Human Trafficking:
A spotlight on Washington State
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Executive Summary

The U.S. State Department’s *Trafficking in Persons Report* (2005) estimates that between 14,500 and 17,500 people are trafficked into the United States each year. However, since the passing of the Trafficking Victims Protection Act (TVPA) in 2000, only about 600 people nationwide, including 14 people in Washington State, have been certified as victims of human trafficking. This report seeks to address the reasons for this discrepancy and propose ways in which more victims can be found.

In doing so, we examine the discourses that revolve around trafficking, the stakeholders who have the power and will to create change, the Federal and Washington State law and legislation and the potential for Washington State in public mobilization and political willpower as demonstrated through its groundbreaking anti-trafficking legislation. From there, we look at the ways in which trafficking operates through networks and industries. In doing so, we examine particular industries that contain characteristics that make them vulnerable to trafficking, including: the commercial sex industry, sweatshops, domestic work, agriculture, small businesses such as restaurants and hotels, international marriage brokers, and the international adoption industry. In addition, this report surveys the local community in order to assess the general public’s knowledge about trafficking. From this survey we draw a set of recommendations about what the content and audience should be for future campaigns.

The result of our research has lead us to find five major factors that contribute to the discrepancy between the estimated number of trafficked persons and the number of trafficked persons who are either found or come forward.

- The nature of trafficking as an underground institution makes it very
difficult for victims to be found or come forward.

- The complex elements of fear and cultural barriers that trafficked persons face also inhibit them from being found or coming forward.

- The general public lacks awareness, misunderstands, or misrepresents the issue of human trafficking.

- The limited way in which trafficking is framed within the law affects the number of victims found and the way victims are assisted.

- There exist some weaknesses in government and service providing institutions that find and assist trafficked persons which include, but are not limited to, a lack of law enforcement training, cultural competency training, and sufficient funding for such programs.

To address these challenges our task force recommends:

1. The creation of an anti-trafficking campaign that is aimed towards the general public, greater support of grassroots movement and cultural community involvement in the development of anti-trafficking campaigns and in the Washington State Trafficking Task Force, and mandatory training about trafficking for civil servants and healthcare workers.

2. Addressing the demand side of trafficking.
3. Amending the S Visa, by not requiring individuals to waive their ability to contest deportation, and by providing an incentive to informants.

4. Greater collaboration between NGOs that aid trafficking victims and law firms in order to encourage more pro-bono civil suits to be filed against traffickers.

5. And, we propose the creation of a non-governmental organization in Washington State to cohesively and comprehensively address all the proposals and issues mentioned above through trainings, public awareness, direct service provision, and research and evaluation.
Acknowledgements

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Introduction

Why aren’t trafficked persons being found?

Human trafficking does not just happen ‘over there,’ in other regions of the world, in other poor countries, or, at the very closest, exclusively along the southern border of the United States. Instead, those on the frontline fighting human trafficking in the State of Washington indicate that trafficking is happening all around us – invisible or hidden, but ubiquitous.

Despite this grounded, anecdotal knowledge, frontline workers are stymied by how difficult it is to ascertain how much of it is happening. According to the most recent U.S. State Department *Trafficking in Persons Report (2005)*, an estimated 14,500-17,500 people are trafficked into the United States every year.\(^1\) The 2003 report estimates 18,000-20,000 persons trafficked\(^2\), while the 2001 report places the numbers of people trafficked into the US at 45,000-50,000\(^3\). Many of those working in the field, however, believe the numbers could be even higher. These varying estimates about the United States are also mirrored throughout the world.

Despite uncertainty about the estimated numbers of trafficking persons, significant national and international laws to outlaw trafficking have been passed with widespread domestic and worldwide support. These landmark laws passed in 2000 have served to institutionalize and fund significant anti-trafficking efforts. Nevertheless, since the passing of the Trafficking Victims Protection Act (TVPA) in 2000 and its reauthorization in 2004, only a few more than 600 people had been certified as victims of human trafficking. This includes 14 people in Washington State.\(^4\)

The fact that so few trafficked persons have been found is astounding, given the estimates of how much trafficking is occurring. The minimal cases identified in Washington State is even more surprising, since the state is at risk of...
being a critical gateway for trafficked persons -- it shares a border with Canada, has extensive international ties through its ports, well-developed migrant networks, and thriving industries that are known to be vulnerable to trafficking. One explanation might lie with Washington State’s leadership in passing local anti-trafficking legislation. In 2002, following the murders of several women this report terms ‘internet brides,’ Washington became the first state to create a Task Force on Human Trafficking. And in 2003, Washington became the first state to pass a law criminalizing trafficking.\(^5\)

Today, partially due to grassroots and community involvement in this issue and partially due to state and national legislative work and funding, Washington State is home to a wide variety of groups that are interested and active in combating trafficking. NGOs such as Refugee Women’s Alliance (ReWA), Asian and Pacific Islander Women and Family Safety Center (API Safety Center), the International Rescue Committee (IRC), and Consejo Counseling and Referral Service have teamed up with the University of Washington Women’s Center, the Seattle Police Department, and the Office of Crime Victims Advocacy (OCVA) to combat trafficking. Teamwork among these organizations has created the Trafficking Response Team (TRT), the Washington Anti-Trafficking Response Network (WARN) umbrella organization, and the Washington Advisory Committee on Trafficking (WashAct). Despite all of these efforts no cases of trafficking have been prosecuted in Washington State.

Frontline workers assert that trafficked persons are here, and a significant amount of time, money, and effort has been invested into this cause, yet few trafficked persons have been found. This leads us to the premise of this report. Through an extensive analysis of the various forms of human trafficking and the way these identifying markers are situated within discourse and legislation, we hope to address the question: Why aren’t trafficked persons being found?
Previous Research

While several agencies have conducted research and reported on human trafficking in the United States, most have focused primarily on collecting data on trafficked persons or on creating programs to help trafficked victims. Trafficking reports by the US Department of State offer a significant amount of background information on trafficking in general, but the primary focus is to “assess foreign governments’ efforts to eliminate severe forms of trafficking in persons.” A Department of Justice 2005 report aimed at assessing government efforts to combat human trafficking did include a two paragraph discussion concerning the discrepancy in numbers. However, this report merely recommended that “The U.S. government, its state and local partners, and NGOs need to improve their ability to find and rescue victims,” offering little information about how this could be accomplished.

NGOs have also contributed significantly to the literature on human trafficking. In comparison with much of the literature published by the US government, NGOs have focused more on human rights and service provision. While their publications are numerous, in general many are focused on critiquing state policies, or on the trafficking issues specific to certain groups.

In Washington State, reports have covered topics far more specific to the region, though no report has directed its focus on the huge discrepancy between the number of trafficked persons identified and the estimated number in the U.S. The Washington State 2002 Task Force on Human Trafficking, for example, focused primarily on evaluating the state’s progress in prevention of trafficking and assessing the resources available for trafficked persons. The 2004 Washington State Task Force on Human Trafficking focused primarily on the experiences of service providers with trafficking in Washington State and the need to have a more coordinated system of delivery for victims. The third
Washington State Task Force on Human Trafficking report in 2005 focused on getting funding for further research and for pre-certified victims, the services that various agencies were expected to supply, and on getting funding for a public awareness campaign.12

This Report

In this report, we seek to explore this question of why trafficked persons are not being found, and what can be done about it. In our first section, we explore the larger frameworks that define understanding of, policies and responses to fight, and occurrences of, trafficking. We first turn our attention to how public debates and public awareness campaigns talk about trafficking and how that discourse influences our ability to identify trafficked persons. This piece, entitled, “Language and Power: Constructing the Anti-Trafficking Discourse,” introduces a framework for studying the varying degrees, definitions, representations and constructions of trafficking that are used throughout anti-trafficking discourse. It points to the tendency of trafficking discourse to emphasis sex trafficking, prostitution and sex slavery as the primary problems associated with trafficking. It also shows how focusing on sex trafficking obscures the complexity and ubiquitous presence of trafficking, inadvertently denying worker agency, empowerment and autonomy. Lastly, this analysis of discourse discusses the blurred distinction about the role of forced and free migration.

Following our discussion of discourse, we analyze the complexity of institutions and actors who have some stake in either finding trafficked persons or keeping them hidden. In this stakeholder analysis, we observe not only who has an interest in this topic, but also who has the resources to devote to their cause. Next we examine two sides of the law: First, we examine how the law as an institution gives us a framework for identifying and assisting victims of
trafficking. Second, we show how victims of trafficking must navigate through a complex set of procedures in order to be officially identified and assisted. Some of these procedures may be distressing, terrifying, or inaccessible to some victims, making them difficult to identify.

Finally, this section ends with a discussion of Washington State and trafficking. Clearly trafficking in Washington is influenced at some level by the characteristics of the state and we’ll explore how these characteristics explain trafficking in Washington State.

In our second section, we narrow our analytic lens from larger contexts to examine social structures that are more closely related to trafficked persons. We approach this by examining industries that have been documented to either directly traffic or act as conduits for trafficking people. In this section, we explore the sex work industry, sweatshops and factory work, domestic labor, agriculture, small businesses, international marriage brokers and the adoption industry. By examining these industries, we find how each industry itself contributes to the demand for, and concealment of, trafficked persons. From there, we have the opportunity to explore several possible cases of trafficking that have occurred within these industries. These stories reveal the multi-faceted and complex nature of trafficking and challenge attempts to neatly fit current definitions of trafficking. This definitional challenge makes it difficult identify trafficked persons.

In our third section, we turn our attention to actual public awareness campaigns. Several experts we interviewed indicated that a lack of awareness about trafficking in the United States could be inhibiting the identification of more trafficked persons. In this section, we seek to evaluate prior human trafficking campaigns by comparing them to other successful or unsuccessful public awareness campaigns. Using this comparative approach, we can evaluate
what changes need to be made to make current and future human trafficking campaigns more effective, thus making the likelihood of identification of trafficking victims more likely.

In our final section, we created a survey aimed at measuring the level of awareness of trafficking in communities near us. Our survey was designed to gather information about what people currently think trafficking is, in order to identify ways that future awareness campaigns can better target their work. This section presents the results and a discussion of our survey.

Finally, based upon all of the factors explored within this Task Force, our report concludes with a set of major recommendations for future action on this issue. Though each section of our report makes specific recommendations on how situations of human trafficking can better be located and addressed in Washington State, our final section will combine these ideas into a unified proposal. Here, we propose the creation of a new agency in Washington State, dedicated entirely to the task of combating trafficking and finding trafficked persons within the State.

Endnotes:


CHAPTER 3

Framing Human Trafficking

SECTION 1
Language and Power: Constructing the Anti-Trafficking Discourse
By Jake Zavertnik

SECTION 2
Stakeholder Analysis
By Remy Else Peritz

SECTION 3
Legislation and Law
By Jessica Henley

SECTION 4
Why Washington
By Sidney Brown
Language and Power: Constructing the Anti-Trafficking Discourse

Jake Zavertnik

Introduction

Since the (re)emergence of human trafficking on government radar screens in the late 1980s, states and international organizations alike have struggled with definition, interpretation, legislation, implementation and action. With the growing interconnectedness of global markets, increased transnational mobility, and rapid and ubiquitous flows of information and communication operating at varying degrees of organization and complexity, the task of identifying trafficking ‘crimes’ has become progressively difficult.\(^1\) Indeed, given the wide range of actions and outcomes covered by the term trafficking (including recruitment, transportation, harboring, transfer and receipt), measuring and monitoring trafficking is nothing short of science, exceedingly blurry and infinitely multifarious (see Laczko and Gramegna).\(^2\) The task at hand is further amplified by the growing impatience many government officials have with the lack of results (finding and identifying ‘trafficked persons’).\(^3\) This has left anti-trafficking organizations scrambling for resources and “victims,” creating a push to strategically align with nationally endorsed discourses and legislation.

The wide range of issues at play in identifying trafficked persons and the difficulty of streamlining action, interpretation and definition of trafficking across multifaceted contexts and institutions – labor markets and standards, migration networks and policies, conditions of poverty in origin countries, and institutions and policies that reinforce gender and racial inequalities – necessitates a clarification of the conflicting goals of the anti-trafficking
movement. It is the intent of this section to delineate the ways in which human trafficking has been constructed in discourse. More specifically, this section deals with how anti-trafficking movements have politicized the issue of trafficking by oversimplifying the extent of the crime, re-victimizing those affected and casting-out trafficked persons as ‘other.’ These principle constructions can be summarized in the points listed below. Following each critique are suggestions for a more complete representation of trafficked persons. These are elaborated throughout the section.

**First, human trafficking is typically represented within discourse as sex trafficking, prostitution or sex slavery.**

The State Department and several anti-trafficking groups, particularly the unified efforts of the Christian right and the Coalition Against Trafficking in Women (CATW), have given unequal focus to commercial sex work and prostitution, while other forms of trafficking – agricultural and domestic laborers, construction workers, and mail-order brides – have gone mostly unnoticed. This politicization of the issue at hand has prevented the exposure of all forms of trafficking, while simultaneously hurting the efforts of organizations working with prostitute rights. This is reflected in national discourse and definition, in which sex trafficking is used interchangeably with the term for human trafficking and vice versa. **Section 1: Sex trafficking as trafficking ‘reality.’**

Those with the power to construct anti-trafficking discourses – the state, the Christian right – need to disassociate and disentangle debilitating fascinations with prostitution and sex work. Regardless of the legality of prostitution in the United States, preventing future prostitution should not be the principle driving force behind government funding and legislation, as there are numerous other forms of trafficking. Ethically, agricultural workers should be viewed as having as much at stake as sex slaves. Moreover, there
is need for a discourse capable of uniting all actors working with trafficking under a unifying, rather than conflicting, context in the struggle to eliminate ‘modern-day slavery.’

Second, essentializing trafficking victims obscures the complexity and ubiquitous presence of trafficking.

The need to ‘help’ and ‘find’ ‘victims’ has led to progressive legislation that (inadvertently) denies worker agency, empowerment and autonomy. This has created an essentializing discourse that clings to old representations of ‘trafficking’ to manufacture new representations of trafficking, affirming gender stereotypes and racial prejudices, such the docile Asian female or the illegal Mexican migrant male. Trafficking is a non-exclusive global phenomenon that penetrates all countries and cultures. No community is immune from the consequences of trafficking, and thus, creating essentializing dichotomies between victim/rescuer, trafficked person/non-trafficked person, only relegates the problem to the periphery of society – othering the experiences of trafficking “survivors.”

Section 2: The marginalization of trafficked victims

Survivors and potential victims need to be granted the agency, through strategic networking of anti-tracking movements and groups, provided in the framework of our “freedom loving” country. This would include making law enforcement more accessible and T-Visa’s a visible reality. Currently, trafficked persons need to be ‘saved,’ but until they have something to move toward – worker rights, minimum wage, citizenship – this rhetoric and discourse of perpetual victim is meaningless.

Third, there is a blurred distinction about the role of forced and free migration.

Trafficking discourse has negatively influenced constructions of migration, legal and illegal, by denying the institutions that facilitate movement and the
economic pull factors that dictate both forced and free migration. This functions to blur the distinction between smuggling and trafficking. **Section 3: Forced v. Free Migration**

Migration is a legitimate form of movement for many individuals across the globe, both internationally and domestically. In this sense, anti-trafficking practices operating as ‘moral panic’ have simultaneously obscured the vulnerability of migrant women in the nexus of state and capitalist practices while representing them as perpetual victims. This made a space for repressive immigration policies to be instituted. With that said, there is a distinction between smuggling and trafficking, and therefore, this should be reflected in trafficking discourse and legislation.

This discourse analysis sets the stage for developing a framework to help policy makers systematically and effectively combat trafficking in persons. In so doing, a movement toward what Sandra Harding calls ‘fruitful coalitions and respectful dialogues’ between policy-making bodies, engaged grassroots organizations and scholars can be achieved to “address the congruence of forces behind the phenomenon in the interest of human rights protection.”

**Framing trafficking knowledge and discourse**

Before it is possible to delve into the specifics of trafficking discourse and legislation, and the consequent action taken by anti-trafficking groups and governments, several concepts and ‘ways of thinking’ about trafficking must be theoretically defined and analyzed. Thus, in order to deconstruct the formations of trafficking discourse, it is first necessary to define what is meant when referring to trafficking. We can do this by evaluating the role language plays in constructing identity and the relationship between language and power. To begin, language is a method for speaking, defining and conceptualizing the world around us.
It creates frameworks for understanding the realities of what it is we see, feel and experience, shaping perception of what is important and influencing the structure of institutions and programs. Language is only important, however, when it carries meaning. Thus, by assigning particular meanings to language, we can understand what something is and what something isn’t. Within society, for example, we use a similar language to assign meanings that have a ‘fixed’ cultural or traditional importance.

Particular interest groups – the state, religious groups, academics – all shape language to garner interest, money and power. In this process, language can become highly contested, both academically and publicly. In this sense, meanings and language are continually being rewritten and redefined across time by those in power. This is caused by the inherent relationship between language and power. Those in power can control meaning, in all its altering states, giving language (or knowledge) the power to make itself true. This is where framing discourse is useful. Discourse is a language for talking about – a way of representing knowledge about something. Thus, when we use the term discourse we are invoking the relationship between language and power at play in constructions of knowledge and meaning. Some examples of this complex interplay may help illustrate the way trafficking discourses have been constructed in recent years.

Firstly, it has been prevalent for people to speak in the name of large, and at times, vague and manipulable abstractions like the West or Chinese or Slavic culture, Islam or Confucianism, labels that collapse religions, races and ethnicities into ideologies that are incomplete and essentializing (see Edward Said: The Clash of Definitions). The language and distinction of group identity is particularly present at the end of the nineteenth century when the competing world powers – Britain and France especially – were carving up their colonies.
in Africa and Asia. To justify their occupation and exploitation of these lands, the imperialists resorted not only to force, but to also to theories and “rhetorics” (discourse). These granted the more powerful and more civilized the right to colonize in the name of some noble cause – bringing civilization to the barbarians. Thus relating back to the interplay of language and knowledge in shaping discourse, it can be said that competing powers invented their own theory of cultural or civilizational destiny in order to justify their actions abroad. Britain did this in India. The United States, in the concept of manifest destiny, also did this. These powers invented or constructed language to fit a meaning for desirable economic or political actions. They did this by controlling meaning and language, and hence discourse.

A more recent example of power players influencing and constructing discourse is the push by Western governments toward globalization. Globalizations is talked about as a reality, as inevitable, as the only way emerging economies and countries can be integrated into the world market economy (see Thomas Friedman). With language describing the ‘reality’ of the new-world order, governments have responded accordingly – by instituting neoliberal market reforms, such as ‘freeing’ markets and deregulating industry. Globalizing discourses and those supporting these discourses have thus made globalization a self-actualizing reality.

This discussion is especially relevant when analyzing trafficking discourses. Language and power have constantly been at play in the creation and construction of trafficking definitions. That is, discursive frameworks shape the way we speak about trafficking and highlight how we construct anti-trafficking narratives. Spatially, ‘human trafficking’ is constricted to operate within an understanding created for it by political actors – the State Department, anti-trafficking coalitions, human rights groups – and will remain so, until
its meaning is redefined. And yet, it is through discourse and the inherent relationship between language and power that allow us a method for describing the misrepresentations and misinterpretations of the anti-trafficking movement. It is the goal of the rest of this paper, therefore, to explore these discourses, and later, to critique their persistence.

**Representational narratives of the exploited sex worker**

While human trafficking has received much attention in the past two decades, the subject is not new to history, or activists. At the end of the nineteenth century, feminists, such as Josephine Butler brought involuntary prostitution into the international spotlight by evoking the “White Slave Trade,” a play on the ‘negro slave trade.” Including prostitution in the same category as slavery gave feminist organizations the leverage to broker a simplistic good/evil, West/other binary, that served to escalate concerns about the “abduction of European women for prostitution in South America, Africa or ‘the Orient’ by non-western men or other subalterns.” Consequently, several organizations were established to combat the growing problem of human trafficking both nationally and internationally, resulting in anti-trafficking legislation in 1902. While this initial legislation did not equate white slavery with prostitution, later conventions, including the *International Convention for the Suppression of the Traffic in Women* of 1933 and the landmark 1949 *UN Convention for the Suppression of Traffic in Persons and the Exploitation of Prostitution of Others*, did establish abolitionist rhetoric vis-à-vis prostitution.

The impact of these first conventions and legislations on early and (future) trafficking discourses was paramount. Firstly, the principle concern was to ‘help’ these exploited or ‘fallen’ women from the perils of a morally corrupt and savage occupation – prostitution. Indeed, although the actual number of white-
slave cases was very small, the white-slave movement was a dual response to the increased migration of European women, including prostitutes, to the U.S., and the emerging feminist and Victorian discourse of abolition of prostitution. This discourse became especially powerful in eliciting public support against white-slavery, as it combined rhetoric for social purity with representations of the innocent victim. Morally, these groups were self-justified in helping and saving these ‘victims of sexual exploitation.’

The consequences were two-fold. First, several gender and racially repressive policies were initiated. These established standards for human sexuality – women and men were required to adhere to specific behavior and dress standards – and for persecuting voluntary sex workers and “blacks, foreigners, immigrants and Jews” for being potential ‘white-slavers.’ In many respects, this further codified racial divisions within society by solidifying the superiority of whiteness and white issues. In these constructions, the white slave was opposed by the non-white slaver. The very “name ‘white slavery’ is racist, implying as it does that slavery of ‘white women’ was of a different, and worse, sort than ‘black’ slavery.” In America, especially, this contrast was explicitly used to downplay the black slavery experience.

The second consequence of these early discursive movements was that essentializing narratives of the “victim” became engrained in discourse about trafficking. These narratives stressed the victims’ youth or virginity, her whiteness, and her unwillingness to be a prostitute, constructing a box for which all victims could be neatly placed. As a result, two extremely emotive issues, ‘white slavery’ and ‘child prostitution’ were able to be linked. That is, as stories circulated of the white woman’s youth, attention was brought to the potentiality of child prostitution. This became a powerful issue from which families could rally against, as anyone’s daughter was a potential victim.
Modern workings of the trafficking campaign

Fast-forward nearly a hundred years, and much of the rhetoric and debate from the white-slave campaigns is recognizable in current discourses. To begin, the renewed interest in trafficking of human beings garnered steam in the 1980s in the midst of the global feminist movement. At the time, developments in issues regarding migration flows, the AIDS pandemic, sex tourism and child prostitution helped unite human rights organizations around the need to address violence against women, particularly abuses suffered by third-world women.22 For many, women’s rights were the most pressing need of the late twentieth century.23 Discourses promoting women’s rights were reflected in discussions about sex trafficking. At the center of this debate were arguments regarding the definition of trafficking and the legitimacy of prostitution. This discussion peaked during the UN’s Fourth World Conference on Women, in Beijing in 1995.

By 2000, the UN’s 2000 Convention against Transnational Organized Crime (signed by 140 countries and ratified September 29, 2003) and its accompanying 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, finally addressed the issue of trafficking on an international level. By this time, feminists supporting the abolition of prostitution24 had formed a coalition with faith-based organizations to fight the exploitation of women and children.25 While an interesting combination, the feminist-Christian coalition has had a dramatic impact on the centralization of sex trafficking in trafficking discourse.

In the late 1990s, in a “self-conscious effort “to expand their base and political power through the vehicle of human rights” religious conservatives, particularly evangelical Christians, had seized on the issue of sex slavery26 (see Hertzke 2004, Shapiro 2004). For Evangelical Christian groups, human
trafficking draws attention to migration patterns and the vulnerability and susceptibility of women to moral corruption. Focusing on prostitution and sex slavery, Christian anti-trafficking movements have resurrected abolitionist discourses and redirected attention back onto the trafficked persons – women and children.

