomic Measures

I found that poverty and unemployment among women are key factors contributing to the growth of sex trafficking. Many women living in developing countries are the breadwinners and caretakers of their families. This situation allows very little time or money for them to obtain an education. Poverty factors force them to find work at very young age and as a result end up in the hands of sex traffickers. In other circumstances the women that are able to obtain an education are victims of gender inequality and are not able to find legitimate jobs.

According to the 2013 Millennium Development Goals Report, though working poverty has declined, over 60 percent of workers in the developing world still live on less than $4 a day. 276 Thus governments need to place great emphasis on the reduction of poverty in order to offer solutions and better futures for their constituents. Poverty reduction may be achieved if governments create national wealth distribution programs that will give opportunities to citizens to participate in the economy and development of their country. For example, offer more employment opportunities to students who graduate from college, and not just provide jobs by merit or relationships. Often times jobs are offered to friends and family members of government officials, private company owners or even criminals that are able to buy high level positions in the government. Governments should also provide business assistance programs that offer low interest rate loans, advice and protection to new (small or large) business owners. Hence, to

better the entire population it is important for each individual to have equal and transparent access to government jobs and the private economy.

**Cultural Measures**

Culture is a very delicate and important factor contributing to the growth of sex trafficking. Therefore the best way to adopt change in culture is by raising sex trafficking awareness and providing equal access education. According to the 2013 Millennium Development Goals Report, globally, 123 million youth (aged 15 to 24) lack basic reading and writing skills, 61 percent of them are young women.\(^{277}\) As mentioned in chapter six, in countries such as Thailand and Cambodia girls are the most disadvantaged in relation to obtaining an education and for this reason are also the most victimized in the sex trafficking process.

The governments of countries faced with the issue of sex trafficking need to focus on educating all children, including those residing in rural areas where the seduction and abduction of victims of sex trafficking most often originates. The governments should also enforce education levels of at least high school or technical programs equivalent to the same level that can prepare young adults for employment in their communities. There should be mandatory school attendance regulation for girls and boys and young adults in countries facing sex trafficking problems, so they would be prepared to take on other jobs besides manual and sexual labor.

Cultural norms in a society have a great influence on victims and the growth of sex trafficking. As mentioned in chapter five, victims of sex trafficking in Mexico usually experience embarrassment and shame if rescued and returned to their

communities. As a result, these victims are less prone to share information with the law enforcement authorities in reference to their experience and traffickers. In addition in certain parts of countries like the Dominican Republic, Thailand and Cambodia, prostitution is viewed by society as normal form of life for young girls. Therefore, it is important that the current cultural norms practiced in these countries be changed gradually through information and educational campaigns.

Additional Measures

Sex trafficking is a non stop growing phenomenon affecting all countries over the world and although governments are making gradual changes non governmental organizations (NGOs) are also active members in the fight against sex trafficking and the governments should work closely with these groups. NGOs and religious groups play a major role in the protection and reintegration of victims of sex trafficking into society and there are several reasons why governments should work closely with these groups. NGOs and religious groups do not only serve as advocates for victims of sex trafficking, they also work actively with rural communities in educating, protecting and providing assistance to victims of sex trafficking. These groups have a significant impact in communities because people that have lost trust in the government and/or have not received the necessary attention from the government have a better relationship with NGOs due to the fact that they provide assistance and as a result the communities are willing to cooperate with them, and promote the NGOs services.

NGOs’ close connection to the local communities allows them to place pressure on the government to create and enforce laws against sex trafficking and to establish victim’s protection services. For example in Mexico, the Capable Partners Program
(CAP) is run by an NGO and funded by USAID/Mexico under the President’s Initiative to Combat Trafficking in Persons. The CAP Shelter Project by the name of PROTEJA, improved the legal protection and access to and quality of services available to victims of trafficking. They trained 8,980 individuals to assist in the campaign against trafficking and approximately 8,206 victims were able to benefit from the program. Since May 2006, PROTEJA has increased public understanding of Trafficking In Persons and has achieved policy changes as a result of this heightened awareness. As a result PROTEJA was able to push six Mexican states (Chihuahua, Guerrero, Zacatecas, Mexico City, Sonora and Morelos) to adopt anti-sex trafficking legislation.