Although ideologically very different, many feminists, saw, in the words of intermediary Laura Lederer, an alliance with Christians as bringing “a fresh perspective and biblical mandate to the women’s movement,” while simultaneously helping to bring the issue of trafficking to international attention (Crago 2003, quoted in Soderlund). Among these feminist groups is the Coalition Against Trafficking in Women (CATW). The CATW identifies trafficking as a gendered issue that strictly violates a universal code of women’s rights, whether the process is forced or voluntary. Under this doctrine, women across the globe are particularly susceptible to male hegemony and institutional bondage which forces women into subservient and often, ‘humiliating roles.’ This campaign views women and children as “victims” forced or duped into migrating for the sole benefit of the predatory trafficker. This consequent understanding – of trafficking as “sex trafficking” – has been entrenched within the 2000 UN definition, which states that:

“Exploitation shall include, at a minimum, the exploitation of the prostitution (bold added) of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

The inclusion of the reference to prostitution is paramount to the influences of the CATW and faith-based organizations on international and national discourse. The Christian-feminist coalition saw this as a ‘victory’ over other feminist and human rights groups who wanted to remove any such reference
because they felt it would contribute to the further policing of sex workers. This discourse is resonant in the Trafficking Victims Protection Act of 2000 (TVPA) and the amended Trafficking Victims Protection Reauthorization Act of 2003 (TVPRA). Like the UN Protocol, the TVPA punishes severe forms of trafficking in persons, which includes all forced work – not just prostitution, and not just labor done by women and children. There is also recognition of the other forms of deception and human rights abuses (debt bondage, deprivation of liberty and control over one’s labor and earnings) that come into play in trafficking for sexual exploitation. This would include controlling a sex worker by paying them with drugs or psychological control over personal freedoms. Indeed, for the TVPA force and coercion are principle causations in identifying trafficking and are required to prosecute perpetrators and help trafficked persons.

While landmark in addressing internal trafficking – something of which has been largely misunderstood and ignored by many governments – the TVPA retained abolitionist feminists and evangelical’s discourses. As a result, this definition was initially contested by the Human Rights Caucus, who thought it focused exclusively on human rights violations committed by pimps or traffickers against innocent women, i.e. non-sex workers. Firstly, explicit in the TVPA is language that labels as “trafficking” all smuggling of immigrants into prostitution, even if these individuals knew what line of work they’d be getting into and are doing it voluntarily. This has consequently shifted, and continues to shift, focus away from statistics which point that immigrants working voluntarily as prostitutes probably far outnumber those who are coerced, both internationally and nationally.

The CATW-Christian coalition argued that trafficking should include all forms of recruitment and transportation for prostitution, regardless of whether force or deception took place. The Human Rights Caucus, however, saw
prostitution as legitimate work, arguing that force or deception was a necessary ingredient in the definition of human trafficking. Fundamental in this distinction was the discrepancy between consent; for the CATW, consent to sex work was meaningless, because prostitution is never voluntary. Females participating in the profession do so because they have been subjugated by the hegemony of masculinity. In the end, it was the CATW definition which held precedent. Thus, discursively speaking, the TVPA offers no assistance to individuals who’ve been voluntarily smuggled to work as prostitutes, yet it counts them as “trafficking” victims, along with brothel prisoners. The conflation has in many ways, inflated the severity of the “sex slave” problem in discourse and the public mind.

With the TVPA and Christian-feminist discourses as foundation, the federal government has created a “Trafficking Persons” office dedicated to eliminating the business of human trafficking (sex trafficking). From the surface, it seems as if to the State Department, human trafficking represents the third-largest illegal market, only slightly behind drugs and arms. In this sense, it is a growing problem deserving of $82 million dollars (in 2004) for 251 international trafficking programs benefiting working in 86 countries. Under the Bush Administration, however, most funds have gone to anti-trafficking organizations aligned with the Christian right. In the last three years, for example, groups affiliated with this coalition have “ascended to the top of the anti-trafficking milieu, gained control of most federal anti-trafficking funds, and become the most prominent media and policy spokespeople on the topic” (Soderlund 2005). This has led secular NGO’s working on trafficking to scramble for government grants, as those not aligned with faith-based human rights practices could be in jeopardy of receiving no funding. Doing so, however, requires these organizations to choose the option of abandoning programs that help prostitutes by providing AIDS and HIV prevention options
and receive funding, or continue these ‘pro-prostitution’ programs and receive no governmental aid.\textsuperscript{42}

Similarly, as a result of faith-based discourses mobilizing governmental and public support for U.S. led international campaigns against sex trafficking (the principal concern of many of these faith based organizations), the primary images arriving in the media have been those of sex trafficking. This shows the power of governmental interpretation and action, reflective of Christian ideology, to engage and shape trafficking discourse. That is, because discourse is interconnected to power and knowledge, those with the power to do something about trafficking – the State Department, large anti-trafficking coalitions – have utilized knowledge about trafficking to fit their understandings of the problem. This is similarly reflective in their ‘solutions,’ which include Christian-based forms of rehabilitation with traditional law-enforcement-style brothel raids.\textsuperscript{43}

Thus, because discourse reflects knowledge, national publications and television shows have featured stories of sex trafficking as the principle consequences of the growing human trafficking epidemic.

1. Sex trafficking discourse as ‘trafficking reality’

We’ve heard their stories. Children and women, young, innocent, ignorant, and helpless, forced to turn cheap tricks, six, seven times a day. Almost always desperately poor, they are duped by individuals – from professional coyotes to family friends and relatives – offering promises of education and employment in America. Instead of waitressing or attending school, they are coerced into a life of prostitution, servicing clients daily to pay off an insurmountable debt accrued in the process of transport to America. These women and children live their lives in bondage and often die early from disease, malnutrition or violence, forever victims in the eyes of those attempting to rescue them. A recent \textit{New
York Times Magazine exposé, for example, depicted the pre-eminence of sex slavery, particularly child prostitution, within the United States.  

The harrowing images of sex slaves and child prostitutes, offer a glimpse at the politics of representation and rhetoric in the formation of anti-trafficking discourse. That is, although the TVPA technically includes all forms of forced labor and services in its definition, eliminating commercial sex work, prostitution and sex slavery have the most prevalent discourses associated with human trafficking (See Kempadoo and Doezema 1998; Doezema 1999, 2001, 2002; Augstin 2005, Leuchtag 2003;). An extensive study conducted by Gozdziak and Collett of Trafficking Literature in North America notes that since 1998, The National Institute of Justice (NIJ), the Research, Development, and Evaluation Agency of the US Department of Justice (DOJ) has been at the forefront in funding and commissioning research on trafficking issues in the United States. Several reports, “such as the project co-directed by [Janice] Raymond and [Karen] Hughes, did not study trafficking victims, but focused on transnational and domestic sex workers,” while “others focused on commercial exploitation of exploitation of children in North America, not on trafficking per se.” In general, the common thread distinguishing several large research projects – from state sponsored NGO’s like CATW – has been women’s studies and “research on the sex industry, especially sexual exploitation of women in prostitutes.”

This common ideological formation, from the various governmental and non-governmental actors, underscores the human trafficking discourse; first and foremost, that trafficking is predominantly associated with sex slavery and prostitution. Knowledge of human trafficking is worked into the language we use to broadly speak of ‘trafficking.’ Yet constructions of the issue are shaped, molded, defined, and interpreted to best suit the representations already
entrenched in common discourse. This is of the victimized, sexually exploited prostitute. Indeed, in the world of anti-trafficking legislation and discourse, sex sells. No practice or set of relationships is referred to more frequently as slavery than sex trafficking.\textsuperscript{48} The apparent ‘rise’ of Eastern European sex-slave rings, in which white women from former Soviet republics are trafficked into America for prostitution is evidence of this. Much like the stories of the ‘White Slave Trade’ a hundred years ago, the white-woman sex slave narrative has gripped the public and media’s eye, pushing the issue of trafficking to the forefront of concern and debate (in this report see Sex Trafficking: A Case Study of Natasha King). That is, riding the wave of neoliberal globalization, a hegemonic discourse of morality has engulfed anti-trafficking movements, pushing various ideologies and political agendas to the forefront of the problems they are working to solve\textsuperscript{49}.

Indeed, seeing and hearing stories of white-women exploited has provided the transparency necessary for a nation with a ‘possessive investment in whiteness’\textsuperscript{50} to take action. That is, although several NGO’s believe sex workers in America have predominantly come from Asia\textsuperscript{51}, and although the first incident of ‘trafficking’ in Washington State was of a Filipino woman,\textsuperscript{52} it has taken the spotlight of white sex slaves to garner the current counter trafficking movement and momentum initiated by the CATW. This is evident in the international attention given to the abduction of Natalee Holloway, a young white American girl, from a student trip in Aruba into alleged sexual slavery. In the headlines for several months, and spawning over 800,000 Google search results, including a Wikipedia entry, the possibility of a young white girl sexually exploited, killed and/or sold into a sex ring have gripped the nation.\textsuperscript{53} Would this have occurred had Natalee been black or Asian, it is unclear. What is clear, however, is that the intensified focus on images of the innocent, white female,
has only contributed to the redefinition of old sex slave narratives, furthering
the construction of an essentializing trafficking discourse.

These essentializing constructions are evident in a recent *Frontline*
documentary and the recent *Lifetime* series on human trafficking featuring Mira
Sorvino, a white woman. The mini-series begins with “Everyday, young girls
are bought and sold,” setting the stage for an exploration at the horrors women
and girls around the world experience. Other popular television shows, such
as *CSI* and *Law and Order*, have also featured stories about human trafficking
and Eastern Europe sex rings. On one hand, increased media attention has
helped bring the issue of trafficking into the national spotlight. However, media
attention does not equate to an accurate or encompassing representation of
trafficked persons. That is, like the white sex slave, the paradigmatic image
today, and consequently the most prominent image showcased in media, is that
of a young and naive innocent lured by evil traffickers into a life of sordid
horror from which escape is nearly impossible. In recent years, this discourse
has been refined to include third-world women, and yet this too is problematic,
as encompassing definitions have constructed a benevolent identity for those
trying to ‘save’ them. This is one of the factors limiting trafficked person
agency. This is discussed in the following section.

2. The marginalization of trafficked persons: discourses
that lack agency and empowerment

With an overemphasis on sex trafficking, other forms of trafficking have
been underemphasized within discourse. This has resulted in a narrow avenue
from which trafficked victims can be identified. This is exemplified by the
debate that has raged within and between anti-trafficking coalitions regarding
the definitions of forced and voluntary. Legislatively and discursively, forced
implies that trafficking has occurred – all camps working with trafficking would agree. Legislatively, voluntary also implies that trafficking has occurred; however, this is debated discursively. Faith-based organizations see no distinction between forced or voluntary vis-à-vis prostitution and labor. Instead their discourses work to blur the lines between forced and voluntary, especially when it comes to sexual labor. This view has been widely opposed by several third-world feminists and non-faith based anti-trafficking organizations who have emphasized the discrepancy between forced labor and voluntary labor. The problem with either of these constructions, however, is that both fail to properly define ‘coercion’ within the context of grey areas trafficked persons, let alone how coercion relates to forced and voluntary (see Doezema 2005). In this sense, constructing a distinct binary for trafficked persons to be placed limits the ability of anti-trafficking organizations to identify and the ability of those trafficked to realize agency – they are perpetually represented as either helpless “victims” or ‘fallen’ women, constricted to a discourse that constructs their identities for them.

Despite of the problematic nature of this grouping, the principle arguments regarding the force/voluntary dichotomy show the extent constructions of the sex trafficking have impacted trafficking discourse. That is, the prevailing discourses of the CATW and Christian coalition, which view all prostitution as trafficking, have refined the way other forms of trafficking can be identified. That is, a voluntary migrant agricultural worker, or a voluntary mail-order bride would necessarily have to be identified as trafficked. The problem therein, is an inflation of the scope for identification through a refinement, by powerful actors, in discourse.

The limitation of discourse is consequently debilitating to the provision of the basic human rights deserved by all trafficked persons. With a trafficking
definition explicitly condemning prostitution for example, working prostitutes, including those who voluntarily join the profession, would continue to be relegated to the periphery of society, limiting sex worker agency and eliminating the possibility of prostitute ‘rights.’ Indeed, the identification of prostitution as a human rights violation akin to slavery, by definition, excludes the already marginalized position of sex workers from “the international, national and customary protection afforded to others as citizens, workers or women.”

Regardless of statistics that point to the fact that many trafficked sex workers were prostitutes in their home countries, the trafficking discourse has been constructed as such as that women prostitutes do not have the agency to chose their profession – it is chosen for them by cultural, societal, or economic factors, or for some, is a result of female subordination to male sexuality and dominance. In practice, this does not seem to fit the reality of sex workers.

In a 2004 Dateline episode called “Children for Sale,” which aired in January 2004, undercover reports and hidden cameras helped lead to the capture of 37 prostitutes from a network of brothels in Cambodia. After the Dateline report, however, the shelter that took in the “victims” reported that at least 40 percent of the prostitutes returned to work in the same brothels that they came from. Of the teenagers returned home to their families, six ran away from home within a week of the televised busts. When “victims” are placed in local institutions geared toward humanitarian aid, the results can be similarly distressing. A 2003 Empower report documented that 28 arrested Burmese prostitutes sent to a rehabilitation center were suspect to continual coercion and interrogation by Trachc, an anti-trafficking NGO formed in 2002 with U.S. financial support. Thus, it is increasingly problematic to call every instance of prostitution as slavery when many women involved demonstratively reject the process of “protection and rehabilitation,” which seeks to take them from
a life of prostitution and into a life in the globalized world as either a factory worker or a low-paying domestic service labor. In continuing to link prostitution synonymously with trafficking, trafficked persons, particularly sex workers, are increasingly trapped within an institutional framework emphasizing “protection” over autonomy and empowerment.

Underemphasizing other forms of trafficking

Marginalization is applicable to other forms of trafficking as well. At the surface level, by focusing discourse on prostitution and sex trafficking, non-sex trafficked persons are inevitably marginalized from campaigns and programs geared at finding sex “victims.” Discursively, non-sex trafficked persons don’t yet exist, not in the sense that they aren’t ‘there,’ but rather, that their needs are secondary to rescuing young innocents from the horrors of sexual slavery. This is evident when breaking down governmental funding to anti-trafficking organizations; agencies that focus on sex worker rights struggle to get the funding several faith-based human rights groups receive to combat trafficking (see Soderlund: 2005).

From this nexus of construction is the estrangement caused by the absence of legislation allowing for trafficked person agency, empowerment and autonomy. Current legislation is three-fold. It centers on identifying trafficked individuals, punishing those responsible for the trafficking, and rehabilitating and protecting former trafficked persons. In respect to the latter, agricultural workers don’t need to be rehabilitated, nor do most “trafficked” persons toiling in factories or food services. These individuals understand their circumstances. They know their labor is being exploited for below market value. The fact that they are being exploited and coerced is more a comment on globalization and neoliberal institutions pushing consumerism and industrialization than evil
traffickers exploiting ‘helpless innocents.’

In this sense, legislation which identifies these people as “victims” does nothing to alleviate the socio-economic factors dictating their marginalized position nor does it re-represent constructions of traffickers as evil people. The persons responsible for exploiting a migrant Mexican agricultural worker or an African domestic worker are rarely equivalent to the representations constructed in discourse of the morally corrupt sex ring leader. Instead, traffickers are free-market participants – they include restaurant owners looking to turn bigger profits and Washington apple farmers looking to bolster the price of apples in Washington State. Situating these individuals, because they can include neighbors and family members, as evil “traffickers” is, as this report can attest, not as easy as garnering public support against sexual perpetrators. As a result, non-sex trafficked persons are marginalized from discourse, and consequently, action by the principle anti-trafficking movements because unlike exploited sex workers, they have no visible ‘other’ trafficking them.

Relevant to this discussion is Edward Said and his work on the function of discourses and misrepresentation. For Said, statements made about the ‘other’ and perpetuated throughout discourse become authorizing, “teaching about it, settling it, ruling over it.” While Said focused on academic research of the Orient, the same concept applies to anti-trafficking movements and their search for “victims.” That is, the activity of anti-trafficking campaigns is intertwined with formal methods of knowledge – that is, academic works or state legislation – and informal methods of knowledge – that is, the representations of trafficked persons circulated in media discourses that hold little, if any, value or truth. Going back to Said, too often, research is carried out by those in power; those who have the ability to define research and the researched, those who will continue to affirm the discourses they are ascribing. Along these lines, those in power
– remember the link between knowledge, power and research – can establish a monopoly on what is considered valid research – what is true knowledge. This produces a power structure in which those who are marginalized, those who are the trafficked persons, are in a subordinated position offering little, if any, opportunity to challenge authority, to hold agency.\textsuperscript{62}

\textbf{Race and gender within discourse}

Thus given the interplay of knowledge and binary constructions on identity, distinctions several anti-trafficking movements, whether intentional or not, have made along racial and gender specific lines have also led to the marginalization of trafficked persons. Within discourse, race and gender are often inherently linked vis-à-vis constructions of women. At the surface, women are constructed as the perpetual victim, innocent and helpless, often lacking agency or the ability to control their circumstance.\textsuperscript{63} This is especially prominent in terms of prostitution as trafficking discourse. Anti-trafficking movements have used the exploitation of women, whether the cause be female subordination to male domination or circumstantial pressures, to substantiate the need for anti-trafficking legislation (the focal cases instigating initial trafficking legislation were those of sex slaves). While some feminist groups have critiqued this model, they too have often slipped into an essentializing discourse by constructing a dichotomy between forced third-world and voluntary Western sex workers.\textsuperscript{64} This is paramount in the construction of the ‘injured third-world prostitute,’ in which non-white, and often desperately poor women lack the agency of privileged white women for ‘lifestyle’ choice.\textsuperscript{65} As a result, the third-world woman figures in non-western feminist and other discourses “as a metaphor for a number of fears, anxieties, and relations of domination.\textsuperscript{66} In many respects, therefore, the ‘suffering third world prostitute’ symbolizes fears several anti-
trafficking coalitions have of globalization and its consequent negative effects on women.\textsuperscript{67}

It may now be relevant to ask where men figure into this discussion. Although comprising only an estimated 20\% of sex-trafficked victims, men are rarely included in trafficking discourse.\textsuperscript{68} In the fact that they are male, men are considered to possess agency and have autonomy from extraneous forces. In this sense, constructions of masculinity and ‘victimhood’ are not easily attached in the language of trafficking discourse. Given societal frameworks, men are situated as independent, capable and strong. Contrast this with the identifiable characteristics of women (innocent, helpless) within the trafficking discourse, and it easy to see how woman can be more easily associated with victim. Due to the fact that many trafficked men operate in the grey areas of trafficking – agriculture and construction – it has been equally hard to incorporate men into the broader framework used to speak of trafficking.

\section*{3. Forced vs. Free Migration}

In order to attack trafficking, those with an interest in finding victims have needed to utilize broadly constructed definitions, such as the force/voluntary dichotomy, to address the complexity of the issue. In so doing, anti-trafficking discourses generated from the Christian and feminist coalition have essentially collapsed the distinction between smuggling and trafficking by “morally condemning and criminalizing” any assistance of migrants across national borders.\textsuperscript{69} The processes of migration and smuggling, in short, have evolved to often represent and mean the same crime.\textsuperscript{70} This distinction has had far reaching implications on migration and anti-immigration discourses vis-à-vis trafficking.

First, smuggling is a for profit business. Smugglers do not operate out of
a sense of social justice, and will, in effect, do anything to make the transaction profitable. Second, most people who migrate as a survival strategy – such as poverty or safety – are unable to move without the aid of smugglers. Third, in the process of transit, it is increasingly impossible for migrants to move without forgers to produce necessary documents. Fourth, smugglers will often coerce the migrants in some form during their clandestine border crossing. As a result, by definition, these individuals are constructed to be included in the broad trafficking discourse. That is, individuals smuggled into the U.S. have often been referred to as “victims of trafficking.” Discursively, individuals who voluntarily agreed to be smuggled, but who at some time during their transportation were either coerced or exploited, are nebulously labeled as trafficking victims, even if they knew that such instances might occur.

Determining the extent of coercion, is where this distinction becomes exceedingly blurry. Indeed, how can immigration officials and law enforcement persons distinguish the difference between an illegal immigrant being smuggled into this country and an illegal immigrant being trafficked into this country? Given the language barrier and fears many immigrants have of law enforcement officials (see: Why Victims Aren’t Coming Forward later in this report) this is almost impossible. The consequent effect of trafficking discourse, therefore, has been to engulf migration (both forced and free) into ‘definitions’ of human trafficking. That is, while migration is certainly crucial to understanding the roots of trafficking, along with labor, not all illegal migration is the result of trafficking, nor is all trafficking the result of migration. Most anti-trafficking groups would acknowledge this difference, but in so far as language and power determine knowledge and representation, this distinction is not overtly apparent in discourse.

This is especially at play when stakeholders in trafficking, or those
who benefit from trafficked labor (this could include the agriculture industry or hospitality and food services), work to minimize the importance of anti-trafficking legislation or establish a rigidly enforced definition of who can or cannot be included as victims. Such movements are often the result of neoliberal market institutions and anti-immigration rhetoric and discourse. That is, market expansion necessitates the need for cheap labor, but while the demand and competitiveness of industry increases with imported, sometimes illegal labor, it is met by national concerns and fears of job replacement by the ‘illegal’ other. Coupled with the rise in border protection and international security post 9/11, free-market forces and illegal immigration rhetoric can work to greatly refine trafficking discourse.

A consequence of these limiting discourses is the effect anti-trafficking campaigns have had at controlling the migration of women and children. Trafficking discourses in an effort to identify “victims,” have constructed two spaces under nationalized identity: one for “citizens” and one for illegal immigrants, either those smuggled or trafficked, who are denied permanent legal status within the nation space. In so doing, migrants have been made to seem ‘invisible,’ or at the very least, have been marginalized to the periphery of society. This is because under the context of trafficking discourse, migrants are displaced as a result of coercion, not practices that have resulted in the loss of their land or livelihoods through “international trade liberalization policies, mega-development projects, the loss of employment in capitalist markets or war.” This establishes a discourse that sees migration as crisis-producing rather than ‘live-saving,’ in so far as those migrating are either trafficked “victims” or unwanted burdens on societal welfare, or both. With either grouping, however, the solution remains the same: criminalized those who assisted or facilitated the clandestine movement and immediately return those who have been moved back
to their native countries. Thus, anti-trafficking campaigns working to identify victims have helped shift attention away from restrictive immigration policies which “make it impossible for most of the world’s migrants to move legally and safely or to live securely in the places they move to” (Sharma 2005).

Rather than focus on illegal movements, the TVPA, and consequently anti-trafficking organizations should understand migration patterns as causation of women exercising agency (however much constrained) rather than as a result of trafficking. Along these lines, the government should examine how to best ensure safe migration practices for women, from exit to resettlement.

**Moving forward: Re-framing human trafficking definitions and discourse vis-à-vis a migration/labor orthogonal**

In theory, the concept of human trafficking would seem sufficiently easy to comprehend. If this section is any indication, however, this is clearly not the case. Indeed, in practice, the problem with identifying trafficking persons points to the complexity of existing definitions and the tension between various, often conflicting, anti-trafficking discourses. To clear up these difficulties, this section has focused on the Washington State and federal definitions of trafficking persons, instituted in 2003 and 2002 respectively, contrasting the two to thus establish a more meaningful and consistent discourse for further identifying and defining trafficking persons. In this final section, we will unite discourse and definition, and address the inconsistencies in political language and legislation, while creating a ‘cohesive’ categorization to identify and support trafficked persons. In so doing, it is our goal that anti-trafficking authorities and coalitions can thus interpret trafficking vis-à-vis an expanded and inclusive definition and discourse that works with trafficked persons and bridges the gaps in current
Firstly, it is perhaps relevant to ask whether legal frameworks and definitions of subjective words like coercion, can be conceptualized and neatly compartmentalized as to place a migrant laborer and a prostitute in the same broad heading of ‘trafficked’ persons. Is coercion exclusionary; that is, are only certain types of trafficking considered coercion, restricting those who are coerced? Or can coercion include, as the CATW would argue, degrading labor positions or services, like prostitution, even if the person doing them did so voluntarily? Given the complexity, it is clear that there is no easy way to identity and group various “victims.” We can start by identifying labor or migration as broad categorical headings, but once we subdivide, the forces of gender, race and type – such as prostitution or agricultural worker – limit the potentiality for a concretized picture of trafficking persons. For example, is it easier for anti-trafficking groups and the state, that is, public, to identify with a white child sex slave forced into prostitution than an illegal Mexican migrant agricultural worker coerced into working? Both instances could certainly be classified as trafficking, but the visibility of the white sex slave is more apparent in discourse and therefore definition.

In this sense, human trafficking is far from simple. And in many respects, anti-trafficking discourse and legislation remains a grey area and identifying one instance or another as trafficking is quite difficult. For one, the anti-trafficking discourse encompasses a vast set of representations and narratives for speaking and constructing ‘trafficking victims.’ Within this discourse, there is interplay of knowledge and power, working and reworking the realities of trafficking.

Thus, given the complexity of the competing definitions, how do we interpret trafficking persons? Potentially, we can do so with the sectored graph
established below (Figure 1.1). It is subdivided between migration and labor, of which, international and national victims trafficked within the United States are considered in the same scope. It is further subdivided between the simplistically defined binary of free and forced. While doing so would seem to further blur the distinction between trafficking victims and non-victims that is the point. It forces us to see the grey areas and understand the interweaving and interconnected layers of trafficked victims and discourse.

It also accounts for a way in which to pinpoint how various identities are constructed along gender and racial lines. That is, just because a particular victim is said to be trafficked, does not imply that he/she would be labeled similarly if they were a different gender or race. Thus, various types of “victims” are listed where they might be placed depending on how they are talked about – discourse – and how they would be legislatively defined. Also, notice how this graph differs from a more traditionally constructed model (Figure 1.2). This graph showcases the rigidity of much of trafficking legislation and discourse, and proves hard to interpret especially when identifying ‘grey area’ victims. Furthermore, it functions to platform the work that still needs to be done in deconstructing anti-trafficking discourse into a more encompassing and complex definition (Figure 1.1).

Before examining the graphs however, it is important to distinguish what we mean by migration and labor, and further, what is implied in forced vs. free.

**FREE**: Free is to not be enslaved or to not be controlled by obligation of the will of another. Such a person who is free would not be subject to external restraint or affected or restricted by a given condition or circumstance.
**FORCED**: The opposite of voluntary, forced involves the use of physical power or violence, or the threat of, whether emotional or psychological, to compel or restrain. Such a person is compelled to act a certain way through pressure, necessity or other undue strain.

**LABOR**: Labor can be defined as a specific task, or a way of working, that involves physical or mental exertion.

**FREE LABOR** would be voluntary work conducted at the consent of the individual, and devoid of any externalities preventing the individual from relocating his/her resources.

**FORCED LABOR** includes the use of labor that is compelled to work, subject to physical punishment if it does not. This employment is imposed by the threat of destitution, detention, violence (including death), or other extreme hardship to themselves, or to members of their families.

**MIGRATION**: Migration includes the movement of persons or person from one country or locality to another. Legality is not a factor in migration, and thus legal and illegal migration can be grouped in the same category.

**FREE MIGRATION** is the voluntary movement of individuals from one place to another. Voluntary here is designated to mean that no outside threat of violence or harm from either another individual or group of individuals is inducing the movement. It is also important to emphasis that a free migrant can cross a border illegally.
FORCED MIGRATION is designated as the involuntary movement of peoples across space and time. Forced migration refers to the coerced movement of a person or persons away from their home or home region. It often connotes violent coercion, and is used interchangeably with the terms “displacement” or “forced displacement.” A specific form of forced migration is population transfer, which is a coherent policy to move unwanted persons, perhaps as an attempt at ethnic cleansing. Someone who has experienced forced migration is a “forced migrant” or “displaced person.”
The first graph (Figure 1.1) shows the placement of trafficking in discourse. The darker the grey, the more clearly defined the relationship between labor and migration is trafficking. That is, the top right would always be trafficking, while the bottom right and the top left would sometimes be trafficking. For each industry in Chapter 4, we place where particular instances of trafficking fit within the forced or free labor/migration relationship. For example, a graph placing sex workers would identify forced prostitution from voluntary prostitution and drug related prostitution. The second graph (Figure 1.2) shows a fixed definition of trafficking and does not incorporate the complexity of the issue. This is a definition of trafficking that this report is attempting to move away from.

**Concluding recommendations:**

Within anti-trafficking discourse, faith-based and abolitionist groups have taken control of funding, legislation and action. As a result, human trafficking has been narrowly defined into a limiting and essentializing
discourse. Of principle concern in this report are three politicizing tendencies of anti-trafficking discourse.

First is the unequal focus given to commercial sex work and prostitution, while other forms of trafficking – agricultural and domestic laborers, construction workers, and mail-order brides – have gone mostly unnoticed. This is reflected in national discourse and definition, in which sex trafficking is often interchangeable for human trafficking.

Second, is the tendency of anti-trafficking programs and groups to (inadvertently) deny worker agency, empowerment and autonomy. This has created an essentializing discourse that clings to old representations of ‘trafficking’ to manufacture new representations of trafficking, affirming gender stereotypes and racial prejudices.

Third, is how trafficking discourse has negatively influenced constructions of migration, legal and illegal, by denying the institutions that facilitate movement and the economic pull factors that dictate both forced and free migration. This functions to blur the distinction between smuggling and trafficking.

To address these politicizing and essentializing discourses are the following recommendations.

First, those with the power to construct anti-trafficking discourses need to emphasis other forms of trafficking, not just sex trafficking in legislation, governmental funding and action.

Second, anti-trafficking actors need to establish a discourse that unifies faith-based and sex worker rights groups under a supportive, rather than conflicting, movement to eliminate ‘modern-day slavery.’

Third, survivors and potential victims need to be granted the agency and empowerment, through strategic networking of anti-trafficking movements and groups, provided in the framework of our constitution.
Fourth, rather than focus on illegal movements, the TVPA, and consequently anti-trafficking organizations should understand migration patterns as causation of women exercising agency (however much constrained) rather than as a result of trafficking. Along these lines, the government should examine how to best ensure safe migration practices for women, from exit to resettlement.

Fifth, work for a movement toward ‘fruitful coalitions and respectful dialogues’ between policy-making bodies, grassroots organizations and scholars in order to address the congruence of forces behind human trafficking in the interest of human rights protection. This means also including trafficked persons and their families in the broader discourses of ‘knowing’ trafficking.

Endnotes:

2 Article 3 of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children includes all these actions and outcomes in the definition of trafficking. It also includes ‘exploitation’ particularly ‘exploitation of the prostitution of others’, sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude and the removal of organs.
3 For this section, I try and refrain from using ‘victims.’ Instead, I’ll refer to those trafficked as ‘trafficked persons’ or trafficked women or children. In terms of discourse, labeling trafficked persons can be part of the processes limiting agency, empowerment and autonomy. Thus, while other sections in this report strategically use “victim,” this section attempts, within the larger discourse framework, to disentangle victimhood from trafficking. This is not to diminish the horrors experienced by those trafficked, rather, it acknowledges that they are survivors that can and should be fully (re)integrated into their society/culture.
6 Truong, Thanh-Dam and Maria Belen Angeles. Searching for the best practices to counter trafficking in Africa: A focus on women and children. UNESCO. March 2005 Pg. (3)
9 Ibid
10 Ibid.
11 Derks. A. From white slaves to trafficking survivors: notes on the trafficking debate. Working paper 00-02m, The Center for Migration and Development, Princeton University, Princeton. 2002
in “A Review of Literature.” Pg. 2
13 Ibid
15 Ibid
17 Ibid
20 Doezema. 2001.
21 Ibid
23 Soderlund.
24 The abolitionist camp within feminism has been comprised, predominantly, by Western feminists. Like early feminism, these scholars have declared the need for universal human rights, ignoring at times, cultural relativism. Such feminism has been widely critiqued by indigenous and minority scholars for their overly exclusive framework (see Chandra Mohanty, Under Western Eyes).
26 Soderlund, Gretchen. “Running from the rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition.” NWSA Journal, Vol. 17 No. 3 (Fall) pg 68
28 Soderlund. 2005
29 Agustin, Laura Maria. “Helping Women who Sell Sex”
30 For an essay on this subject, see Helena Cixious’ the Laugh of the Medusa.
31 Chesler and Hughes. 2004. In Sharma
33 Ibid
34 Ibid
36 This is according to researchers such as University of West Indies sociologist Kemala Kempadoo, who studies migration and sex work. Quoted in Oversexed.
37 Gozdiak. 2005
38 Ibid
40 Soderlund. 2005
41 Ibid.
43 Ibid.
45 Gozdziak. 2005
46 Ibid
48 Soderland, Gretchen. “Running from the rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition.” NWSA Journal, Vol. 17 No. 3 (Fall) pg 64
49 Velma Veloria – class discussion/talk: 2006
50 See Clifford Geertz. “Possessive Investment in Whiteness.” [Describe]
51 Daniella Rush, Gillian Apfel: class discussion/presentation on trafficking: 2006
52 Ibid
53 Type in Natalee Holloway into Google and several good websites will appear.
54 Lifetime Mini-Series. “Human Trafficking.” 2005. This film attempts to tell people the truth about modern slavery. It shows how women are treated like objects, sexual objects and trade objects. It also shows how victims are near us and how the actors of this whole organization can be somebody you know.
55 Doezema. 2002.
57 Bindman, Jo. “Redefining prostitution as sex work on the international agenda” Anti-Slavery International. 1997
58 Ibid
59 Soderlund. 2005
60 Empower 2003 Report, cited in Soderlund. 2005
61 Said, Edward, Orientalism. 1978. pg 3
62 Ibid
63 Jo Doezema
64 Ibid down
65 Jo Doezema, “Ouch”
67 Ibid
68 ILO: 2005
69 Sharma, Nandita. 2005
70 Ibid
71 Ibid
72 Ibid
73 Ibid
74 Ibid
Stakeholder Analysis

Remy Else Peritz

Introduction:

A stakeholder is any person or agency affected by or influenced by a certain project, or a person or agency with a vested interest in a given project. This stakeholder analysis will examine the stakes of different actors in Washington State who either support or resist anti-trafficking activities. These actors include, among others: the industries that benefit and create a demand for trafficked labor; the advocacy groups that represent and provide assistance to trafficking victims; and the victims of trafficking themselves. A stakeholder analysis is a beneficial tool for understanding and seeing the complex relationships between different groups who work on the issue of trafficking and are affected by it. This analysis will lead to the more effective preparation of pertinent recommendations that are specific to the case of Washington State. The research conducted in this section of the report concludes that the Trafficking Victims and Protection Act of 2000 and its consequent implementation has led to a large improvement in providing assistance to victims of trafficking, yet that the act contains inherent inconsistencies which hinder the effective identification and aid of victims.

The research for the majority of the section is based upon the information provided by governmental reports, congressional testimonies, calls for funding and grant proposals, published evaluations and research, Washington State Task Force reports, personal interviews with service providers and community leaders, internet databases and census reports. Information was further supplemented by the research conducted and analyzed in other sections of this report.

The groups that will be discussed in this section are divided into three main categories; Directly Engaged, Indirectly Engaged, and Unengaged. These
categories refer to the amount of activity and the level of interest that each actor has invested in the issue of human trafficking. The actors that this section focuses upon are “obvious choices”, organizations or sectors that are heavily involved or affected by trafficking in Washington State.

In Table 1 each actor is classified as either proactive, ambivalent or resistant to anti-trafficking activities depending on the general interests of the actor. Those who are classified as proactive actively work on or support anti-trafficking activities. The ambivalent category refers to actors who have mixed incentives in regards to anti-trafficking activities, or who neither support nor resist anti-trafficking efforts due to a lack of engagement or understanding. Resistant actors actively oppose or work against anti-trafficking activities. Table 2 refers to the power of actors in relation to trafficking and counter-trafficking activities.

Many generalizations have been made in the development of this analysis due to the impossibility of subdividing each actor and agency. All communities, organizations and industries discussed in this section are acknowledged to be heterogeneous and within them have many opposing and overlapping interests and opinions not represented here. The generalizations and arguments made about sectors and actors in no way reflect upon all members and individuals involved.
### Table 1: Actors’ Involvement in Anti-Trafficking Activities

<table>
<thead>
<tr>
<th></th>
<th>Proactive</th>
<th>Ambivalent</th>
<th>Resistant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Directly Engaged</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Agencies</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NGO’s</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffickers</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Trafficked persons</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><strong>Indirectly Engaged</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Service Providers</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law Enforcement/ICE</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Communities</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Industry/ Employers</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td><strong>Unengaged</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consumers/ Public</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 2: Powers of Actors in Trafficking or Anti-Trafficking activities

<table>
<thead>
<tr>
<th></th>
<th>Fund agencies and anti-trafficking activities, issue visas and deportations, Prosecute and investigate cases, Pass laws relating to anti-trafficking issues, Certify individuals as Trafficked persons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Directly Engaged</strong></td>
<td></td>
</tr>
<tr>
<td>Government Agencies</td>
<td></td>
</tr>
<tr>
<td>NGO’s</td>
<td>Provide services, trainings and identification of trafficked persons, Gateway between Government Agencies and other sectors such as Communities and Trafficked persons, Effectively lobby and organize around political issues</td>
</tr>
<tr>
<td>Traffickers</td>
<td>Control trafficked persons, Use force or go further ‘underground’ to actively resist anti-trafficking measures, Provide goods, labor and services to other sectors, provide means of ‘employment’, ‘migration’ or ‘basic needs’ to Trafficked persons</td>
</tr>
<tr>
<td>Trafficked persons</td>
<td>Can identify themselves and others as trafficked persons, can help in the investigation and prosecution of Traffickers, Possibly educate other actors on topic</td>
</tr>
<tr>
<td><strong>Indirectly Engaged</strong></td>
<td></td>
</tr>
<tr>
<td>Service Providers</td>
<td>Provides services to Trafficked persons and other community members, can identify Trafficked persons and act as a Gateway to other agencies and sectors</td>
</tr>
<tr>
<td>Law Enforcement/ICE</td>
<td>Intervene, arrest, detain, investigate and prosecute Traffickers, Remove Trafficked persons from exploitative or dangerous situations, Identify trafficked persons, Recommend individuals for Certification or for Visa status</td>
</tr>
<tr>
<td>Social Communities</td>
<td>Identify trafficked persons and traffickers, intervene in situations, provide immediate assistance, provide other actors with specific knowledge, Can condone or tacitly accept practice</td>
</tr>
<tr>
<td>Industry/ Employers</td>
<td>Provides incentive for individuals to enter into trafficking vulnerable situations, Provides demand for a market of trafficked persons, Can condone or tacitly accept practice, Can identify Trafficked persons and Traffickers</td>
</tr>
</tbody>
</table>
Directly Engaged Actors

Federal and State Level Agencies
Non-Government Organizations and Advocacy Groups
Traffickers
Trafficked persons

Directly engaged actors are those who are greatly affected and have a strong, clear interest in either maintaining or ending a trafficking system. This group includes the federal and state level agencies that provide funding for counter-trafficking measures and have an official stated interest in trafficking in Washington State. NGO and service providers who are actively involved in the prevention and response to trafficking and victim assistance are discussed as directly engaged actors. Traffickers and trafficked persons whose actions and lives are the primary concern of the measures imposed are also represented in this group.

Federal and State Agencies

The Department of Justice (DOJ) has labeled the pursuit and prosecution of human traffickers “a high priority”\(^1\) and has awarded over $7,674,614 to 18 U.S. communities, including Seattle, in order to form Law Enforcement Task Forces addressing the problems of Human Trafficking and identifying and protect victims.\(^2\) Furthermore, the Federal DOJ and State Attorney General’s Office possess the “principal responsibility of prosecuting human trafficking crimes, except for cases involving trafficking in children, which is a specialization of the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division”\(^3\).

The Office of Crime Victim’s Advocacy (OCVA), a subdivision of the DOJ, grants funding directly to Non-Governmental Organizations (NGO’s) and advocacy groups to provide comprehensive pre-certification services. In Washington State this funding is provided to members of the Washington
Anti-Trafficking Response Network (WARN) which includes the Asian and Pacific Islander Women and Family Safety Center (API), the Refugee Women’s Alliance (ReWA), and the International Rescue Committee, Seattle (IRC). The OVC only funds services for the victim while in the pre-certification stage. A victim is considered to be pre-certified from the initial encounter with law enforcement until they are officially certified as a victim of a “severe form of trafficking” by the Office of Refugee Resettlement (ORR). Between fiscal years 2003 and 2004, the OVCA awarded $14,812,226 for “Services for Trafficking Victims” (Program ID: 16.3020) to organizations nationally. The exact amount for Washington State is not available at this time as each NGO receives a grant directly from the federal office and not through a combined state grant. OVCA pre-certification money is specifically earmarked to provide the trafficked person with immediate needs such as housing, medical attention, legal and immigration advocacy and basic needs.

In addition, the Seattle City Police Department was awarded a grant from the DOJ for $450,000 for the creation of a Trafficking Task Force to be spent over the course of three years, paying for one full time detective, vehicle and equipment, as well as trainings that the detective may attend or give concerning the issue of Human Trafficking and proactive investigation. The grant awarded to the Seattle Police Department is one of only 20 awarded in the entire United States.

Following official certification by the ORR, the Department of Social and Health Services (DSHS) becomes responsible for the funding of service provision and victim assistance. After the trafficked person has been certified, he or she is able to access the same benefits as newly arrived refugees. Services include but are not limited to: intensive case management, job training and placement assistance, assistance with food, housing and transportation, English language
training and medical benefits. In 2004, the ORR granted $3.37 million to 14 organizations in the United States, including at least two in Washington State. These organizations are labeled Category One grantees as they provide direct services to assist certified and eligible victims of a severe form of trafficking. Category One grantees also work to raise local/community awareness about trafficking in persons through outreach and education. The exact amount of the Washington State awards is unknown at this time. Table 3 visually represents the map of TVPA funding from the federal to the local level.

The DOJ and OVCA have a stake in identifying more trafficked persons and successfully prosecuting traffickers. Statistics, including the number of ORR-issued certifications and criminal prosecutions mounted are measurements of success that are presented annually by the departments to Congress.

<table>
<thead>
<tr>
<th>Federal Department</th>
<th>Department of Justice</th>
<th>Department of Health and Human Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sub Division</td>
<td>Office of Crime Victims</td>
<td>Office of Refugee Resettlement/Administration of Children and Families</td>
</tr>
<tr>
<td>W.A. State Umbrella Network</td>
<td>WARN</td>
<td>TRT</td>
</tr>
<tr>
<td>Beneficiaries</td>
<td>Seattle Police Department</td>
<td>REWA IRC API Consejo</td>
</tr>
<tr>
<td>Services</td>
<td>Human Trafficking Task Force</td>
<td>Pre-Certification Comprehensive Service Provision</td>
</tr>
</tbody>
</table>
When presented to congress, DOJ figures are often classified into the categories of “sexual exploitation” and “other”. Such cataloging gives the single category of “sexual exploitation” the same weight as all the other forms of trafficking combined. Therefore, the DOJ exhibits a stake in specifically identifying sexual exploitation cases since it is given special prominence.

The larger governmental departments also retain a focus on victims of “severe forms of trafficking” leading to fewer victim identifications than by the NGO’s whom they depend upon for service provision and point-of-contact. The local NGO’s are limited in the scope of their activities by the narrow definition of “severe forms of trafficking” as well as the emphasis on trafficking for the purposes of sexual exploitation. Local NGO’s may wish to serve a wider population who they believe to be trafficking victims, but the victims may not fit the federal definition and thus may not be included in national statistics for trafficking victims. (See the section entitled “Gray Areas” for more elaboration on this.)

The DOJ’s determination to achieve convictions of traffickers, especially those tied to larger international organized crime networks and other criminal activities, may further hamper the NGO’s ability to successfully assist a trafficked individual or community. The TVPA specifically states that certification can only occur if the trafficked person “is willing to assist in every reasonable way in the investigation and prosecution of severe forms of trafficking… [and] is a person whose continued presence in the United States The Attorney General is ensuing in order to effectuate prosecution of traffickers in persons”. TVPA’s emphasis on prosecution, specifically the stipulation that the trafficked person must cooperate in a criminal case against his or her traffickers in order to obtain a T-Visa, further creates a conflict of interest between the NGO’s and their funding agencies. It may not be within the scope of providing “victim centered” and
“appropriate” services to the victim if he or she must participate unwillingly in order to obtain needed services or to keep from being deported. However, since the federal and state departments control the majority of funding for victim assistance, the NGO’s must operate in the community according to the larger departmental priorities, despite differences in local needs and situations.

NGO’s and Advocacy Groups

It may seem as though advocacy groups are natural collaborators with each other in the counter-trafficking activities; however, different sources of funding for programs create complications and can lead to competition between agencies. In seeking pre-certification and certification funding, organizations with the mandate to provide one but not the other have little reason to efficiently collaborate with each other. A theoretical example is the case of an organization with pre-certification funding that has identified a victim of trafficking. This organization has no incentive to efficiently certify the victim as it may cause a loss of funding and an inability to apply for future funding. Furthermore, trafficked persons may face upheaval in being transferred from one organization to another at certification. Such competition between organizations has not happened in Washington State, as the professionals involved have reported atypical cooperation between agencies. Still, individuals in the field have expressed a concern that this may become an obstacle to providing the most effective services to trafficking victims, as well as efficiently identifying trafficked persons in the future.

Although the organizations funded are directly engaged actors involved in the prevention and response to trafficking, none of the organizations funded or handling the issue in Washington State deal with trafficking exclusively, or even as its primary objective. ReWA, the leader in Washington State for the Trafficking Response Team and member organization of the WARN
coalition, is a non-profit dedicated to providing culturally appropriate services to immigrant and refugee women. Due to the organization’s strong ties to various communities and previous work in domestic violence and immigrant assistance, ReWA was well situated to be a recipient of a TVPA grant.

The majority of organizations in Washington State manage a variety of related service issues usually targeted to a specific community or concern, such as domestic violence or immigrant rights. No single organization works exclusively with trafficking. Funding, however, allows the organizations to provide assistance to trafficking victims whom they may encounter in their usual service populations. Without the TVPA grants, these individuals might otherwise have received assistance from the same organizations, but through different programs. Thus organizations that receive federal grants have stakes in finding greater numbers of trafficking victims, not only in order to provide services and release an individual from an exploitive situation, but also so that it can meet federal expectations and continue to redistribute other sources of funding to other ongoing service programs. Table 4, which was gleaned from a Needs Assessment carried out for the National Institute for Justice, represents the primary work of organizations across the United States who also serve trafficking victims.

The grant system will be replaced with a new system in which each individual trafficking victim will be provided services by an organization that will then bill the ORR directly for reimbursement. This is referred to as the “per capita” system. Such a system leads to further complications, as organizations cannot maintain staff that specifically work exclusively on the issue of trafficking as they currently do. Thus a problem of funding that arises out of an inability to identify sufficient numbers of trafficking victims is compounded by the shrinking resources and staffing needed in order to identify them. Many NGO’s
do not have a large discretionary fund that would provide immediate services to an individual that could be reimbursed at a later date. Without this funding, the immediate needs of yet to be certified trafficked persons, currently filled by the pre-certification comprehensive service provision may not be able to be met, leaving individuals without adequate means to meet immediate financial obligations while awaiting aid. Thus efficient service provision will become a greater challenge once the new “per capita” system is enacted. Funding as well as a more general commitment to community service provision may drive an NGO’s involvement in the anti-trafficking movement.