Throughout history NGOs have had a major impact in the advocacy of human rights and have influenced governments greatly. For example, in 1945 at the San Francisco Conference during the creation of the United Nations Charter, NGOs representing churches, trade unions, ethnic groups, and peace movements, lobbied in favor of human rights, which was largely responsible for the human rights provisions of the United Nations Charter. Another example of the influence of NGOs in the fight against sex trafficking, occurred in 1998 when the Coalition Against Trafficking in Women (CATW), whose call it was to advocate for anti-trafficking laws broad enough to encompass all acts of prostitution instigated debates between anti-trafficking feminists and prostitution rights proponents. Due to the early anti-sex trafficking efforts by

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279 Ibid.
CATW and their emphasis on other social issues, there is a greater interest in controlling sex trafficking today.

Poland presents us with other successful NGO – government collaboration to control trafficking and provide protection for victims of sex trafficking. For example, with supervision from anti-trafficking NGOs, the government designated and funded 19 crisis shelters across the country with the capacity for servicing 123 persons. In addition, the Poland Ministry of Labor and Social Policy organized and funded four training sessions for a total of 116 social workers on the trafficking situation in Poland, the anti-trafficking legal framework, models of assistance, and identification of victims. Foreign victims of trafficking, whether third country nationals or citizens of the European Union, are entitled to receive the same social welfare benefits provided to Polish citizens, including crisis intervention assistance, shelter, food, clothing, and a living allowance.

One of the NGO involved in the Program for Assistance and Protection of Trafficked Persons financed by the Ministry of Interior and Administration is called La Strada International, which focuses its efforts on human trafficking campaigns and victim support. La Strada provide crisis intervention and shelters for victims for so long as they cooperate with the authorities. Some of their new activities within this program include organizing short internships and on-site training in the La Strada Poland office for representatives of other national and international NGO service providers. The program also provides training for representatives of state social and welfare institutions and charity organizations. Although this method may present a problem when it comes

<http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm> (1 November 2012)
283 Ibid.
to victims cooperating, because they either fear the government or are embarrassed to share their experiences, this collaboration may serve as a model for other countries. Governments and NGOs should work together in providing protection services to victims of sex trafficking including shelter, food, health care and education until they are able to reintegrate into society.

**Conclusion**

With the spread of globalization the world has also experienced the rapid growth of one of the most outrageous international organized crimes, sex trafficking. Globalization has created a rapid borderless economy, where free trade and fewer government restrictions allow sex traffickers to easily take victims across borders. This thesis has hypothesized that in order to successfully deal with the non stop increase in sex trafficking, states must put in place policies that both penalize traffickers as well as address the underlying social and cultural causes. It is primarily the government’s responsibility to protect victims of sex trafficking.

As demonstrated in this thesis, victims of sex trafficking may vary from children to young women in search of a better financial future, or on less frequent occasions simply kidnapped for the purpose of sexual exploitation abroad. Many are not able to escape the hands of the traffickers and owners of brothels where they are forced to work. Moreover, often times when these victims are saved by local police officers they still face many issues such as but not limited to: deportation, homelessness, dishonor from family, mental and physical problems, unemployment, shame and embarrassment. Whether the sex trafficking victims are nationals or foreigners, they should be treated with respect by authorities. The government should provide them with health services,
security that will not allow them to fall in the hands of traffickers again and a speedy and fair immigration process or trials. In addition they should be offered shelter, food and an education and employment opportunities that will grant them opportunity to reintegrate in society.

Furthermore, society in general has the responsibility to advocate and protect victims of sex trafficking. Cultures such as is in Mexico may place shame and dishonor on victims of sex trafficking, at times not allowing them to return to their homes. Therefore, the need for people to act responsibly should be emphasized by governments and families by not only highlighting the need for safe sex for personal safety but also by promoting a gradual cultural transformation about non-abuse and sexual exploitation of children and women. 

Although it is the government’s responsibility to protect victims of sex trafficking it is imperative for governments and NGOs to unite and work collaboratively in fighting sex trafficking. Information exchange between countries and the improvement in victims protection provided by governments and NGOs will allow countries to control this problem not only at a local level but internationally. By governments working together, educating individuals about sex trafficking, improving the quality of life of citizens and applying stringent penalties upon sex traffickers and consumers, effective and rapid changes may be achieved in the fight against sex trafficking.

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