Furthermore, a federal funding guideline stipulates that anti-trafficking organizations “must adhere to the law prohibiting funds being used to promote, support, or advocate the legalization or practice of prostitution.” This leaves another major gap in the anti-trafficking movement, as there is very limited funding and support for organizations that provide support services for sex workers. Such NGO’s have an interest in serving the needs of individuals involved in the sex industry, while the federal departments have a political interest in eliminating the sex industry. Hence many potential victims within a vulnerable population may not be being identified due to the conflicting interests
of different actors. As discussed later in this report, there are organizations that deal with minors involved in sex work in Washington State but there are very few effective services available for adult sex workers. Such a gap must be met and this population engaged by other sectors if greater numbers of trafficked persons are to be identified and assisted.

In addition, there are several organizations within the State of Washington that have taken trafficking on as an issue of concern. Most of these organizations do not receive any funding from TVPA-related grants, and many focus not on service provision to trafficking victims but rather on the political, moral and human rights implications of the practice of trafficking. The Purple Rose Campaign sponsored by the GABRIELA Network Philippine-US Women’s Solidarity Organization focuses particularly on the sex trafficking of Asian women as closely related to global economic inequality, male patriarchy and the commodification of Asian women. Such groups have been highly influential in the debate and general push for legislation in Washington State, particularly concerning the topic of ‘Internet Brides’ discussed later in this report. The role of feminist groups including the Filipino women’s movement in Washington is discussed in detail earlier in this report. The stakes of such groups are not only to end the practice of trafficking with an emphasis on sex trafficking and the exploitation of women but to make sure that the debate and discourse remains politicized, and that it concerns larger issues such as the effect of globalization on the lives of women of color. Their powers include effective mobilization of political and social resources for the purposes of general awareness and political lobbying. However, because of their focus on a particular political issue, other forms of trafficking, including the trafficking of citizens domestically, farm laborers or men can be politically overshadowed and underrepresented. Furthermore, because of the emphasis on the exploitation of women of color,
the discourse and general attitude about trafficking may continue to be that trafficking is “exotic” and happens “elsewhere in other communities”.

**Traffickers**

Traffickers and trafficked people are two other sectors directly involved and affected by the anti-trafficking movement in Washington State. Traffickers can be pimps, employers, family members, corporations, members of a community, or anyone who has direct control over another individual. Traffickers have an incentive in maintaining a system of trafficking for obvious reasons. Through the trafficking of people, the traffickers make profit and economic gain from the exploitation of the trafficked individual as well as the potential resale and initial ‘fees’ which may or may not have been paid by the victim. Traffickers will be resistant to anti-trafficking measures and the identification of trafficking victims for several reasons, including: the loss of financial resources, the loss of services, public exposure of illegal activities, criminal investigations that may lead to fines and jail time, the possibility of deportation, and the possibility of retaliation by others involved in trafficking. Furthermore, the stakes and interests of traffickers may coincide with the interests of other groups such as social communities and industries because of services that they provide that may otherwise be difficult to procure such as entry into the United States, cheap goods, or introductions to employers. (See the section entitled “Networks” for a further discussion of this relationship.) The interests of the Trafficker sector are in direct conflict with the interests of the NGO’s and Government Agencies as its very existence depends on the continuation of a system of trafficking.

**Trafficked persons**

The Trafficked Person’s sector is the most directly affected population
of the anti-trafficking movement. It is individuals in this population who are
exploited and who would be the potential recipients of the TVPA benefits. (A
fuller discussion of the benefits that trafficked persons may receive as part
of their pre-certification and certification process is discussed in the section
entitled “Legislation and Law.”) Despite this fact, trafficked persons may have
ambiguous stakes in anti-trafficking activities. Many trafficked persons may not
consider his or her situation to be one of “trafficking”, even if it fits standard
definitions. Trafficked persons may feel socially obligated, dependent upon or
fearful of their traffickers, or they may be unwilling or hesitant to leave their
situations or to participate in an investigation.

Trafficked persons may also have some interests that overlap with their
traffickers, including believing that the traffickers may be a valuable facilitator
of migration and employment. Trafficking victims may at some point or
another become part of the trafficking network itself. This may occur at the
onset of trafficking such as when smugglers appoint one of the migrants to be
an “enforcer” who can earn special privileges in return for keeping others in
control, or after a prolonged period of exploitation such as when a sex worker
becomes a “madam” or a “pimp”. Trafficked persons may also have an interest
in protecting their anonymity, which may conflict with the federal interest
of pursing a criminal investigation that requires the full cooperation of the
trafficked person in testifying.

**Indirectly Engaged Actors**

*Service Providers*

*Faith Communities*

*Law Enforcement and Immigration and Customs Enforcement*

*Social and Faith Communities*

*Industries*

Individuals and groups in this section are indirectly engaged actors, which means that they have effects on the anti-trafficking movement, but this
is not the primary objective of the group nor is this group directly involved in the issue of trafficking. However, the actions of this group may both effect and be affected by trafficking. Awareness campaigns and trainings funded by the government and executed by the NGO’s are aimed at groups in this sector. The Rescue and Restore Campaign discussed in the “Public Awareness Campaigns” section) specifically targets the service provider (such as health care and social service professionals) and law enforcement sectors because of their power to identify and direct trafficked persons to available assistance. Communities are spheres and actors who are both affected by trafficking and anti-trafficking measures and which are spaces for proactive and resistant power. Industries and employers often create a demand for cheap labor that in turn creates a market for trafficked persons.

Service Providers

Service Providers, such as those involved in health care and social services, have contact with communities in which trafficked persons may be present. In this capacity service providers may serve to be points of identification as well as providing immediate assistance to individuals. This sector is also highly involved in providing medical, mental health and social services through a system of sub-contracting through directly engaged agencies. The Service Provider sector is crucial in anti-trafficking efforts and collaborates with other directly and indirectly engaged actors including NGO’s, law enforcement and trafficked persons. The stakes of the Service providers are closely tied to those of NGO’s as it seeks to provide victims with needed services. Trafficking as a phenomenon is also considered by this sector to be a public health issue as many of the victims of trafficking do not receive needed medical attention and are often at risk for acquiring and spreading communicable diseases. According
to the 2003 TIP Report, trafficking in persons undermines public health,

“...brutalizes men, women, and children, exposing them to rape, torture, and to HIV/AIDS and other sexually transmitted and infectious diseases, violence, dangerous working conditions, poor nutrition, and drug and alcohol addiction. Increasing numbers of adults and children trafficked into prostitution as well as street children are contracting HIV/AIDS. Trafficked children are less likely to participate in immunization programs, defeating government efforts to eradicate early childhood diseases. Severe psychological trauma from separation, coercion, sexual abuse, and depression often leads to a life of crime, drug and alcohol addiction, and sexual violence.”27

However, it may be the case that by the time a trafficked person reaches a social service provider, the situation may be in such immediate need of attention that objectives such as identifying a trafficking victim may be secondary to providing the primary goal of service.

Law Enforcement and Immigration and Customs Enforcement

Law enforcement and Immigration and Customs Enforcement (ICE) are also indirectly involved actors in trafficking and anti-trafficking. With the expectation of specialized law enforcement officials such as Harvey Sloan of the Seattle Police Department and WARN, law enforcement is engaged in the wider activity of maintaining public order and safety. Trafficking crimes investigation and assistance remains a very small part of the agency’s scope and mandate. However, law enforcement is a powerful actor given its ability to intervene in situations, remove individuals at risk, detain and file criminal charges against suspected traffickers, and recommend individuals for certification.28

The stakes that Law enforcement and ICE have in anti-trafficking efforts are heavily focused on achieving prosecutions of traffickers. Such a goal may conflict with the stakes of NGO’s, service providers and trafficked persons.
Law enforcement and ICE are in direct conflict with traffickers as it is in their best interest to convict and remove traffickers from operation. Trafficking is also seen as a public safety issue, as trafficking not only creates victims of crimes (the trafficked persons), but are also often tied to other crimes such as money laundering, sexual exploitation, fraud and violence. Law enforcement is vested with particular power under the TVPA; victims of trafficking must initially be determined as victims of a “severe form of trafficking in humans” by law enforcement officials before being referred or recommended to a trafficking victims program or agency. If an individual’s initial contact is with a law enforcement officer who does not recognize that a person may be a trafficking victim, he or she often has no chance to access available services. Furthermore, when applying for the T-visa, law enforcement must confirm that the candidate has been cooperative in investigations. NGO staff and service providers who may have had more contact with the trafficking victim, and who have most likely developed a more secure relationship of trust with the victim, unfortunately do not have the power to determine a trafficking victim’s status as such. The Needs Assessment of Service Providers found that service providers were frustrated by the power that the law enforcement branch was given in determining the status of the victim under the TVPA. One provider even compared the TVPA to other similar legislation, such as the Violence Against Women Act (VAWA), but VAWA does not require domestic violence victims to assist or cooperate with law enforcement to self-petition for services. The TVPA is structured such that law enforcement is inextricably involved in the certification process, and respondents viewed this structure as an external barrier to providing services.

Corrupt individuals associated with law enforcement or any of the other sectors may have a stake in maintaining a system of trafficking through bribery or personal gain from trafficking. This can be seen in the case of Elton Doty, a
retired police officer who held a Filipina woman in servitude for nearly three years.\textsuperscript{33}

The Bureau of Immigration and Customs Enforcement (ICE)’s “operational directorate [is] tasked with securing the nation’s borders and safeguarding its transportation infrastructure”.\textsuperscript{34} ICE’s general task of creating a ‘secure border’ and the increasing difficulty for migrants to enter the United States creates an atmosphere that allows for traffickers to prey on people vulnerable to trafficking, either through charging large amounts of money for smuggling costs which may lead to debt bondage, or through threatening an individual with deportation. Hence the general objectives of ICE sometimes converge with the stakes and operation of trafficking. However, one of ICE’s stated goals is to eliminate forms of trafficking and help victims of trafficking access the services available to them. ICE and its umbrella department, the Department of Homeland Security (DHS) possess the power to issue T-visas and stays of continuance allowing irregular trafficked persons to stay in the United States.\textsuperscript{35} ICE and DHS agents also possess the power to file S-visas that allow for individuals who have knowledge essential to a criminal case to stay within the United States. Those who may be eligible for an S-visa do not have to be certified trafficking victims, but could be individuals of vulnerable legal status who are in a position to help in the prosecution of traffickers.

The S-visa, however, is difficult to obtain and agents who file on behalf of the recipient must file a status report every three months including interviews with the individual.\textsuperscript{36} This process is very laborious and time-intensive and it may affect whether or not ICE agents choose to apply for a visa on behalf of an informant in a trafficking investigation. This situation creates a dimension of conflict between the stated goals of ICE and the outcomes of the actions (or inactions) of ICE agents. Furthermore, an informant may not choose to cooperate
efficiently with ICE because the S-visa does not automatically allow for a stay longer than that of the investigation. Once the S-visa recipient has disclosed his or her information that is of benefit to the investigators, they are immediately vulnerable for deportation. Despite ongoing efforts to educate law enforcement and ICE agents about the available services available to trafficked persons (including his or her ability to stay in the United States if they do not have legal status) their illegal entry into the United States and apparent involvement in criminal activities may make actors in this sector mistakenly treat individuals as criminals, oftentimes with the outcome that trafficked persons are deported before they have been identified as such. These actions, while not officially intended, may be mistaken as coinciding with the larger goals of maintaining public safety or a secure border. (For a more thorough discussion of visa types, see the section entitled “Legislation and Law”.)

Social and Faith Communities

Social communities are also indirectly engaged with the realm of human trafficking, as it is within this sphere that both trafficking occurs and within which trafficking victims can be most effectively served. Social communities include a broad range of ethnic, national, social, faith and other networks and also represent a variety of interests. Within communities are industries and individuals who both benefit from trafficking either through direct exploitation or through community relationships. Concurrently, trafficking victims exist within a community context. Social communities may have a resistant stake in anti-trafficking efforts due to the reluctance to expose members of the community or to an economic stake in the continued exploitation of certain individuals. Furthermore, traffickers may provide vital services to a community or hold positions of power. However, social communities also have a stake in
exposing traffickers and identifying trafficking victims, as trafficking victims can also be members of the same community. Social communities have the most accurate and specialized knowledge of community members as well as an understanding on the most effective forms of engagement. Community organizations and leaders are points of contact for other anti-trafficking actors; word-of-mouth is often cited as an effective way to disseminate information and anti-trafficking education.

Social communities also have the power to provide or withhold community support for a policy, individual or organization. Whether or not victims come forward is often largely based on community acceptance and support of the victim, although community support and acceptance can also work in favor of traffickers who are able to continue to operate and hide within a community. Policy regarding trafficking and efforts to combat and prevent it will not succeed without the support and collaboration of social communities, as well as key persons within those communities.

Faith communities are traditionally very strong networks of support and activism in Washington State and have morally-motivated interests in eliminating the practice of trafficking, especially when trafficking coincides with sexual exploitation and violence. However, with the exception of Lutheran Community Services and Catholic Community Services, both of which act as service providers, strong anti-trafficking or anti-prostitution coalitions do not exist in Washington State. Centers of religion and faith communities, however, are very valuable points of community contact and identification for other actors involved in anti-trafficking work and should be further engaged. Data gleaned from numerous interviews with service providers and community leaders substantiates the importance of the faith community in identifying trafficking victims and providing them with immediate assistance.
Industry and Employers

Industry and employers are major players in the group of stakeholders that are considered to be indirectly engaged, given that both spheres often create the demand for cheap labor that helps drive the trafficking business. Industries and employers have incentives to maintain a system of trafficking as it can provide cheap labor, which in turn affects the costs of doing business and profits. In an informal sector, trafficking may provide labor that is otherwise unattainable, such as a ready supply of sex workers, servile domestic workers, or drug dealers. The demand for labor and services is a very powerful incentive for traffickers to continue to operate and for people to seek out situations that may lead to trafficking. Although the industry and employer sector may be resistant to ending trafficking due to financial stakes, individuals involved in this sector may find it to be a moral or social obligation to help individuals who they feel are being exploited. Furthermore, licit corporations and private employers have a stake in cooperating in anti-trafficking movements due to the effect it may have on a corporate or public image, as well the possibility of being criminally investigated or civilly sued. (This sector is discussed in detail in the section entitled “Industry”.)

Unengaged Actors

Consumers and General Public

The actors in this category are classified as unengaged due to a lack of awareness of the issue of trafficking and ambivalent stakes for involvement in either trafficking or anti-trafficking activities. Consumers and the general public may be indirectly affected by trafficking though the lower prices of goods purchased or services available within their community when these goods or services are provided by trafficked workers. Stakes that this sector may have
in maintaining a system of trafficking could include a desire to maintain lower prices and the resulting greater accessibility of goods and services available for consumption, as well as a general indifference toward the issue. However, consumers and the general public have a great deal of latent power that could be harnessed to aid the anti-trafficking movement. According to interviews with one trafficking outreach coordinator, “most trafficking victims are identified by Good Samaritans.” Such information suggests that the more members of the general public who are informed about the topic of trafficking, the greater the number of individuals who will be able to both identify and assist trafficking victims. Furthermore, through the refusal to patronize or otherwise support employers and individuals that exploit trafficked persons, consumers and the general public can pressure those industries into ceasing such practices. This sector’s incentives and stakes in such a movement may be moral or that of a feeling of personal responsibility for other members of the community (discussed in the section entitled “Public Awareness Campaigns”). The challenge remains not in convincing the public of the stakes involved, but in informing individuals and having other sectors engage with the public through outreach.

Conclusion

The vast majority of the research from this section indicates that although actors may have similar goals relating to anti-trafficking activities, their different powers and incentives may put them in direct opposition with each other. Such is the case with NGO’s whose focus on providing services or organizing adult sex workers would deny them federal funding despite an ability to identify trafficked persons. Groups such as traffickers indirectly benefit from the actions and policies of opposing groups such as ICE, through profiting off of restrictive border policies and using the fear of deportation to control victims.
Furthermore, The TVPA Act has inherent inconsistencies due to emphasis on law enforcement and criminal justice rather than service provision. Specific recommendations that have evolved from this section include maintaining and expanding current systems of funding while relaxing the restrictions on local organizations so that decisions can be based more upon local knowledge and needs rather than federal policies.

First: The Pre-Certification and Certification funding should be combined into one funding grant so as to prevent competition between service providers and other directly engaged actors.

The current style of funding through organization grants should be maintained so that staff can work on trafficking related issues full time for a prolonged period. Future “per capita” funding does not allow for such staffing to be continued.

Second: More research funding should be incorporated into TVPA grants to service providers.

Currently only 3% of grants is allocated for “research, evaluation and statistics”\(^{43}\). Such research would be greatly beneficial to directly engaged and indirectly engaged actors, as effective methods of engagement with other sectors can be reproduced and new tactics of engagement can be developed. Such information that could be gained from data and would be useful for future engagement would include information such as:

- Did the trafficked person come forward him or herself or was an outside identifier involved?
- Did the trafficked person make other attempts to seek assistance?
- How did the trafficked person initially come into contact with the trafficker?
- What was the certification process like?
Information such as this is available anecdotally to service providers and other persons who work directly on this topic; however, no such information has been officially researched and made accessible in Washington State. Accurate qualitative research would help engaged actors better deliver services to trafficked persons, form trainings and educational material for the public and indirectly engaged sectors. Such research would ultimately also save the valuable resources of funding institutions, as this research would enable the agencies to work more efficiently with each other.

**Third:** Since each community, industry, and actor has a different experience and understanding of trafficking, **directly engaged NGO’s must be allowed more flexibility in order to better tailor and deliver services to populations.** Entire populations that are of stated concern are being ignored due to policy restrictions. Thus NGO’s and other providers cannot identify nor assist potential victims of trafficking. For example, “Johns” or men who solicit the service of sex workers are anecdotally also individuals who are in the position to identify and assist trafficked sex workers. This population is not being engaged by some chief sectors due to the conflicting interests of federal and state agencies (for instance, the desire of some federal and state agencies to eliminate the entire sex industry and thus not support it through engagement), law enforcement (the relative lack of focus on arresting Johns for soliciting sex workers) and NGO’s (the need to identify victims of trafficking but their unwillingness to risk losing funding). In some communities individuals can identify known victims of trafficking or traffickers but do not do so out of concern for their own security. NGO’s and government agencies such as ICE should be given the freedom to provide services or extended visas for informants and identifiers if needed. This author goes so far as to recommend an attachment to the T-visa that provides similar benefits for individuals who put themselves at financial or personal risk
in order to help a trafficking individual escape his or her situation.

**Fourth: Service provisions should not be dependent on the trafficked person’s involvement in a criminal prosecution.** The trafficked person’s interests and the interests of the service providers may conflict with law enforcement and the goals of governmental agencies (who may desire to withhold services in return for cooperation and involvement). If a person has been adequately identified as having been “trafficked” or fits definitions of a “trafficked person” he or she should not be subject to unwilling involvement in a criminal case. Furthermore, Service Providers and NGO staff who have sustained contact with victims should have more direct influence in determining a person’s status as a trafficked person and eligibility for a T-visa.

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Human Trafficking: A Spotlight on Washington

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Legislation and Law
Jessica Henley

Introduction

While Washington State was the first state to pass anti-trafficking legislation, it has only found a handful of trafficking victims. The anti-trafficking movement in Washington began as a grassroots movement which had significant impacts on its anti-trafficking state legislation. As stated by Satupa Basu in the Washington State Coalition: A Model for Inclusiveness to Combat Human Trafficking Report, “the state has served as an example of how this nation as a whole can pass legislation to stop these human rights abuses.”1 The state legal system provides many services and benefits to victims of trafficking. In Washington, trafficking is a class A felony and a civil action may be brought against a trafficker. Washington, along with the federal government, provides victims of trafficking who were trafficked internationally to the United States the opportunity and assistance to obtain residence visas that may result in permanent residency or citizenship, while also providing physical and mental health treatment, immediate food and shelter, and other services to all victims of trafficking. In addition to services, Washington, like the U.S. government, provides justice for victims, in which criminal justice is sought out on behalf of the victim by the government and in which a convicted trafficker is subject to civil remedies. However most traffickers are charged with other crimes. In addition, the law’s high standard of what constitutes trafficking and the law’s immense reliance on law enforcement that may or may not receive training in this issue has led the law to be unobtainable by victims of trafficking.

How the Trafficking Movement Began

The human trafficking movement in the State of Washington began
as a grassroots movement by the Filipino American community and other community leaders in reaction to three main community outrages. This has lead to the production of “landmark pieces of [anti-trafficking] legislation that have moved to national and international prominence.” The first outrage occurred on March 2, 1995 when Timothy Blackwell murdered his wife, Suzanna, an internet bride from the Philippines, and two of her friends while waiting for a divorce hearing in the King County Courthouse. This event brought light to a potential human trafficking situations occurring within the internet bride industry. In 1999, Helen Clemente, another Filipina internet bride, and a victim of indentured servitude, appeared in the Seattle Times. A couple by the name of Sally and Eldon Doty had brought Helen to the United States through an international marriage broker and they had kept her in indentured servitude from 1990 to February of 1993. The third outrage also occurred in 1999, when the body of Anastasia King, a 20 year internet bride from Kyrgyzstan was found buried in a shallow grave in her husband’s backyard.

Velma Veloria, a State Representative at that time, Sutapa Basu from the University of Washington Women’s Center, Norma Timbang from API Women and Family and Safety Center, and many others began playing a key role in uniting the community and forwarding the anti-trafficking movement in the State. Two conferences were held on the University of Washington campus in 2001 and 2002 which “helped raise awareness in the community and seek out obtainable solutions, by incorporating the knowledge of international scholars, community activists, community organizations, and government agencies and officials.” Some of the organizations involved included the Asian & Pacific Islander Women & Family Safety Center and the University of Washington Women’s Center. This culminated in the creation of the first statewide task force on human trafficking, spearheaded by Representative Velma Veloria. Then on
May 14, 2003, Governor Gary Locke signed HB 1175 and it became effective on July 27, 2003. Sutapa Basu describes Washington’s success, “the network of support created in Washington is a promising model, which the nation could easily replicate.”

**Washington State Law and Punishment**

HB 1175, the bill which makes the trafficking of persons a crime in Washington State was the “result of years of work by legislators, academicians, legal advocates, healthcare service providers, community based organizations, law enforcement, activists, students, and victims of the crime both dead and alive.” HB 1175 establishes human trafficking in the state of Washington as a class A felony of the first and second degree, “with trafficking a minor as an aggravating factor, allowed for civil penalties and including trafficking under the criminal profiteering statute.” More specifically, HB 1175 allows factors such as the victim’s age and whether the victim was kidnapped or killed to be considered in determining the severity of the charge. In addition, the legislation allows for trafficking involving a person under the age of 14 to be an aggravating factor in determining the sentence. Trafficking in the first degree has the same seriousness level as Murder and trafficking in the second degree has the same seriousness level as Rape 1 and the Rape of a Child 1. These seriousness levels help determine sentencing. A standard sentence for the crime of trafficking in the first degree, seriousness level XIV, a class A felony offense, usually ranges from 123 – 200 months. A standard sentence for the crime of trafficking in the second degree, seriousness level XII, a class A felony offense, usually ranges from 93 – 123 months. The maximum sentence for all class A felonies under Washington’s statute is life imprisonment along with a $50,000 fine.
A victim of trafficking may receive criminal justice for the crime committed against him or her in two ways. The first way is when the government seeks criminal justice and presses charges against those who have committed a crime on behalf of the victim. The second is when the victim sues the convicted trafficker in order to receive compensation.

* Seriousness level help determine sentencing.

### Justice for Trafficking Victims

A victim of trafficking may receive criminal justice for the crime committed against him or her in two ways. The first way is when the government seeks criminal justice and presses charges against those who have committed a crime on behalf of the victim. The second is when the victim sues the convicted trafficker in order to receive compensation.

### Chart 1: Crime and Punishment comparison in Washington State

<table>
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<th>THE CRIME</th>
<th>CRIMINAL</th>
<th>SAME SERIOUSNESS LEVEL AS:</th>
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<tr>
<td>Trafficking</td>
<td>Maximum Punishment: Life</td>
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<tr>
<td>Class A</td>
<td></td>
<td>Seriousity level XIV</td>
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<td>Felony</td>
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<td>Murder 1</td>
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<td>Trafficking in the 1st</td>
<td>Generally ranges from 123-200 months</td>
<td>Rape 1</td>
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<tr>
<td>Class A</td>
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<td>Rape of a Child 1</td>
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<td>Felony</td>
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<tr>
<td>Trafficking in the 2nd</td>
<td>Generally ranges from 93-123 months</td>
<td>Seriousity level XII</td>
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<td>Class A</td>
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<td>Felony</td>
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<td>Trafficking of a person</td>
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<td>Class A</td>
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<td>Felony</td>
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* Seriousness level help determine sentencing.
Criminal Case

In a criminal trial, each side presents witnesses and submits evidence, at the close of which the judge or jury renders their decision. In order to be convicted of a crime in a criminal trial, guilt must be proven beyond a reasonable doubt. This is often very difficult to do and requires a considerable amount of evidence. Also, since crimes are viewed as offenses against society, they are punished by government. While the victim provides the evidence for the prosecution, the prosecution is not the victim’s lawyer. Criminal cases seek to provide justice and not compensation for the victim. The punishment for the crime of trafficking is severe in the state of Washington as discussed above. A clear example of this includes the case of sweatshops in American Samoa, in which the trafficker was sentenced to 40 yrs in prison for involuntary servitude and trafficking. This case will be discussed in greater detail in a later in this report in a section on sweatshops.

Civil Actions

A person convicted of trafficking, in addition to criminal penalties, can be subject to civil remedies as listed in the Criminal Profiteering Act which includes monetary penalties, injunctive remedies, and forfeiture. A lawsuit is a civil action brought before a court in which the party commencing the action, the plaintiff, seeks a legal remedy. In order to be proven guilty in a civil lawsuit, it must be decided that the plaintiff’s argument is more probable that not.

In Washington, damages in a civil action can be calculated in two ways; actual and compensatory. Actual means that the damages are monetarily quantified and then awarded to the victim. For example, if a trafficked person worked without pay, his unpaid wages would be calculated and that would be the amount awarded to him or her. Compensatory means that the court is giving
the victim compensation, usually for emotional pain or distress. For example, a trafficking victim could seek out monetary compensation for emotional and psychological pain caused by the trafficker. However, this usually requires expert testimony.

Nena Ruiz, a former schoolteacher from the Philippines worked as a domestic servant for James Jackson and his wife, Elizabeth. Jackson is vice-president of legal affairs for Sony Pictures Entertainment. Ruiz alleged in a lawsuit that she was held against her will at the couple’s Culver City condominium, physically abused and forced to perform grueling work for virtually no pay; $300 for a year’s work. Ruiz said she often worked 18 hours a day, she was fed the dog’s leftovers and slept in a dog bed. A Santa Monica jury awarded Ruiz $275,000 in punitive damages, and $551,000 in compensatory damages. She received a total of $1.65 million.

Another is example is that of Nataliya (Derkach) Fox, an internet bride who filed a case against her matchmaking service, Encounters International, and now ex-husband, James Fox. Soon after Nataliya and James Fox were married he began to beat her violently. When Nataliya contacted the Encounters International, she was told to deal with it and do what she was told or risk being deported back to Ukraine. She followed the advice of Encounters International until one night in the summer of 2000, when James Fox began to beat her as she breast-fed the couple’s infant daughter, putting Nataliya in the emergency room. Afterwards Nataliya escaped to a women’s shelter and then began pressing charges. Nataliya and her lawyers sought compensatory damages for her abuse. She sued Encounters International and that December and the jury awarded her $433,500. The court found that the company failed to tell Nataliya about a provision in immigration law that protects foreign women from deportation if they leave abusive husbands. The court also found Encounters
International to be liable for assuring Nataliya that her husband had been carefully screened.\(^{31}\) Nataliya Fox also sued her ex-husband, who settled the case for $115,000.\(^{32}\)

While a lawsuit is a way for a domestic trafficking victim to seek compensation for the crimes committed against him or her, it is a very long, expensive, and complicated process. In Nataliya’s case, Randall Miller, a lawyer at Arnold & Porter, a Washington law firm, agreed to represent Nataliya free of charge.\(^{33}\) A fundamental flaw in this system is that many victims of trafficking are not as lucky as Nataliya, and cannot receive free representation. Most victims of trafficking cannot afford lawyers to represent them, and therefore many victims are not given the option of pressing a civil suit.

Civil suits are great tools used to deter a crime or injustice from being committed and give corporations an incentive to take precautionary measures against the crime or injustice. The difference between how sexual harassment is legally framed in France and the United States is a good illustration of the power of civil suits. In France, sexual harassment receives criminal penalties whereas in the United States sexual harassment is subject to civil remedies.\(^{34}\) In the United States, because corporations will pay a high price if sexual harassment occurs within the corporation, many corporations have taken measures to prevent this.\(^{35}\) Since, French corporations are not held responsible for sexual harassment that occurs within their corporation, they have taken less preventative measures.\(^{36}\) This is one of the reasons why the United States has a lower rate of sexual harassment in the workplace than France. This model may be applied to trafficking, and is a way to encourage corporations and individuals to take measures to prevent trafficking.
Why Traffickers are Being Charged With Other Crimes

Many cases that involve trafficking often charge traffickers with crimes other than trafficking. The high standards for what constitutes trafficking, the amount of evidence required to prove trafficking, and the knowledge about trafficking within law enforcement are all reasons for this. This is significant because it illustrates that the crime of trafficking is framed and dealt with very narrowly within the law. It also illustrates that the law is not able to be fully utilized.

The majority of trafficking cases are tried for other things for the following reasons. In a case preparation and in preparation for the legal arguments, the prosecution draws upon all laws that address crimes that might be committed in the process of trafficking. For example, this may include labor laws, trafficking laws, and any other civil or human rights guaranteed by the United States and/or the Washington State. This occurs in the event that the crime of trafficking is difficult to prove either due to lack of physical evidence and/or the inability to meet the high standard of a severe form of trafficking in which the law is framed. A severe form of trafficking is defined by the TVPA as 1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or 2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.37

As discussed before, in order for a trafficker to be convicted of the crime of trafficking, a judge or jury must find him or her guilty beyond a reasonable doubt. This leaves trafficking cases extremely reliant on law enforcement and its ability to recognize trafficking and collect evidence. The lack of training of
law enforcement officials has confined the law’s ability to help victims in that
the lack of training has led to a lack of collected physical evidence of trafficking
which could be used in a trial. Thus, when trafficking cases do not have enough
evidence, the prosecution must find other crimes that the defendant is guilty of
and then charge the defendant with those crimes.

An instance in which this occurred is the case involving a Saudi Prince’s
wife. In this case, Hana F Al Jader, a 39 year old Saudi national married to
Prince Mohamed Bin Turki Alsaud, was indicted by a federal grand jury on 10
counts of forced labor, domestic servitude, and other immigration offenses. She
allegedly forced two Indonesian women to work in her homes in Arlington
and Winchester. She allegedly hid her servant’s passports and work visas,
threatened they would be harmed if they failed to work, forced them to work
an unreasonable amount of hours each day, and paid them very little, less than
$300 a month. If convicted on all charges, Jader would face up to 140 years
in jail and up to $2.5 million in fines. In this case, it is obvious that trafficking
occurred, however, Jader was charged with other crimes, possibly because the
other crimes were easier to prove and together they carried a heavy penalty.
This is not negative approach, nonetheless, it illustrates a weakness behind
trafficking laws.

Benefits for Victims of Trafficking

Continued Presence

Continued Presence is a one year visa with work authorization, and
is renewable at a Federal law enforcement agent’s request. Only Federal
law enforcement agents may request a Continued Presence visa on behalf of
victims of a severe form of trafficking. This visa may be used as a bias
for certification and the T-visa I-914 Supplement B.
visas exist so that eligible victims who lack legal status but who are potential witnesses of such trafficking may receive temporary immigration relief, in order to effectuate prosecution of traffickers.44 Someone may apply and receive a Continued Presence visa for an unlimited number of times. The difference between a Continued Presence visa and a T-visa for example, is that a person receiving a Continued Presence visa is a potential witness, and the visa is for a shorter period of time. A person receiving a T-visa has already complied with law enforcement in an investigation or prosecution of acts of trafficking.

T-Visa

The Victims of Trafficking and Violence Protection Act (TVPA) of 2000 created two new nonimmigrant visas for non-citizen victims of crimes, the T visa and the U visa. Both visas are designed to provide immigration status to non-citizens that are assisting or are willing to assist authorities investigating crimes.

The new U.S. T visa program for victims of trafficking who assist in the investigation or prosecution of trafficking is to establish a procedure for attaining permanent residency status for certain trafficking victims who cooperate with law enforcement agencies to prosecute those responsible for their enslavement. On January 24, 2002, the Attorney General of the United States signed a regulation that created the T visa.45 Its creation was a further step in implementing the Trafficking of Victims Protection Act of 2000.46 The statute allows victims of trafficking to remain in the United States. After three years under this status, human trafficking victims may apply for permanent residency status in the United States of America.47 In addition the regulation will allow some victims to apply for non-immigrant status for their spouses and children.48 Victims under the age of 21 could apply for non-immigration status.
for their parents.49

The T visa has two requirements for victims of severe forms of trafficking. The trafficked person’s must comply with the investigation or prosecution of the traffickers, if the victim is over the age of 18.50 The victims must also be physically present in the U.S. on the account of trafficking.51 Each year 5,000 T visas are available. Yet in fiscal year 2004, only 520 T visa applications were received, and that includes all T-1s as well as the lesser visas for the spouses (T-2), children (T-3), and parents (T-4) of the trafficked, according to the State Department’s 2005 report.52 Of those applications, 136 were granted, 292 denied, and 92 are pending.53

U Visa

The U visa is designed for non-citizen crime victims who have suffered substantial physical or mental abuse from criminal activity and who agree to cooperate with government officials investigating or prosecuting this criminal activity.54 To be eligible for a U visa, the victim must possess information concerning the crime, and the victim must include a certification from a government official, either a federal, state, or local law enforcement official, prosecutor, judge, or authority that is investigating the criminal activity, stating that the victim is helping, has helped, or is likely to be helpful with the investigation or prosecution of the crime.55 Every year 10,000 U-visas are available.56

However, the interpretation of who qualifies and how to apply for a U visa is very vague. To qualify for a U visa, one must show that you have suffered “substantial physical or mental abuse” as the result of one of the following forms of criminal activity, or “similar” activity, conducted in the US.57 This includes rape; torture; trafficking; incest; domestic violence; sexual assault; abusive
sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.\(^{58} \)

After three years, U visa holders may apply for lawful permanent residence.

Up to 10,000 U visas are available each year for eligible applicants. However, as of December 2004, CIS had not yet issued regulations on U visas.\(^{59} \)

As of December 2005, CIS had also not issued a single U-visa.\(^{60} \)

**Domestic Victims of Trafficking**

Domestic victims of trafficking do not receive any extra amnesty as internationally trafficked victims do when receiving a T-visa, U-visa, or Continued Presence visa because they are already citizens of the United States. Some have argued that because these visas are available to internationally trafficked victims, domestic trafficking victims should also receive an additional amnesty. However, others argue that this would be unfair, given that internationally trafficked victims are only receiving what domestic trafficking victims already possess. All victims receive emergency medical attention, food, shelter, mental health counseling, and legal support, according to the 2005 TVPRA.\(^{61} \)

**Other Trafficking Legislation in the State of Washington**

Three main pieces of trafficking legislation, other than HB 1175, in Washington State include the following: SB 5127 entitled Improving Services
to Victims of Human Trafficking, SB 6348 entitled Extending Availability of Legal Aid to Undocumented Alien Victims of Domestic Violence and Human Trafficking and, SB 6652 entitled Protecting Victims of Human Trafficking, which establishes a state-wide Task Force on Human Trafficking.

SB 5127 set the precedent for setting guidelines for those providing social services to victims of trafficking and created an award to honor those individuals, groups, or organizations, who have made noteworthy efforts to fight human trafficking.\textsuperscript{62} SB 6348 helps victims receive legal representation; however this does not extent to legal representation for class action lawsuits.\textsuperscript{63} SB 6652 is perhaps one of the most notable bills. SB 6652 authorizes a Task Force on Human Trafficking that would take place between July 1, 2006 and June 30, 2011 and would involve a diverse set of community leaders.\textsuperscript{64} This is significant in that it would allow a knowledgeable group of people to approach the issue of trafficking in this state from a multi-dimensional perspective. It would allow this group to take a long period of time to look at the weaknesses within current anti-trafficking campaigns, for example, and address then address those weaknesses in order to increase awareness about trafficking within the state. All of these pieces of legislation have led to vast improvements in the what services are currently available to trafficking victims, the way in which these services are distributed, and how trafficking and trafficking victims are approached.

**Conclusion – What is Problematic**

While anti-trafficking laws harshly punish traffickers and the amount of services available for trafficked person are considerable in Washington, these laws and services are not being utilized by the people who need them. With
the lack of proper training, law enforcement officials lack the tools to recognize trafficking and to find evidence for the prosecution of a trafficking case. The law may not then be used against a trafficker because the prosecution lacks the amount of evidence needed to meet the high standard needed to get a guilty conviction. Thus, the law is unable to help victims to the best of its ability and therefore it has been underutilized.

Endnotes:

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45 TVPA 2000.
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50 Apfel Presentation.
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53 Shafer
54 TVPRA 2000.
55 Apfel Presentation.
56 Apfel Presentation.
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61 TVPA 2005.
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Why Washington
Sidney Brown

Introduction:

With the April 22, 2003 passage of Substitute House Bill 1175, Washington State became the first U.S. state to propose legislation, criminalizing the practice of human trafficking within state borders. Why this step was taken, and why it was taken specifically in Washington State, are questions which this section of the report will attempt to address.

The necessity for the aforementioned law can be found in Washington’s proximity to Canada, diverse economy, demographics, and infrastructure. The motivation driving this law’s formation and passage is the public outrage against trafficking stemming from the murders of Susanna Blackwell and Anastasia King, both of whom were suspected of being victims of human trafficking. The political willpower demonstrated in response to these incidents, coupled with the supply-and-demand generating characteristics of Washington, creates an ideal environment in which to continue the anti-trafficking movement. The initial steps have already been taken, as trafficking is a state crime as well as a federal crime, there are numerous NGO’s and ethnic communities leading the fight against trafficking, and the public’s power and activism has been tested and is capable of generating political pressure. Without public awareness, however, little will be done in the way of mobilization to stop trafficking.

With numerous traits that appeal to people involved in human trafficking, Washington State’s government recognized the need to monitor these individuals’ activity within the state in an attempt to locate victims, as well as perpetrators. More importantly, Washington is in a unique position because it faces this threat directly on an international level as well as a state level. Washington’s close proximity to Vancouver, British Columbia, a recognized hub of human
traffic, as well as Washington’s location on the Pacific Rim creates an environment with increased international movement, allowing traffickers to slip their victims into a setting in which they can immediately be either transferred, hidden, or exploited.

**Proximity to Canada**

Currently, Washington State is regarded as a “hotbed for human trafficking,” a designation stemming not only from the state’s rural areas and the resulting high demand for agricultural laborers, but largely due to Washington’s shared northern border with Canada. The lack of major cities along this border adds further appeal to this operation, as traffickers are “facilitated in their endeavors by moving [victims] through forests and Indian reserves.” Through these means, as well as “concealing [victims] in transport vehicles for passage across the border through customs checkpoints,” traffickers succeed in bringing an estimated 1,500-2,000 trafficked people from Canada to Washington State each year.

These numbers, believed to be a very conservative estimate, are nevertheless enough to designate British Columbia as a “transit zone for trafficking to the United States.” The port city of Vancouver, British Columbia serves as a particularly attractive hub for “organized crime groups that traffic in persons, including trafficking for prostitution. East Asian crime groups [target] the country [Canada], Vancouver in particular, exploiting immigration laws, benefits available to immigrants, and the proximity to the U.S border.” This illegal activity has “grown exponentially” since the country removed its visa requirement for South Korea citizens in 1994, vastly simplifying the process of smuggling victims into Canada.

The acceleration of this activity across the Washington State-Canadian
border is evident in the recent discovery of a trans-border tunnel.  Though many such tunnels have been discovered between the United States and Mexico, this is the first to be found on the United State’s northern border. Used as a drug smuggling tunnel, American authorities note that “the techniques employed by the people who drove the drugs away from the tunnel were very sophisticated and the kind that [are] usually [seen] in connection with very organized drug enterprise.” Surprisingly, the prospect of drugs being smuggled across the border through this tunnel was not at the top of the authorities’ list of concerns. Rather, the authorities felt that “it isn’t necessarily the contraband that concerns us in the end, it’s people coming through that tunnel, whether they are engaged in human trafficking or in terrorism.”

This concern for illegal activity across the United States-Canadian border is strengthened by Canada’s very recent status as a tier-2 country in the U.S. TIP reports. This surprisingly low judgment of Canada’s human trafficking policies stems from a perceived “uneven” effort in the prosecution of traffickers, failure to “comply with the minimum standards for the elimination of trafficking,” as well as Canada’s status as a prime destination for victims of trafficking.

Although Canada’s policies have since improved and it has been moved into the top tier in the TIP ratings, its role as a transit point for people trafficked into Washington State remains strong. Vancouver, British Columbia continues to lag behind the rest of the country in locating trafficking operations and convicting the individuals in charge. It is believed that traffickers utilize Canada’s lack of a visa requirement with South Korea in order to bring South Korean victims into Vancouver, and then into the United States. Recent statistics show that approximately 25% of Koreans flying into Vancouver, British Columbia do not make a return flight, leading officials to suspect abuse of the visa waiver, likely by underground trafficking operations.
Once in Canada, it is not difficult for traffickers to move their human cargo across the relatively unpopulated border that divides British Columbia and Washington State. The presence of a large, open national park across the central portion of the border as well as the low population density prevalent over the remainder of the border facilitates the movement of victims not only into Seattle, where they might be subject to domestic servitude and sex-work, but also to areas of rural Washington, where they are intermingled with migrant workers.

Figure 4.1 - Population Density Map of Washington State

**Diversity of Industry and Geography**

**Agriculture:**

Heavily dependent on agricultural production, Washington State has 35,939 farms and 15,381,008 acres in farmland. Employing 21.2% of Washington State’s labor force, agricultural employment is dominated by crop production, giving rise to the need for seasonal workers. The apple industry
represents the state’s top agricultural product, generating over 60% of American apple receipts, and is “quite a labor intensive crop relative to others.”

Such an environment requires intensive use of seasonal, often migrant, labor, particularly during harvesting season. With the American economy having gone into a recession in 2000, Washington State was hit harder than many other states. In such a crisis, in which farmers in particular attempt to minimize costs, human trafficking has markedly increased to fill this demand for cheap labor. Although apples, the main cash crop in Washington State, typically requires fewer seasonal workers than other agricultural products, it still is responsible for employing anywhere from 12,500-13,360 workers per year.

The labor camps that are home to such workers are also notoriously areas in which trafficking occurs. As already discussed, Washington’s border with Canada is vulnerable and much of it lies in predominantly agricultural or forested areas. Although it has proven difficult to locate camps of trafficked laborers, it is suspected that a large number of trafficking victims smuggled into Washington State from Canada end up in rural areas.

The Sex Industry

As recently as February of 2006, Seattle Police Department has been conducting sting operations on prostitution. The most recent of these, code named “Operation Bad Valentine,” targeted Aurora in North Seattle. Within hours, over 20 prospective johns were arrested for attempting to solicit undercover policewomen disguised as prostitutes.

Such incidents act as a reminder to Seattle residents and to Washingtonians that prostitution is active throughout areas of the state. Moreover, Seattle “has become a major hub on the trafficking circuit,” a hub that seems to have
doubled in strength over the past five years.\textsuperscript{22} It is important to emphasize that this industry maintains a strong presence in Washington, generating a demand for cheap labor, and therefore giving rise to the potential of harboring trafficked persons. This thriving demand side of Washington’s sex industry, and how it interrelates with trafficking, will be further expanded upon later in this report.

International Marriage Brokers

Washington State generates demand for foreign, potentially trafficked, women in the realm of International Marriage Brokers. It is estimated that 3\%-4\% of American men who look for international brides from the Philippines live within Washington’s borders.\textsuperscript{23} Of these American individuals, more than two-thirds reside in Washington’s “smaller cities and towns.”\textsuperscript{24} Living in relative isolation “contributes to women’s vulnerability to domestic violence,” thus women who come from abroad to marry a rural man have limited access to NGO’s and other resources capable of responding to an abusive situation.\textsuperscript{25} The circumstances surrounding International Marriage Brokers (IMB’s) will be placed into a broader framework in a later section of this report.

As also discussed in subsequent sections of this report, the need for sweatshop labor provides incentive for traffickers to bring their human cargo into United States and Washington borders. Unlike other sectors that contribute to demand for cheap human labor within state borders, sweatshop labor’s evidence lies largely in its history. Although the garment industry in Washington existed only into the 1980’s, as will be discussed later in this report, similar forms of labor scenarios are suspected to exist, albeit “’below the horizon’ all over Seattle.”\textsuperscript{26} This difficult in locating sweatshop operations within the state has stalled police anti-trafficking efforts, yet the officers remain convinced that this industry still has a presence within Washington.\textsuperscript{27}
Demographics

Within urban Washington, one can easily find a diverse, internationalized community. Seattle itself is home to International District, a historic area of South Seattle known for a variety of ethnic communities, predominantly Asian. Unfortunately, some establishments within this area are themselves home to trafficking victims.28

Figure 4.2 – Chart of Ethnic Diversity in Seattle29

The existence of trafficking within ethnic communities is not new, and was a strong motivating force in the initial passage of legislation in Washington State. Threatened by trafficking and further motivated by the murders of King and Blackwell in the late 90’s, Seattle’s international community mobilized to help prompt the creation of the first statewide anti-trafficking task force.30 The Filipino community was particularly involved in this effort, with Washington State Representative Velma Veloria playing a key role in the gathering together of community leaders, NGO’s, academics, and legislators. It is this networking that eventually produced Washington State’s anti-trafficking legislation.
Equally important are the networks that were solidified through this process, and have the potential for continued use in the fight against human trafficking.

![Chart of Ethnic Diversity in Washington State](image)

Figure 4.3 – Chart of Ethnic Diversity in Washington State

**Infrastructure**

With Sea-Tac as a major port along the Pacific Rim, easy access to the railroad system, and I-5 acting as the main west coast artery over which goods are shipped, Washington State, and Seattle in particular, provide easy transportation not only to legitimate traffic, but also to individuals illegally trafficking humans. In the years 1999-2000, 17 cases of human trafficking were discovered coming through the Port of Seattle alone. The ease of moving people into Washington State from abroad, as well as the ease in which these trafficked persons are circulated within the United States, is reflected in Seattle’s status as a prime destination city for traffickers as well as its role as a hub within prostitution rings.
Human Trafficking: A Spotlight on Washington

Border States

When discussing the issue of human trafficking in southern border states, the dialogue contains descriptions of trafficking as “a harsh reality.” In these states, border problems between the United States and Mexico are frequently addressed and highly publicized. Tunnels resembling the one found connecting Washington State and British Columbia are found on a monthly basis between southern states and Mexico, garnering coverage not only from the American press but from international newspapers as well. Although these tunnels are typically used for drug smuggling, the concern of human trafficking becomes incorporated when the tunnels appear to be linked to organized crime, as noted in the case of the Washington-Canada tunnel.

Awareness of cross-border smuggling in the southern states, whether drug or terrorist related, is reflected in the abundance of discussion and Simply running a google internet search on “Washington State Border Patrol” and “California Border Police” illustrates the vast discrepancy between the dialogue surrounding border concerns in the two states. While Californians have almost immediate access to both a physical and an email address of the border police, an update on the latest border news, and the latest petitions, Washington residents are presented with an O’Reilly Factor interview, The Marxist-Leninist Daily, and Dave Chappelle’s Forum. Bombarded by a constant stream of news articles, laws, and websites addressing border concerns, California residents have a higher initial awareness of these concerns than do Washington residents. Border violations are a routine concern, and thus Californians have a stronger stake in border issues, particularly illegal immigration and drug smuggling. In contrast, Washington residents are far less attuned to these border concerns, a trend that perhaps reflects the nationwide focus on Mexican border security, rarely addressing the Canadian-American border.
This point is reflected in the Secure Border Initiative, which focuses almost exclusively on strengthening the Mexican-American border. Such measures are deemed necessary, due to the higher number of illegal aliens entering from Mexico, they also have the potential to give a false sense of security for people living near the Canadian border. While problems faced by Washington are drastically different from those in California and other states bordering Mexico, as are the border policies, trafficking and other serious illegal activities do occur between Washington State and Canada. For this reason, a campaign is necessary in order to heighten awareness that trafficking is a “harsh reality” for northern residents as well as southern.

Conclusion

With a relatively open international border, a diverse metropolitan area with an international community, easy transportation routes, and a high demand for cheap labor, Washington State provides an attractive scenario to individuals trafficking in humans. The supply side of the equation is addressed by Washington’s proximity to Canada, a major hub of trafficking, as noted earlier in this section. An active sex industry, a large rural area in need of agricultural laborers, and a sweatshop system that police believe exists underground bolster the demand side.

Given this evidence that human trafficking has a great deal of motivation to operate within Washington borders, it is crucial that anti- trafficking measures continue to be pursued. Washington provides several distinct advantages to the future of anti-trafficking campaigns, namely already established networks, residual of the initial efforts to stop trafficking, and the political willpower to pass groundbreaking legislation in response to public pressure.
Yet, faced with the growing problem of human trafficking, it is difficult to know which tier of government, if any, should lead the way in addressing this issue. The nature of this complex, multi-tiered issue warrants a similarly structured approach. Over the past six years, such an approach has begun to materialize, as can be seen in the various definitions of “human trafficking” that have since emerged. Presented by the United Nations, national governments, state/provincial governments, and various non-governmental organizations, these definitions often reflect the agenda and the perspective of the proposing institution. The agendas of the larger bodies that propose legislation in the area of human trafficking are often overly simplified in an attempt to create an all-encompassing foundation from which more targeted proposals might be made.

Endnotes:

1 Reference following report sections: Definitions and Discourse, International Marriage Brokers
15 Refer to figure 1.1 for a detailed map of population density in Washington State


CHAPTER 4

Industries

Part 1

SECTION 1
Networks
By Remy Else Peritz

SECTION 2
Sex work
Sweatshops
By Shelby Port

Part 2

SECTION 3
Domestic Work
Agriculture
By Jessica Kneeshaw

SECTION 4
Small business
International Marriage Brokers
Adoption Agencies
By Anne Kim
Industries and Trafficking

The previous section laid the larger frameworks of human trafficking in Washington State. We now return to the larger question of this Task Force Report of why a gap exists between the number of people estimated by the government and NGOs to be trafficked each year, and the number of trafficked persons who are either found or come forward. Perhaps: 1) we are not looking in the right places, and 2) we need to think about “trafficking” differently or at least in a more nuanced manner.

Trafficking can only exist when there is a demand. Thus, it is necessary to turn our attention to the industries that influence the demand for trafficking. Subsequently, our analysis will be two pronged. We will examine 1) the relationship between these industries and trafficking, and 2) the ways in which the cases that emerge from these industries reveal the complexities in trafficking and the difficulties that emerge in attempting to define the issue itself.

First, we will (based on industries that have repeatedly emerged in stories of trafficking or trafficking-related incidents) examine certain industries that have been documented to either directly traffic or act as conduits for trafficking persons. These industries are both legal and illegal, and both ignored and commonly recognized by the general public as locations for trafficking. We will examine characteristics of these industries that make them vulnerable for trafficking, the demographic of actors who participate in trafficking and also make victims difficult to find, how trafficking actually operates in these industries, and how the existing law can sometimes fail to effectively address the issue of trafficking. By vulnerable, we refer to characteristics of the industry that create conditions that are conducive to trafficking people. Characteristics range from lack of regulation, seasonality, isolation, illegality, and the inherently tenuous
Industries

legal position that illegal immigrants straddle. By examining the vulnerabilities of these industries and the actual ways in which they traffic people, we hope to point to locations in which search for trafficked persons. Trafficked persons need to be sought in the correct locations if they are to be found or encouraged to come forward.

Second, it must be noted that trafficking operates in a variety of ways. Furthermore, in many, if not most, cases of trafficking, it is not completely clear whether such cases meet the criteria for trafficking. Coercion, labor, exploitation, and domination operate in many ways and range from subtle to quite explicit. If our understanding of trafficking is not nuanced enough to encompass these complexities, it affects the way that we identify trafficked persons. Thus, we will highlight the complexities involved in defining such cases as either trafficking or not trafficking due to their “greyness.” By “greyness” or “grey area,” we refer to the ways in which a case, due to its complexities, contains elements of trafficking but in which other elements of the case make its categorization as a trafficking case unclear. Mapping this “greyness” is necessary, for if we are not finding trafficked persons because the general public is not able to see them as either trafficked, a serious obstacle in identifying trafficked persons exists. It is also necessary to understand the nuances and complexities of trafficking in order for more trafficked persons to view themselves as being trafficked and thus potentially come forward.

After mapping out the mezzo-structures in which trafficking occurs, including both the networks of organized crime and kinship, we will examine the sex work and sweatshop industries as illegal industries that have been explicitly marked in the public discourse as sites for trafficking and the complexities that emerge from trafficking cases in these industries.

Then, we will examine legal, legitimate industries that are not always
identified by the general public to be locations for trafficking, but indeed have characteristics in which they are not only vulnerable to trafficking, and have been documented to do so. Industries in this section include: domestic work, agriculture, small businesses, international marriage brokers, and international adoption agencies.

The nature of the industry of domestic work, its solitary form of labor conducted within the private sphere of the home, make it vulnerable to trafficking.

Within the agriculture industry characteristics such as the seasonality of the jobs, the incentive by employers to hire illegal immigrants (who may possibly be trafficked) in order to increase profits; and minimal regulation make it vulnerable to trafficking. In addition, agricultural workers, if illegal, may themselves not want to come forward due to a fear of deportation.

Due to a combination of factors, small businesses such as restaurants, hotels, and bar are also vulnerable to either directly trafficking or being conduits for trafficking. Characteristics of the industry that increase this vulnerability include a low risk versus cost ratio and the structure of the business’ physical space which keeps some workers isolated from the public.

The international marriage broker (IMB) industry has certain characteristics that also can make it conducive to trafficking. Characteristics include: the transient nature and lack of enforced regulations for IMBs; the focus such industries place on pleasing paying male customers; and the industry’s emphasis on selling stereotypes of submissive women.

Characteristics inherent within international adoption agencies may create situations in which “baby trafficking” occurs. In particular, the vast sums of money adoptive parents are willing to pay for children can invoke third parties to use unethical measures to provide children for adoptive parents.
Other characteristics of this industry that may make it vulnerable to being a conduit for “baby trafficking” include a decentralization of agents within the international adoption process and a lack of oversight for individual attorneys in developing countries.

By examining both the industries that are vulnerable to trafficking and the complexities of trafficking cases, this section will help inform a better understanding of why a gap exists between the numbers of people estimated to be trafficked into the U.S., and the actual numbers of people being found.

Understanding Human Trafficking:
Placing anti-trafficking discourses and legislative definitions

Figure 1.1

Identifying industries:
common cases of trafficking in industries
Networks

Remy Else Peritz

Introduction

Trafficking is more than simply organized crime. Traffickers and their victims are connected through a web of social, economic, community and personal networks. Thus setting the stage for understanding how communities and families can be complicit in the act of trafficking or exploiting an individual. This section discusses how trafficking relies upon such networks to in order to operate and how this relationship is problematic to our current assessment of human trafficking. Organized crime networks such as transnational gangs or drug cartels may share the same social spaces as the trafficking victims and be difficult to distinguish. In my investigation of Fujianese snakeheads and the Reddy case of Berkeley, California, I will illustrate how communities may depend upon the trafficker to provide a needed service, and thus sanction the exploitation of other members of the community. Using two recent cases of child trafficking in Washington State, I will demonstrate how the trafficker can rely upon social expectations and familial obligations in order to manipulate the victim. Personal relationships and emotional bonds between trafficker and trafficked persons can influence our understandings of ‘coercion’ as in the case of domestically trafficked sex workers.

While only individuals are classified as “victims of trafficking”, trafficking networks exploit and affect entire communities. The following section will explain the importance of engaging with community and social networks through a discussion of the function ethnic enclaves play in both sheltering traffickers and assisting the victim. The only way to successfully identify more trafficking victims is to engage directly with the communities and networks that
are impacted. Lastly, we must reshape our concept of trafficking from one of criminal activity outside of the scope of daily life to one that comprehends how trafficking is embedded in the social, familial and economic networks of every community.

**Globalization:**

Globalization can be understood as the ongoing process that creates increased interaction across international borders and thus increasing the flow of goods, people, ideas, and influence. Due to advancing technology and growing global interconnectedness migratory movement both domestically and internationally is physically easier than ever before. Concurrently, tightened border control, stricter immigration policies and xenophobia have created an atmosphere where the migrant must sometimes seek alternative and frequently illegal modes to enter the country or find employment. An entire “migration industry” has thus emerged including brokers and agencies, smugglers and snakeheads. Within the irregular migration industry is the profitable underground “trafficking industry” that is one of the unintended effects of globalization and efficient international transportation links.

Traffickers, taking advantage of transparent borders, broadband communication, and political and economic upheaval as well as mass migrations of people, have preyed on the vulnerable. The displaced persons, the war victims, the poor, and those seeking the opportunities of the West to improve the quality of their lives, have made trafficking into a booming business as well as a tragic fixture of our times.

Due to the underground nature of trafficking, reliable statistics are unavailable; yet it is a very profitable industry. Specific incidents such as the El Monte sweatshop case can be used to help estimate the economic impact of
human trafficking. The traffickers who exploited men and women in a sweatshop in California are estimated to have made $8 million dollars over six years.3

Furthermore, global inequality generates a seemingly endless supply of possible persons to be trafficked as people across the world seek out better prospects for themselves and their families. With the greater movement of people comes the establishment of transnational communities; village networks can now span thousands of miles and multiple time zones. People continue to rely upon the same social, community and family networks to facilitate movement and find opportunities but now on a global scale.

**Organized Crime**

Policy and general understandings of human trafficking focus upon organized, hierarchical crime networks involved in large scale trafficking operations. The hope is that once such a network is dismantled, the leader taken out of play, numerous unwilling victims will be identified and released from their bondage. The discrepancy between expected numbers and actual numbers of trafficking victims identified suggests that such an emphasis and approach is not working.

The inner workings of smuggling rings and the recruitment processes of traffickers are well documented in academic and activist literature, this section will elaborate on how such systems operate and are intrinsically tied to ethnic, social, friendship, and kinship networks. Community and personal relationships can facilitate an individual’s contact with larger trafficking networks or be agents of trafficking themselves. The same the systems and networks that facilitate international voluntary migration can be manipulated to facilitate trafficking. Communities can be centers for anti-trafficking activities and can simultaneously act as shelters for traffickers.
Most likely, the easiest network to point to is the one that supplies trafficked people are international organized crime networks. An organized crime network as defined by the U.N Treaty against Transnational Organized Crime as ‘a structured group of three or more persons existing for a period of time and having the aim of committing a serious crime in order to, directly or indirectly, obtain financial or material benefit’.  

Organized crime networks can range from structured “mafias”, transnational or domestic gangs, and family operations to informal and opportunistic alliances such those between coyotes and snakeheads. A 1999 study on international trafficking into the United States for the Department of Justice found that trafficking occurring both within and to the United States “tended to be smaller crime groups, smuggling rings, gangs, loosely linked criminal networks and corrupt individuals who tended to victimize their own nationals”. Such information contrasts with trafficking rings to other destination countries in which organized crime networks were more likely to have a centralized hierarchical structure. Organized crime networks stretch from individuals at the local and community level who act as recruiters or drivers all the way to corrupt officials who profit from falsifying documents.

Smuggling, Trafficking and Snakeheads

Smuggling is generally defined as system by which individuals or organizations illegally move people across a border for a fee; once the migrant has reached the point of destination the relationship ends. Estimates suggest that smuggling is a $5-10 billion dollar business.

A person who wants to go from, for instance, Fujian province in southern China to New York - the favorite destination for most Chinese - would have to pay at least $35,000 for a passage. An “informal ticket” from China to Europe - a less popular destination - is much cheaper, only $10,000-
$15,000. A person from India or Pakistan who wants to make it to anywhere in the United States would have to pay $25,000 to the smugglers. Iraqis, who are leaving their country in increasing numbers as the threat of war is growing, are paying at least $5,000 to get to Europe. The cheapest “ticket” on the IOM’s list is from Mexico to Los Angeles: a mere $200-$400. But given the number of Mexicans who travel that route, it is still a million-dollar business.9

Smuggling is thus a very lucrative industry but not as lucrative as the possibility of profiting off the smuggled individual’s labor for a prolonged period of time. Trafficking differs from smuggling as it generally requires an element of coercion and does not have to move people across borders; however the two are often confused. Due to smuggling’s intrinsically illegal nature, involvement of large amounts of money and interaction with vulnerable individuals, it can easily develop into trafficking. An example would be that of migrant workers who voluntarily seek the help of smugglers to cross the border but are then forced into indentured servitude to repay smuggling fees. This section will use the case of Chinese ‘snakeheads’ or smugglers from Fujian to examine the how networks of traffickers are tied to the communities they serve and exploit. An organized crime network that smuggles and then exploits individuals is engaged in a complex and dependent relationship with social, familial and ethnic networks.

Fujian is a relatively prosperous region in southwest Mainland China with a long history of illegal emigration to the United States; approximately 10,000 smuggled migrants enter the United States from this region every year.10 In their extensive study of snakeheads from Fujian, Sheldon Zhang and Kolin Chin found that it took “no particular skills to become a snakehead” other than having the correct connections and being prepared to take risks.11 Those involved in the smuggling business came from a variety of different backgrounds
and professions such as “housewives…taxi drivers, peasants, and fruit stand owners”\textsuperscript{12}. Snakeheads tended to stay in the business for six years or less and work only sporadically.\textsuperscript{13} Thus, individuals involved in organized human smuggling are not elite professional criminals but are ordinary members of society. Certainly, none of the smugglers considered themselves to be criminals but they acknowledged the illegality of their activities.\textsuperscript{14} The crime networks also tended to be small and tied to personal connections.

One third of the subjects claimed that the core members of their groups were anywhere between two to five individuals…Another 10 percent claimed that their core members were between six to 10 people. However, if there was any clear pattern on this issue, it was the large number of subjects, 40 percent of the sample, who declined to consider themselves as part of an organization or even a group. These subjects had no problem telling us that they were working with friends or business associates…There is no leadership in any smuggling rings. Leadership will not emerge because the work involved is so specialized.\textsuperscript{15}

Over half of the respondents in Zhang and Chin’s study said the people who they smuggled were those with whom they had close personal relations such as friends or relatives.\textsuperscript{16} Hence smuggling networks are established though social ties and the smuggled people are connected to the smugglers though social and familial relations.

Smuggled Chinese nationals in the United States referred to snake heads as “philanthropists” or “normal people” who were filling a niche in the economic market by providing a service that is highly in demand.\textsuperscript{17} However, due the sizeable fees each migrant must pay in order to be transported to the United States, smuggled migrants become vulnerable to trafficking by their smugglers. Once the migrant has arrived in the United States, he or she may
be met by “welcoming and receiving” organizations that escort them to “safe houses” where they are guarded and charged rent until they have paid back their smuggling fees through work. Often the increasing debt is too much to pay in an atmosphere of high competition for extremely low wage jobs and the smuggled person becomes a victim of exploitation. According to Peter Kwong, “entire enclaves of the economic community are trapped in indentured servitude in order to pay smuggling fees”.

The social and community ties of smuggling turned trafficking operation exist in the relationships that the victims have to their traffickers. They are from the same ethnic group and are connected to each other by local affiliation. The Fujianese community exploits members internally. The victims are connected to their traffickers by the social or familial networks that introduce each other. The traffickers and the varied people who profit from the activity are well respected and thought to be providing the community an essential service, hence the traffickers and the victims are interdependent upon each other for services and labor.

The familial networks that depend upon the trafficked person to send remittance money in order to pay for the loans and capital that took him or her to the United States further complicate such relationships. Migrants, once in the United States can also ‘sponsor’ additional family members to come and help pay off his or her debt, thus the victim is reliant upon the smuggler/trafficker to safely bring relatives to the United States. In this way family networks also act as a channel bringing victims into trafficking situations. Lastly, because of ethnic and transnational social networks snakeheads can maintain control over their victim by manipulating his or her family obligation. As the snakeheads can be well-regarded members of the community in Fujian and have contact with a victim’s hometown family, the snakehead may “encourage” the family
in China to apply pressure upon the trafficking victim to repay the remaining debt faster.  

21 The trafficking victim is thus trapped by the debt of his or her smuggling, the physical coercion and control the “welcoming committee” and by the social pressure applied by the transnational family.

The Fujianese community in the United States can be involved in the trafficking industry through active participation in the exploitation of the new migrants, tacit acceptance and sheltering of the practice (seeing as they may have been through it too, and that is just the way it is), or profiting from the cheap labor and increased revenue the victims provide. The traffickers are members of the community just as are the victims; before the migrant enters into the vulnerable situation, little socially differentiates them. Furthermore, because the trafficking occurs within the social space of the Fujianese community with few outsiders involved, only through interacting with the community and having members from the inside intervene will more trafficked persons be identified.

Organized Crime and Transnational Street Gangs

Just as economies have become increasingly dependent on globalization so have underground economies and networks. One example of this phenomenon is MS-13 or Mara-Saltrucha, a transnational street gang between the United States and El Salvador which is involved in trafficking people internationally and domestically. The street gang has a presence in over 30 states in the United States as well as throughout Central America. The FBI conservatively estimates the number of members to be between 8,000 to 10,000.  

22 Members of the MS-13 act as guides and coyotes for migrants and other gang members from South and Central America trying to enter into the United States illegally.  

23 Their gang affiliation acts a network reaching from Guatemala and El Salvador up as far north as Canada. The routes for human smuggling also doubles as a means to
transport drugs and arms. MS-13 is known to be involved in the human trafficking industry. Members of the gang can be as young as eight years old and are thus susceptible to being trafficked into and around the United States to act as drug runners or pushers. Gangs have been documented in the ‘kidnapping’ of shipments of illegal immigrants from smugglers and then holding them hostage until family pays for them. Furthermore, because of the gang’s influence across the United State it is active in trafficking of persons domestically, young girls associated with the gang may be pressured into prostitution.

Gang members can work as individuals such as when acting as a coyote for immigrants entering the United States, or as a group such as when involved in the organized trafficking of minors for the criminal purposes. Gangs can also be involved in human trafficking by being ‘contracted’ or as the agents of other organized crime syndicates, working as guards in brothels and cantinas. Furthermore, research has suggested that larger organized crime and terror networks such as Al-Qaeda may be contacting the MS-13 gang due to its influence in international trafficking and smuggling, although this may prove to be unfounded.

Current policies in dealing with the MS-13 gang have only strengthened its international trafficking profile. The gang originated in El Salvadorian neighborhoods outside of Los Angeles in 1980’s. Because U.S. policy was to deport violent immigrants to their home country, the gang spread and established cells in El Salvador and other Central American countries such as Panama, Guatemala, Nicaragua and Honduras. Thus a local gang benefited from the official deportation policy and established transnational crime networks. New recruits find joining the gang to be means to enter into the United States. The deportations to El Salvador and other countries also serve as a training ground where young members who operate in the United States meet and establish
relationships with members from elsewhere in Central America and the United States. MS-13 is involved in the trafficking of children and younger gang members from domestic communities in which the gang is influential, as well as Central American children into the United States to be involved in criminal activities. Young members of the gang may be coerced into participating in criminal activities with threats of violence and retaliation against themselves or their family. In a profile of one gang member, “Jester”, for a report for the National Geographic stated, “[Jester] was jumped in (members viciously pound and kick the individual for 13 seconds, for the purposes of initiation) when he was only eight years old. Just a year later, at age nine, Jester was sent to “attack the enemy” – to walk up to a group of six rival gangsters and open fire. He was so scared he closed his eyes.”

Gang networks such as MS-13 are closely linked to the community as traffickers and trafficking victims are from the same community with knowledge of each other and often include family links. Gangs recruit new members through social and kinship networks. A victim of trafficking may be socially tied to his or her trafficker. In a 1997 ethnographic study of the social organization of urban American street gangs found that gangs played vital and integral roles in the social functioning of the community. Gangs establish themselves in communities where they can “fill a void left by community based institutions.”

The author gives the examples such as in the “absence of legitimate economies, gangs provide income generation…Midst pervasive disruption of household and familial arrangements, they provide quasi kin- or peer-based social ties.” Therefore, gangs serve as a community space and the linkages between the gang and the surrounding community are fluid and co-dependent. Trafficking victims of a gang such as MS-13 are trapped not only by threats of violence, coercion, dependency and vulnerability but also by the gang’s presence as an
integrated part of the victim’s community. As with many street gang networks, the individual members may see their relationship to the gang as a surrogate family and be unwilling to leave or testify even if in an exploitative trafficking situation.

When discussing the role of organized crime in trafficking networks, it must be reiterated that crime networks are not separated from the communities they victimize. The Center for Strategic Study’s report on sex trafficking into the United States noted how organized crime networks “insulate themselves by victimizing those within their own ethnic group and by controlling the clientele that frequent their underground brothels”\textsuperscript{38}. Hence organized crime networks exist and operate within their own communities whether they are ethnic, social or otherwise.

**Communities, Influence and Traffickers: The Cases of Lakireddy Bali Reddy and the Mt. Baker Murders**

Not only do traffickers operate within community networks but traffickers and the victims of trafficking also live within the same communities, creating complex relationships and dependencies. The following section takes a look at three cases in which the trafficking occurred within ethnic enclaves that although part of the general community remained ‘invisible’ to outsiders. Ethnic enclaves are generally defined as economic enterprises owned and staffed by members of the same ethnic community. “The labor force is drawn extensively from the same ethnic community using kin, friendship and ethnic ties, employers and potential employees are linked through personal ties”\textsuperscript{39}. Members of such enclaves can misappropriate such ties and community networks for the exploitation of certain individuals. In Sheldon Chang’s and Ko-Lin Chin’s study of Chinese smuggling networks, they explain the role and importance of the ethnic community in transnational smuggling. “Chinese
illegal immigrants have largely been ‘invisible’ due to linguistic and cultural barriers erected by the Chinese community” (pg 8). This applies not only to the Chinese community but many transnational ethnic populations. Inner workings of a community may be constructed as a ‘private matter’, one which must be sheltered from outsiders. In addition, those who are not part of the community may not understand nor want to involve themselves in its matters.

Cases such as the now infamous Lakireddy Bali Reddy case in the Berkley, California area are examples of how closely tied traffickers can be to both their victims and the community. Reddy was a multi-millionaire landlord in Berkeley, California who in 2001 was sentenced to 97 months in prison for immigration fraud, transportation of minors for illegal sexual activity and tax evasion (DOJ, 2001). In late 1999, a young Indian girl died from carbon monoxide poisoning in one of his apartment buildings. The ensuing investigation uncovered that he was the head of human trafficking ring. He and members of his family falsified passports and other documents in order to bring residents of his native town of Velvadam in Andhra Pradesh, India to Berkley to work as indentured menial laborers and personal sex objects.

Investigators found that due to Reddy’s philanthropic influence in his home village and his economic power in Berkeley his victims were unable to come forward. Reddy’s wealth paid for a number of schools, bus shelters, temples, festivals and a college in his hometown where he was regarded as a “Mother Theresa” figure even after the scandal broke. In Berkeley, California he owns an estimated 10,000 rental units near the University of California campus as well as a popular local restaurant. Residents of his units, many of whom were UC Berkley students, reported being afraid to speak to protesters or reporters about the case lest they be evicted by their landlord in the competitive rental market. The girls who Reddy brought to the United States for sexual relations
were found to have been either sold to Reddy by their parents in return for debt forgiveness or were lured with the promise of decent jobs. Instead, they were coerced to work for little or no pay in his numerous buildings, restaurants and as personal sex slaves. Mr. Reddy admitted that he and other defendants arranged for the entry into the United States of between 25 and 99 Indian nationals on the basis of fraudulent visas (DOJ statement). Many if not all of the people he helped enter the country were vulnerable to trafficking by Reddy and his family because of the power he possessed in his home village, the victim’s poverty and their dependence upon him for employment, housing, sustenance, and income both in India and in the United States (DOJ, 2001). The girls who he sexually exploited and the other migrants were locked in their trafficking situation by several factors, the most powerful of which was their fear and loyalty to the Reddy family due to the community ties. Hence complex interpersonal relationships and dependencies worked in allowing the trafficking network to operate.

In November 1999, Reddy and several of his workers were seen trying to stuff the body of an unconscious 15 year old into the back of a mini-van while her 20 year old roommate resisted attempts by others to put her into the van. In this case, the fact that trafficking occurred within an ethnic community context played a significant role as Reddy originally tried to pass off the incident that led to his arrest as a “family affair” to the passerby who intervened and called the police. When police arrived to investigate the incident, Reddy himself offered to translate for the young trafficking victim who only spoke Telegu. The police, being unfamiliar with the Indian community, believed that Reddy was the 20 year-old victim’s father. They accepted his account of events for months before a translator outside of Reddy’s sphere of influence was brought into the investigation and could interview the surviving girls\(^{42}\). During that time however,
eight other women employed in Reddy’s restaurant disappeared, presumably sent back to India in order to prevent them from speaking to authorities.

The trafficking victim’s attempts at communicating with the police were hindered by the same “linguistic and cultural barriers” that rendered her situation “invisible” to outsiders. The case was more closely examined in January 2000, nearly two months after the young girl’s death, when Federal authorities received an anonymous letter from India stating that Reddy was running an illegal smuggling ring. Such an incident proves that communities are spheres in which both those who support trafficking and anti-trafficking activities exist. Even though “Good Samaritans” from outside the ethnic enclave became involved in the identification of trafficked persons, without information and cooperation from those within the community, the trafficking victims and the traffickers who operates in ethnic communities remained hidden.

A similar case that occurred in Seattle, Washington described by Detective Harvey Sloan of the Seattle Police Department illustrates how community networks can act as structures that shield trafficking. In 1995, local police in the Mt. Baker neighborhood picked up an individual who was covered in blood and later admitted to having killed his wife and brother-in-law in the nearby woods. Police then went to the ethnic community the suspect hailed from in order to gather information relating to the murders. According to Harvey Sloan, some individuals within the community seemed aware of the situation but refused to speak or provide the investigators with any information. Later, an informant who was familiar with the community alerted the police that the man they had apprehended was also involved in a human trafficking scheme and had murdered his wife and brother-in-law for attempting to ‘cut him out of the deal’.

The trafficker, his wife and brother-in-law helped to bring individuals
from their native country in Africa to the United States legally for a cost of approximately $2,000. The trafficked persons contacted the trio through an informal network of word-of-mouth referrals. Upon arrival in the United States, the trafficked persons were obligated to work off a debt that equaled between $20-40,000. The trafficked persons lived in residences owned and furnished by the traffickers and were required to buy all their food from the traffickers, thereby increasing their debt and allowing the traffickers to maintain close control over the victims. The victims were forced to work at jobs supplied by the traffickers and who collected wages for them; even children were required to work and only allowed to enter school after their debts had been paid. Police discovered cases in which the traffickers held people in debt bondage for nearly four years before being allowed to leave. Close to 400 trafficked persons were located and identified after investigators were alerted of the situation.

Since all the trafficking victims were in the United States legally, it was not fear of deportation that kept the victims bonded in servitude but the power of the community’s tacit acceptance of the practice. Individuals in the community were aware of the situation, particularly because so many people were involved, however it was not considered exploitation. Internal matters of the community such as this incident remained such. A relationship in which the trafficker provides a needed service, such as loaning money or providing a means for migration, can bond the community and trafficking victims to the trafficker.

Cases such as this one illustrate how community networks facilitate people vulnerable to trafficking (such as those escaping political turmoil and extreme poverty) to establish contact with the traffickers who later exploit them. The community provides both a physical and a social space for the traffickers to operate and hide. The Seattle Police Department was unable to further their investigation until they could penetrate into what was considered
to be internal matters of the community. The help of an individual who had specific knowledge about the concerns and working of the community was the deciding factor in advancing the investigation and identifying the trafficking victims. A case discussed later in this report involved a woman from Kenya who was trafficked for the purpose of domestic servitude by an affluent couple in Lynwood, Washington. Her case is another example of how social networks facilitate both the exploitation and discovery of a trafficking victim. The woman was socially connected to her traffickers through a personal relationship with the trafficker’s family in Africa. In Nairobi, Kenya the victim had previously been employed as the caretaker for the mother of one of the traffickers, and been given a misleading offer to act as a nanny for the couple’s child in Seattle. The Kenyan woman was eventually identified and assisted by a member of the church she attended with her traffickers. The previous case demonstrates how social networks that are involved in legitimate migration can also be used in the trafficking and exploitation of humans. Furthermore, her social and community network provided her with the immediate assistance and support she needed in order to leave her situation and seek help. Community and social networks are vital to understanding not only how the systems of trafficking operate but also in understanding effective methods of engagement and how to identify trafficking victims.

A caseworker for trafficking victims in Washington State recognized the challenges when dealing with releasing a victim from his or her trafficking situation exists within the victim’s relationship to the community. Translators or assistance professionals from the same community may have indirect personal ties to either the victim or the trafficker. These links may not be explicit but may affect the way in which the victim comes forward or discloses information for fear of social consequences. However, having translators or caseworkers
from the same community is important for communicating with the victim and providing culturally competent care. The caseworker also stated that since the trafficker may be part of the same community that the victim will go to seek support, there is a possibility for revictimization due to the flow of information within the community network. “We can not tell them to stay away from their community” but the chance remains that the same community networks involved in assisting and sheltering victims of trafficking may do the same for the traffickers.

**Family, Friends and Intimate Relationships**

Kinship and intimate bonds such as those within a family, household or between partners are also networks in which trafficking can occur. Such relationships are often central to the trafficking of individuals. Trafficking can occur through kinship networks and outsiders may understand situations to be a private or ‘domestic’ matter. Personal loyalty to family or to an individual can tie a trafficked person closely to the trafficker and allow for his or her exploitation. Emotional ties can blur the distinction between obligation and abuse.

In another section of this report, the case of a young Moroccan girl who was kept as a domestic servant by her aunt and uncle is examined. Such a case reveals how family ties and intimate relationships can result in the trafficking of an individual. The young girl, Lamia Ennassime was sent to Tacoma to live with her aunt and uncle in order to receive an education in the United States. However, her relatives removed her from school during her freshman year of high school. Instead she was expected to act as a full-time, unpaid domestic servant and staff the family’s small espresso stand, where she was under constant electronic surveillance. Her case illustrates how individuals can be exploited and trafficked by trusted members of his or her own family. Lamia
was trapped in her trafficking situation not only because of the physical control her relatives had over her actions, her dependency upon them to provide basic food, shelter and needs, but also by the psychological obligation she felt to respect and obey members of her family. The family as a space for trafficking also has implications as to why victims may not be identified. If trafficking is occurring within a family, it may be rendered “invisible”, internal family dynamics and exploitation are “invisible” due to trafficking occurring within the private, domestic sphere. In identifying an exploitive situation within a family, the kinship bonds may be strained. In coming forward, the trafficking victim risks being severed from familial ties, hence victims may be extremely reluctant to either seek help or pursue an investigation against his or her exploiters.

Several of the girls in the Reddy case mentioned earlier in this section were ‘sold’ to Reddy by their parents in order to repay a debt. In this case, the parents of the young women are implicated in the trafficking process as they not only connected the victims to the trafficker but also profited from their exploitation. Even if the parents did not intend for their children to be exploited, the family is still a link within trafficking network.

In an educational video entitled “I Just Keep Quiet” produced by the Refugee Women’s Alliance (REWA), a young woman described how as a child, she was sent to the United States with a friend of her mother’s. Because her trafficker was a trusted family friend she did not think to question the woman’s intentions or plans for her. In Washington State, the young girl was made to work in a cantina, dance and engage in inappropriate relations with male customers. She realized that her situation was not what she or her mother had been promised; yet she could not confront her traffickers because of the friendship and social network that bound them together. Once again, this case illustrates how networks established within the community, family and between
friends creates complex personal relationship between the trafficking victim and the trafficker. Such relationships make it extremely difficult for the victim to expose the exploitation for fear of social consequences. These personal networks also shield and make trafficking ‘invisible’ by hiding it within the domestic and private spheres.

A recent Seattle Times article about underage prostitution in Seattle interviewed several young girls about their experiences in the sex industry. In the article, Alisha, a 16-year-old year from Phoenix, Arizona described how she met 19-year-old Marquis Smith who later became her boyfriend/pimp and transported her to Seattle. Smith was later convicted of federal child trafficking; Alisha was only 15 when he began exploiting her. In cases such as hers, the trafficked person and the trafficker are involved in a personal relationship and the coercive power the trafficker has over his victim is subtler than what is commonly defined. Prostituted women often express intense devotion and loyalty to her pimp in much the same way a victim of domestic abuse may feel toward her batterer. Thus personal relationships with the trafficker can effect how a victim understands his or her situation and determine if he or she seeks help. For more details of Alisha’s case please see the chapter on the Sex Industry.

Marie, a young woman attending a private college in Seattle was convinced by her boyfriend/pimp to participate in the sex work industry.

Marie says she was afraid, wandering an unfamiliar neighborhood and watched over constantly by her friends, to whom she dutifully handed every dollar. Constant flattery from her new boyfriend -- the 29-year-old soon was proposing marriage -- coupled with his implicit threats of violence and her own quiet shame, kept Marie locked in. Several weeks later, she was working the streets on her own.
The young woman was thus trafficked into sex work through a personal relationship with a ‘boyfriend’ who then exploited her for a profit. She remained attached to her trafficker not only out of fear and dependency but also because she believed that she loved him and that he reciprocated this love. In such a case, it is difficult to separate the victim from the victimizer as the two are connected in an intertwined web of dependencies. In Marie’s case, her boyfriend/pimp introduced her to a new set of ‘friends’, all of whom were connected to the sex industry. Soon she became situated within a community that accepted the practice of trafficking and became isolated from those who did not, making her more vulnerable to his coercion.53

Two potential customers alerted Marie’s mother of her involvement in prostitution, initiating the long process that would eventually allow her to leave both her boyfriend/pimp and her trafficking. The “Good Samaritans” were soliciting sex and thus could be categorized as members of the community in which the trafficking was taking place. Individuals from inside the community identified the trafficked person and took action in alerting someone more powerful than themselves. Marie’s personal kinship network was instrumental in providing the emotional and financial support necessary for her to leave the trafficking situation.

In France, a 25-year-old woman, Marie Antonello was convinced by her boyfriend to enter into prostitution and hand over all her earnings to him. It was only because Antonello was “in love” with her exploiter that she became involved in the sex trade. A year later, her boyfriend was charged and convicted of pimping and Antonello sued in civil court for the $111,000 she had given him over the course of one year’s prostitution54.

In conclusion, trafficking networks exist on different levels and involve many social networks. Organized crime exists and thrives within legitimate
communities and practices. Traffickers and their trafficking victims can live and work in the same social sphere; for a victim to leave his or her trafficking situation could possibly mean separating him or herself from the entire social community. Complex relationships, dependencies and obligations further complicate the ability to define both who is a trafficked person and how does one assist? Parents want to give their children the best life possible, what relationship to trafficking do they have when the child becomes exploited? The trafficker may simply see himself as a businessman providing opportunities otherwise unavailable to his community. Traffickers depend upon the community to help shelter and hide the exploitation and wrongdoings, while the community may depend upon the trafficker for services and support. People around the world and within Washington State depend upon personal and social networks to provide support, help migrate, or find jobs; yet the same networks can be used to exploit and isolate victims of trafficking. While only victims are trafficked, trafficking victimizes entire communities. It is also within the spheres of these communities and personal relationships that trafficking can be combated, victims assisted, and traffickers punished.

Endnotes:


Kelly, David. “Fight for Human Freight: Gangs of kidnappers are staling immigrants from smugglers after they’ve made it to the U.S. through the latest backdoor”. *The Los Angeles Times*. 14 December 2003: A.1


2005
49 “I Just Keep Quiet” 2005 REWA
51 Goible, Evelina. “The Similarities Between Pimps and Batterers”.
The Sex Industry

World involvement in the sex industry is even larger than the drug industry - with profits of $7 billion to $12 billion a year.¹ As the discourse analysis of this report attests, the sex industry and prostitution have been at the forefront of the trafficking debate on the international and national scenes. In order to understand why this is so, this chapter will first illustrate the sex industry from a global perspective; including the nature of the industry, its prevalence, and the reasons why the industry is flourishing. With this general depiction, it will be evident as to why the United States and Washington State are also experiencing these mounting trends. Public opinion on the Sex Industry varies, but it can be generalized that most U.S. citizens deem it to be a criminal activity. Such a perspective offers an explanation for why the anti-trafficking movement has been primarily focused on the issue of sex trafficking (See Language and Power Constructing Anti-Trafficking Discourse, Section I). The vulnerabilities of trafficking within the sex sector are bona fide and in need of pressing attention and discussion. In Washington State alone, there have been a number of sex trafficking instances identified, although not always prosecuted. In order to confront this issue, the second part of this chapter will illustrate the connection between the sex industry and trafficking to expose the vulnerabilities of trafficking inherent in the sex industry. Lastly, this chapter will also review cases of sex trafficking and/or cases of exploitation within the sex industry in Washington State in order to explore how the government as and media have construed these cases. The reality is that the majority of sex trafficking cases go unreported within our borders for a multitude of complex reasons to be explained in this chapter.
What Is Sex Work?

The most common form of sex work is prostitution, the practice of engaging in relatively indiscriminate sexual activity, in general with individuals other than a spouse or friend, in exchange for immediate payment in money or other valuables.\(^2\) Still, the sex industry is not limited to prostitution; it also includes pornography, adult films, exotic dance clubs, peep shows, massage parlors, sex hotlines and sex tourism. *Sex tourism* is the occurrence in which individuals travel from their country of origin to another for the purpose of engaging in commercial sex acts.\(^3\)

Global Perspective

Internationally, the number of people earning a living directly or indirectly from the sex industry is several million. This figure includes owners, managers, pimps and other employees of the sex establishments, the related entertainment industries and some segments of the tourism industry. The International Labor Organization (ILO) has reported that the growth of the sex industry may be indirectly rooted in the migration of females for overseas employment, the promotion of tourism and rural-urban migration to provide cheap labor for export-oriented industrialization, combined with growing income inequalities and the lack of social benefits. Additionally, the report identifies the mounting feminization of labor migration as a primary factor fueling growth in the sex sector.\(^5\)


Statistics

Internationally, an estimated two million women and children enter the
sex industry per year.

Most are from the Philippines and Thailand. Thai women work as
prostitutes throughout Asia as well as in Australia, Europe and the
United States.

Some 80 percent of the Asian female migrant workers legally entering
Japan in the 1990s were “entertainers,” a common euphemism for
prostitutes.

In India, some 100,000 Nepalese women work as prostitutes, with an
additional 5,000 Nepalese trafficked to the country each year.⁶

United States

While prostitution and the sex industry are a worldwide phenomenon,
the United States has also been a major player in the growing sex industry in the
last few decades. Although it is difficult to estimate the number of persons who
currently work, or have ever worked as prostitutes based on the number of arrests
made annually, national figures estimate that there over 100,000 people working
as prostitutes.⁷ The National Task Force on Prostitution suggests that over one
million people in the US have worked as prostitutes in the United States, or about
1% of American women.⁸ Sex businesses within the United States thrive in all
areas – urban, suburban and rural, including areas surrounding U.S. military
bases. They include street prostitution, escort services, strip clubs, massage
parlors, health clubs, brothels in hotels, rented houses and/or apartments, as well
as operations behind legal front businesses, such as beauty parlors, restaurants
and warehouses. Sexual “rest and recreation” areas proliferate around U.S.
military bases, especially in the South.⁹
Sex enterprises operating within the U.S. can either be legal, incorporated as legal, semi-legal, behind legal front business or illegal makeshift ventures (operate out of mobile trailers/warehouses that are converted into brothels). Some sex businesses are family owned, while others and owned by local community members (including prominent members, such as lawyers and judges). The majority of sex enterprises are controlled, financed or backed by organizing crime groups, ranging from highly organized, hierarchal groups to decentralized smaller groups of individuals with no central leader. Law enforcement officers reported that 76 to 100 percent of sex enterprises are somehow connected to these organized crime groups.\textsuperscript{10}
**Washington State**

Washington State is by no means immune to the effects of a thriving sex industry. Seattle has been identified as a hub for recruiting women and men into prostitution. Twenty Seattle police officers executed a sting operation on Friday, February 9th, 2006 from noon to midnight in order to arrest prostitutes and their customers along Aurora Avenue. By the end of the night, they had arrested 27 individuals. Moreover, there is a growing trend to find teenagers working as prostitutes in the Seattle area. “We’ve lulled ourselves into thinking we don’t have this issue, but we do. It is here,” said Cheryl Jackson-Williams, the former director of the Spruce Street Secure Crisis Residential Center on Capitol Hill. Since the spring of 2005, she has identified 78 kids, mainly girls, who reported trading sex for money. She said that she has met 13-year-olds in Seattle working in the sex industry and adult men have no problem picking them up. Richard Estes, a professor at the University of Pennsylvania, conducted research on child prostitution and pornography. He claims, “In Seattle it was enormous numbers of kids.” Norma Hotaling, founder of the anti-prostitution program Standing Against Global Exploitation (SAGE) in San Francisco has spent ten years studying sex ring operations. She provides further evidence that recruiters she interviewed frequently mentioned how they would drive up to Seattle in order to find girls in nightclubs or on the streets. Seattle is also part of a larger, national sex ring. From Seattle, girls are moved to work the streets in Portland, Vancouver, Las Vegas, Los Angeles, New York, New Orleans and various spots in Florida.

**Perceptions of the Sex Industry**

There are two diverging positions on how the law should apply in regards to the sex industry, those who want to abolish the industry all together versus
those who promote sex work as legal and legitimate employment. Religious
groups and certain feminist NGOs, such as the Coalition Against Trafficking in
Women (CATW), exemplify the first view. According to CATW, “prostitution
must be recognized not only as part but as a foundation of the larger system of
patriarchal subordination of women;” therefore, women do not freely choose
this line of work. Additionally, prostitution “reinforces gender disparities
of rights and status.” With respect to legislation, abolitionists advocate for
decriminalization of prostitution. They criticize repressive policies against
prostitutes, but promote the prosecution of customers and pimps, who are to
blame for the exploitation of women. They oppose the regulation of prostitution
through zoning, licensing and, in some cases, mandatory health checks because
it promotes and condones the illegal trafficking of women. Some abolitionist
NGOs aim to rescue women from prostitution and train them to find alternative
careers or security in marriage.

Advocates that promote sex workers’ rights perceive prostitution
differently. Supporters of sex workers’ rights distinguish between sex work
that is voluntary or force; recognizing the complexity of the industry. Laura
Agustín, a known supporter of the legalization and regulation of the sex
industry, recognizes that many migrants doing sexual jobs may not necessarily
be ‘forced,’ per se, but have no other options in life. Still, she claims, “they may
well have fewer options, or fewer agreeable options, than some other people,
but they have them. Moreover, among those who suffer from poverty, bad
marriages and the entire array of possible root factors, not everyone opts for
sex work, just as not everyone opts to migrate.” Regarding legislation, sex
work groups seek decriminalization of all aspects of prostitution. They argue
that if customers are prosecuted, their work will be more risky since it will be
even stealthier. The ILO concurs with this position by stating, “For adults who
freely choose sex work, the policy concerns should focus on improving their working conditions and social protection so as to ensure that they are entitled to the same labor rights and benefits as other workers.\textsuperscript{20}

Recognizing the ways in which certain individuals, religious and feminist groups usually perceive the sex industry as coercive, oppressive to women, and illegal it is easy to understand the influence these groups have had over government officials, both internationally and in the United States. To some extent, this explains the sweeping success that these groups have realized in shaping the anti-trafficking debate around the issue of sex trafficking (See Modern workings of the trafficking campaign, Section I). Still, there are critical vulnerabilities to trafficking within the sex industry that are in need of acknowledgement and debate.

**Intersection of the Sex Industry and Trafficking**

There are ambivalent, inconsistent and contradictory perceptions swirling around prostitution. There is an assumption that migrant workers have only two possibilities: ‘freedom’ or semi-enslavement, but in fact there is a wide range between the two extremes. Some people give money to ‘pimps’ for protection; many people give money to a boyfriend (as many people do, to their partners or spouses, outside the sex industry). There are families who share flats and income and friends who work together. There are people, under contract to work in clubs, who have scarcely any life outside and who are sometimes moved from place to place without being consulted. However, some of those people go along with that situation because it helps them save more money and they feel safer. Other people are truly trapped.\textsuperscript{21} The ILO report acknowledges that some prostitutes’ incomes and working conditions are very good, while others labor under conditions akin to bondage or slavery and suffer extreme
exploitation and abuse. While it is clear that the sex industry involves a range of conditions, it is a complex and multifaceted feat to distinguish between forced and voluntary sex work. This confusion around consent makes it very difficult for cases to be considered as sex trafficking by its legal definition. It might also be reason as to why officials are having such difficulties in finding trafficked persons...they don’t know where to look. This second section of this chapter will attempt to address the interaction between the sex industry and trafficking and the vulnerabilities that the sex industry poses for crimes of trafficking.

**What is Sex Trafficking?**

The U.S. Department of State defines “sex trafficking” as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act. “Commercial sex act” is legally defined as any sex act on account of which anything of value is given to or received by any person.²²

**Vulnerabilities**

*Illegality of the Sex Industry*

The underground, illegal nature of the sex industry and the fact that most sex workers are undocumented ensures their isolation from society and the legal system and could prove to make sex workers easy targets for instances of trafficking. The Washington State 2002 Task Force report contends that migrant women who are not allowed to work legally in the sex sector are more vulnerable to violence, abuse and control by traffickers since the sex workers’ immigration status is generally not documented.²³ Moreover, sex workers who are being trafficked or know of other trafficked victims within the sex industry would be more resistant to report these crimes out of fear of being arrested themselves. The International Labor Organization suggests that official
recognition of the activity, including maintaining records, would be extremely useful in assessing, for example, the health impacts of the sector, the scope and magnitude of labor market policies needed to deal with workers within the sector and the possibilities for extending the taxation net to cover many of the lucrative activities associated with it. A major hurdle to the formulation of effective policy and program measures to deal with prostitution has been, “Policy makers have shied away from directly dealing with prostitution as an economic sector.”

**Profit-Making Industry**

The fact that this illegal industry has become such a profit-making sector in which more and more people are dependent on its earnings, may give those individuals at the pinnacle of the sex enterprises more of an incentive to exploit sex workers in order to realize greater profits. Revenue from the sex sector is estimated to account for anywhere from 2 to 14 percent of Gross Domestic Product (GDP) among most of the world’s nations. The revenues it generates are crucial to the livelihoods and earnings potential of millions of workers beyond the prostitutes themselves. In a study conducted by the International Labor Organization (ILO) in four Southeast Asian countries, government authorities were reported to collect substantial revenues in areas where prostitution thrives, illegally from bribes and corruption, but legally from licensing fees and taxes on the many hotels, bars, restaurants and game rooms that flourish. The estimated financial turnover of the sex industry in Indonesia alone is anywhere from $1.2 to $3.6 billion dollars (US).

Still, in a study conducted by the ILO it reported that in all four of the countries studied, the report has shown prostitution to provide significantly higher earnings than any other form of unskilled labor for women, making it
a very attractive option. In another survey conducted in Thailand, it revealed that most of the women entered the sex industry for economic reasons. While there are very attractive financial motivations for women to work in this industry voluntarily and more than willing (which they often do), it could also be the case that they initially believed they would realize profits and later found themselves in an unavoidable trafficking situation. The ambiguities surrounding economic pressures “forcing” one into prostitution is in need of attention. Surveys of women working in the sex industry indicated that 34 percent of them explain their choice of work as necessary to support poor parents. More than 20 percent said the job was well paid, but only 2 percent said it was easy work and only 2 percent claimed to enjoy the work. This undermines sex-workers so-called acquiescence, but it is still unclear if one could pronounce this type of pressure as “forced” or to be “sex trafficking” by legal standards. This is further mystified considering that a majority of those surveyed stated that they knew the type of work they would be doing before taking up the job.

Children

In the United States, when children are working in the sex industry under a pimp or someone else, they are legally considered to be victims of trafficking with or without the element of “force, fraud or coercion.” This is an issue because the sex industry is increasingly showing trends of employing minors for sex work. It is now believed that minors under the age of 18 are performing the majority of sex services, especially within the realm of sex tourism. Beyond the legal definition, recognizing the characteristics and traits generally associated with children: their limited scope of rights, their relative lack of knowledge and empowerment, their restricted self-autonomy and their lack of economic resources, it is understandable that children involved with
sex work in particular are more vulnerable to sex trafficking. The non-profit organization End Child Prostitution, Child Pornography, and the Trafficking of Children (ECPAT) estimates that more than one million children worldwide are drawn into the sex trade each year. A study funded by the U.S. Department of Justice in 2001 found that at least 250,000 children are victims of sexual exploitation in the United States. Researchers estimate that nationally, one out of every three kids on the streets will be solicited for sex. These statistics are quite overwhelming and disheartening considering that children under the age of 18 are not considered as capable of giving consent to such activity (at least in most Western nations).

In Washington, Maggie Faust, the current director of the Spruce Street Secure Crisis Residential Center, says that there are three common types of child prostitutes that come through the center: drug-addicted kids who get compensated by their pimp with drugs, kids who live at home and are often prostituting without parental knowledge and kids who are part of larger sex circuits often circulating national cities. Of these three types of prostitutes, Maggie predicts that many of these minors may be considered victims of trafficking depending on how one defines “forced or coerced” labor; especially those minors with a drug dependency and those who are moved from city to city by larger sex circuits. With children, however, the element of “force” or “coercion” does not have to be proven at all in order for the law to prosecute crimes of trafficking. Even so, most of these cases go unreported because of the lack of knowledge of trafficking and their rights among trafficked children as well as among social workers working with child prostitutes.

The ILO agrees that entirely separate measures need to be implemented for adult prostitution versus child prostitution since adults can choose sex work
freely, whereas children are inevitably subject to sex trafficking. The ILO emphasizes that children “are clearly much more vulnerable and helpless against the established structures and vested interests in the sex sector, and much more likely to be victims of debt bondage, trafficking, physical violence or torture. “International conventions all treat child prostitution as an unacceptable form of forced labor and the goal is its total elimination.” Success in eliminating child prostitution may also reduce adult prostitution, since many adults report having entered the sex sector while they were still underage.\textsuperscript{29}

**Nature of sex trafficking**

Of the estimated 600,000 to 800,000 people trafficked across international borders each year, it is estimated that hundreds of thousands of these women and children are used for prostitution.\textsuperscript{30} This includes trafficking into prostitution, sex slavery, pornography and other forms of commercial sexual exploitation. Eighty percent of trafficked persons are women, where 50 percent are under 18.\textsuperscript{31} Estimates for the number of individuals who are trafficked within the sex industry varies widely, considering the illegal nature of the industry in general. Beyond the lack of official documentation or statistics, the difference of opinion amongst individuals and their understanding of trafficking elucidate the variance. For example, there are those who consider *all* women who are moved within or across national borders to work as a prostitute and/or some other sex-related activity to be a trafficked person, while others accept that some of these women consent to their work in the sex industry.\textsuperscript{32}

In many cases, sex trafficking is an operation being carried out by transnational organized crime groups. For example, it is believed that the sex trafficking of central and Eastern European women to the United States and Western Europe is primarily controlled by organized crime groups operating
out of Russia and Ukraine, where women are forced into prostitution by various local gangsters, many of whom are not nationals of the countries they are operating in. Still, it may be that sex trafficking is more often “crime that is organized,” rather than a function of transnational criminal organizations. Ko-lin Chin ascertains that Chinese migrant smuggling rings into the United States and elsewhere are most often loose networks of relatives and friends, rather than formal organized crime groups.

**Laws**

*International*

The 1949 Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others, adopted by 69 countries, defined “trafficking” solely for the purpose of prostitution. Given the Convention’s narrow definition of trafficking solely in terms of prostitution and the fact that it has weak enforcement mechanisms, the United Nations developed a protocol in 2000 to prevent, suppress and *punish* trafficking in persons; the protocol gives attention to the *exploitation of the prostitution of others and other forms of sexual exploitation*, and defines other forms of trafficking, such as forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; the protocol also calls for federal assistance of victims of trafficking, including national citizenship. Moreover, at least 32 countries have extraterritorial laws that allow the prosecution of their citizens for crimes of commercial sex tourism committed abroad. In 1999, The World Tourism Organization (WTO), the NGO End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) and Nordic tour operators developed a global Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. As of March 2005, 100 travel companies
from 18 countries have signed the code.

**United States**

The Trafficking Victims Protection Act (2000) defines a victim of “sex trafficking” in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age. Through the National Security Presidential Directive enacted in December of 2002, the U.S. Government adopted a strong position against legalized prostitution on evidence that prostitution encourages an environment that fuels trafficking in persons. In January of 2004, the Department of Defense initiated a multi-pronged anti-trafficking policy, which called for a “zero-tolerance” policy to oppose prostitution, recognizing it as a contributing factor to sex trafficking. In 2003, the United States strengthened its ability to fight child sex tourism by passing the Prosecutorial Remedies and other Tools to end the Exploitation of Children Today (PROTECT) Act and the Trafficking Victims Protection Reauthorization Act. Together these laws increase penalties to a maximum of 30 years in prison for engaging in CST. The Department of Homeland Security has developed the Operation Predator initiative to combat child exploitation, child pornography and child sex tourism.

**Washington State**

Washington State was the first to pass legislation on the state level to address human trafficking, with specific attention given to address sex trafficking. Still, it is important to recognize that Washington State laws do not emphasize the issue of sex trafficking to the same degree as international and national laws. Under RCW 9A.40100, a person is guilty of trafficking in the first degree when he or she recruits, harbors, transports, provides, or obtains by any
means another person knowing that force, fraud, or coercion as defined in RCW 9A36.070; cause the person to engage in forced labor or involuntary servitude; or benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i)(A) of this subsection; and involve committing or attempting to commit kidnapping; or involve a finding of sexual motivation under RCW 9.94A.835; or result in a death.

Interpretation of the Law

While there have been significant pieces of legislation that address sex trafficking, there is variance of opinion on how the law should work to prevent sex trafficking. Some groups call for legal recognition of the industry in order to award sex workers more rights, while the government and other groups maintain that its legalization and legitimization will encourage a rise in sex trafficking. Furthermore, there is an issue regarding legal evidence in order to convict a crime of sex trafficking. As reported by the Washington State 2002 Task Force, even when cases of sex trafficking are prosecuted, there were women who worked as sex workers prior to being forced into trafficking but had to prove they did not consent to sex work; this in turn denies protection to these victims. Individuals involved in the sex industry already have circumscribed rights and are perceived with biases by government agencies, law enforcement agents as well as the general public. These factors make it even more difficult for victims of sex trafficking to convict their perpetrator of sex trafficking and less likely to come forward.

Cases of Sex Trafficking in Washington State

By no means is Washington State unaffected by sex trafficking. National experts say Washington State, particularly Seattle, has become a major hub on
the sex trafficking circuit, especially involving minors under the age of 18. In August of 2005, 19-year-old Marques Smith was sentenced in Florida for charges of child trafficking committed in Seattle, Washington as well as other cities within the country. Smith had trafficked Alisha, a 15-year-old girl native to Phoenix, Arizona. All the money Alisha had made went to directly to Smith, who dictated when and where she would work, kept record of her customers and her earnings and used the money he collected from Alisha to house the two of them in a series of local motels. Smith frequently physically and psychologically abused Alisha; one time, he punched her in the face so brutally that he broke her front teeth. Smith will be sentenced in Seattle this month.

In another case, Marie, a 19-year-old girl from Fremont, had voluntarily started prostituting after being convinced by her new 29-year-old boyfriend, who then acted as her pimp. At first Marie was making money by working the circuit, moving from Seattle to Portland to Anaheim, Calif., and Las Vegas for work. After awhile, Marie’s pimp had racked up thousands in debt on her credit cards, siphoned $4,000 from her bank account and stole the $7,000 tuition check her parents had written for her second semester at Cornish. He once punched Marie in the face for smoking a cigarette. Federal prosecutors are unclear whether to consider Marie a trafficking person and/or to press charges against her pimp. In all likelihood, this situation will not be prosecuted as a trafficking case due to the fact that Marie was an adult; she was initially working as a prostitute voluntarily; and Marie’s pimp was indirectly withholding the money from her after the fact.38

In order to comprehend why trafficked persons within the sex industry are not being identified, reported and/or their traffickers prosecuted, it is imperative to recognize how the notions and legal interpretations of prostitution and sex trafficking have been construed. In Alisha’s case, it seems as though it
would be a simple feat to prove that she was trafficked because she was under 18 years of age, her pimp frequently abused her and he was directly taking the money she earned. While federal laws and state laws have given much more protection to victims under the age of 18 and victims of sex trafficking, Alisha was not identified as a trafficked person while she was working in Seattle. At one point, she was arrested by Seattle Police Department and then taken to the Spruce Street Center, the only rehabilitation center for underage prostitutes in the state.39 When she arrived at the center, she had two broken front teeth from the time that Smith punched her. Even when Alisha showed explicit signs of being trafficked, the Spruce Street Center social workers released Alisha back onto the streets after five days. In an interview with Maggie Faust, the director of the center, she claimed, “I can’t really tell you much about human trafficking.”40 As of February 7, 2006, the social workers of Spruce Street Center have still not received any formal training on human trafficking (See Surveys, Section IV). This however, has deeper implications. The fact that the law prohibits funds being used to “promote, support, or advocate the legalization or practice of prostitution” is directly correlated with the fact that the social workers at Spruce Street center have very little knowledge of human trafficking; this is extremely problematic considering they work with child prostitutes on a daily basis (See Stakeholder Analysis, Section I, page 8).

Nevertheless, Alisha was finally identified as a survivor of trafficking by Florida officials early last year. Once she was found, there were few complications that prevent prosecutors to convict Smith, Alisha’s perpetrator, with child trafficking. Once she was exposed to the media as a victim of child trafficking, general public sentiments were quite sympathetic to Alisha’s story, mostly because she was under eighteen. She now resides in a prostitution rehabilitation center in the Midwest and is legally recognized as a survivor of
child trafficking.41

While officials in Washington State had a difficult enough time in identifying Alisha, the case of Marie is even more intricate and complex. The fact that she was an adult left her with modest legal protection needed to convict her perpetrator and to receive benefits as a victim of trafficking. To complicate matters more, her pimp indirectly stole money from her through her checking account after a period of time. Even though he physically abused her and stole her money earned through prostitution, Washington State officials have argued that Marie consented to this arrangement out of her attachment and love for her pimp.42 Without concrete evidence that Marie at some point did not consent to the arrangement, it would be very difficult to consider this a case of trafficking in the eyes of the law. Today Marie is not considered a victim of trafficking and is currently working to pay off her debt.43

Campaigns

There has been almost a total absence of a campaign directed at the sex industry and prostitution within Washington State. In order to combat prostitution and sex trafficking, many U.S. cities, including Chicago, Oakland, Baton Rouge, etc., have started to address the “demand” side of prostitution by enforcing stricter penalties and designing public awareness campaigns meant to humiliate men who purchase prostitution; still, there are doubts that this method will be ineffective. Juhu Thukral, director of the Sex Workers Project at the Urban Justice Center in New York says that focusing on demand will not reduce the amount of prostitution. She claims that the most effective campaigns should allocate resources for supportive housing, job training, legal services and other programs that teach skills to prostitutes for employment that provides a living wages.44 In Washington, the Spruce Street Center of Capital Hill is the only
resource center of this nature and its services are only available minors; there are NO service providers in the state that have the sole purpose of providing resources to adult sex workers. In 1996, former Governor Gary Locke proposed that $79,000 in federal money be used to create a support and resource center for prostitutes in order to persuade them to find another lines of work; the project involved workshops to improving self-esteem, distribution of condoms and use of educational materials for prostitutes. Nevertheless, Locke failed to win council approval and was harshly criticized for the mere suggestion by political opposition. Washington State is in critical need of a resource center that can specifically address the needs of prostitutes of all ages. It is utterly necessary if Washington is committed to protecting sex workers from crimes of abuse, exploitation and trafficking in persons.

Another model campaign that addresses male clients without humiliating them is to require that men who are arrested for purchasing of sex services attend a “John School.” In Chicago, the law requires that men arrested for prostitution pay a $500 fee to attend the eight-hour “John School” session implemented by the Genesis House, an organization that helps Chicago sex workers; all the money goes to support Genesis House’s programs. During the session, men learn about the law, the health risks of patronizing prostitutes, and the reality of what life is like for prostitutes. The “John School” was first implemented ten years ago by Norma Hotaling, a former prostitute who founded the Sage Project in San Francisco. Norma, who has launched the project all over the country, including Chicago, claims that the programs are remarkably successful; in San Francisco, she only sees about two percent of the men a second time. A survey among men who routinely purchase sex services in Vancouver, BC, revealed that these men actually shared similar attitudes about prostitution as the general public; two thirds of these men agreed that prostitution was a serious problem
and recognized its sexist nature. Additionally, the profiles of the men surveyed came from all demographic backgrounds, including age (18-92), marital status (about 50%), ethnicity and socioeconomic background, showing strikingly similar demographic trends as the general population. This observation suggests that “John Schools” might be well received in places like Vancouver where buyers of prostitution are “just average guys.” This program might also adapt well to Seattle, recognizing the resemblances of the two Northwestern cities.

Understanding Human Trafficking: Placing anti-trafficking discourses and legislative definitions

Nature of sex trafficking: Bigger market, broader range of trafficking cases
**Recommendations**

There is an urgent need for social workers that work with prostitutes in Washington State to be trained on identifying trafficked persons and directing them to find assistance. It is crucial that agencies like the Spruce Street Center are a part of the anti-trafficking campaign. This may require federal agencies to modify their regulations and terms for providing organizations with funding to implement anti-trafficking programs.

It is also critical that Washington State carries out some sort of campaign that gives attention to women and men who are working in the sex sector and are therefore susceptible to trafficking. By ignoring these individuals, many cases of sex trafficking will go unnoticed by authorities. A resource center that specifically addresses the needs of prostitutes and “John Schools” are two effective means that would target buyers of sex services without employing humiliating or other demeaning techniques. More importantly, it shows a commitment by Washington State authorities that it is devoted to protecting sex workers from crimes of abuse, exploitation and trafficking in persons.
Sweatshops

Sweatshops are often considered to be synonymous with trafficking, an association that can be traced to the very nature of sweatshops: its underground nature, poverty level wages, few if any benefits, unsanitary and unsafe working conditions, and susceptibility to abusive, coercive and/or forced labor. In order to differentiate between sweatshops and cases of trafficking, one must give attention to the nature of sweatshops and the extent to which they exist. Sweatshops are a widespread phenomenon reaching nearly every corner of the globe and by no means has the United States been immune to their presence. While there has not been a reported case of modern-day trafficking related to sweatshops in Washington State, this is not to say that they do not exist. It could be that trafficking occurs in “sweatshop-like” conditions within factories, manufacturing plants or other industrial units. In order to comprehend why these cases have not been found, there is a need for an analysis of the vulnerabilities of trafficking within sweatshops and other manufacturing plants along with a legal understanding of how well the government protects workers from the industries susceptibilities to trafficking. It is also essential to recognize the general opinion and media perceptions of sweatshops and immigration, since immigrants labor the majority of sweatshop work. In conclusion, this chapter will review cases of sweatshops and reports of exploitation and trafficking in the United States in order to illustrate the complexity and number of components that are associated with trafficking. This is necessary in order to address the overarching question of this report – why do trafficking cases continue to go unreported within our borders and beyond?

What is a Sweatshop?

A sweatshop, also known as a sweating system, is means of exploiting
labor by supplying materials to workers and paying by the piece for work done on those materials in the workers’ homes or in small workshops. The system has evolved particularly in industries that do not require expensive machinery, as in making garments. Employees are typically found among women and children. The worst aspects associated with this system are long hours, sometimes 15-18 hr a day, very low wages, and unsafe and unsanitary conditions.49

In modern times, sweatshops are most prevalent in apparel manufacturing, usually associated with multinational or a transnational corporation oversees. Still, sweatshop conditions exist in an increasing number of manufacturing and service industries involving auto parts, building maintenance and other types of public sector work with an objective of lowering wages and benefits. Among professionals even, there is a movement towards replacing corporate staff with temporary contract workers with minimal job security and/or benefits. While apparel sweatshops are the extreme version of the general lowering of living standards, it is obvious that there have been many attempts for industrial units and factory owners to avoid any liability for workers and working conditions.50

**Global Perspective**

Worldwide, the largest work force of any manufacturing industry is comprised of the tens of thousands of garment factories that employ tens of millions of workers working in the apparel, textile and footwear industries. About 80 percent of manufacturers that produce clothing for U.S. retailers are paying their employees wages that violate local and international labor laws. This indicates that sweatshops virtually turn up in every corner of the globe. One can locate sweatshops that produce for U.S. retailers in nearly 150 countries, while sweatshops are employing at least 2 million people across the globe, a majority of them young women and teenagers.51
Wages around the World

Salaries for Apparel Executives

<table>
<thead>
<tr>
<th>CEO</th>
<th>Company</th>
<th>Annual Salary(^{\text{a}})</th>
<th>Hourly Wage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philip Marineau</td>
<td>Levi-Strauss &amp; Co.</td>
<td>$24.9 million</td>
<td>$11,971</td>
</tr>
<tr>
<td>Tommy Hilfiger</td>
<td>Tommy Hilfiger Corp.</td>
<td>$22.4 million</td>
<td>$10,769</td>
</tr>
<tr>
<td>Ralph Lauren</td>
<td>Polo Ralph Lauren</td>
<td>$4.5 million</td>
<td>$2,163</td>
</tr>
<tr>
<td>Paul Charron</td>
<td>Liz Claiborne Inc.</td>
<td>$3.12 million</td>
<td>$1,500</td>
</tr>
<tr>
<td>Paul Fireman</td>
<td>Reebok</td>
<td>$3.1 million</td>
<td>$1,490</td>
</tr>
<tr>
<td>Philip Knight</td>
<td>Nike</td>
<td>$2.75 million</td>
<td>$1,312</td>
</tr>
</tbody>
</table>

Average Hourly Wages in Apparel Industry

<table>
<thead>
<tr>
<th>Country/Region</th>
<th>Hourly Wage(^{\text{b}})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mexico</td>
<td>$1.75</td>
</tr>
<tr>
<td>South Africa</td>
<td>$1.27</td>
</tr>
<tr>
<td>Malaysia</td>
<td>$1.36</td>
</tr>
<tr>
<td>El Salvador</td>
<td>$1.08</td>
</tr>
<tr>
<td>Mauritius</td>
<td>$0.94</td>
</tr>
<tr>
<td>China</td>
<td>$0.86</td>
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<tr>
<td>India</td>
<td>$0.71</td>
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<tr>
<td>Sri Lanka</td>
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<tr>
<td>Indonesia</td>
<td>$0.24</td>
</tr>
<tr>
<td>Pakistan</td>
<td>$0.23</td>
</tr>
</tbody>
</table>

United States

Contrary to popular belief, workshops exist within the United States – often illegally – thus, ensuring they will be unregulated and undocumented by government officials. Even so, it may be the case that legal and legitimate factories in the U.S. are in fact executing sweatshop and/or trafficking operations. The U.S. Department of Labor found that 67% of Los Angeles and New York garment factories don’t pay workers minimum wages for overtime, violating
Throughout the 1990’s, the Government Accountability Office reported estimates of sweatshops in major garment producing centers:

- New York City: In 1994, it was reported that approximately 4,500 of 5,000 garment shops were sweatshops.
- Miami: 400 of the total 500 garment shops are sweatshops.
- El Paso: 50 of 180 are sweatshops.
- New Orleans: 25 of 100 apparel firms are sweatshops.
- It was also reported that there are apparel sweatshops in parts of New Jersey, Chicago, Philadelphia, San Antonio, and Portland, OR.

The most publicized case of a sweatshop identified within U.S. borders was discovered on August 2, 1995 in El Monte, California, a small community near Los Angeles. The California Department of Industrial Relations raided a fenced seven-unit apartment complex and exposed one of the most horrendous U.S. sweatshops in modern times. Seventy-two Thai immigrants, most of whom were women, had been forced to sew garments in extremely hazardous conditions, essentially enslaved behind razor wire fences. Upon the exposure of this sweatshop, California law enforcement arrested eight operators of a Chinese-Thai, family-owned garment sweatshop.

**Washington State**

It is projected that the Washington State and Seattle garment industries had for the most part shut down by the 1980’s and 1990’s, as factories moved overseas to remain competitive. Today, some garment work continues in the Seattle area, but mostly in small stores and homes and/or on a contract basis. Still, in July of 2004, Detective Harvey Sloan, who is with the Seattle PD and
the Co-Chair of WashACT, was reported in the Seattle PI as claiming that there is a possibility that immigrants are trapped in servitude and debt bondage as workers in sweatshops all around King County.\textsuperscript{58} Moreover, history has shown that Seattle and Washington State has had its share of sweatshops.

Since the 1890’s, Seattle employed mostly Filipino, Japanese, Korean and Chinese immigrants in its garment factories and sweatshops that were outerwear for gold minors, such as vests, woolen pants and jackets. Throughout the 1950’s until the 1970’s, Seattle’s garment industry was booming, but unfortunately, so were sweatshops. Ron Chew, whose mother was a seamstress during the in the 1950’s recalls, “Many were injured...they sewed through their fingers, and they would have to go back to work the next day.” Also, he claimed that workers endured low pay, had questionable union representation, were under constant pressure to produce and feared of being replaced by younger workers.\textsuperscript{59}

While there are no modern cases of sweatshops reported in Washington
State, this does not give assurance that they have completely vanished either. On the absence of cases of sweatshops and/or trafficking in Washington, Detective Sloan remarked, “Nobody really knows…I wish there was some way we could get it under our thumb and know exactly what we’re dealing with. But we really don’t.”

It could be that sweatshops in Washington State exist in other industries, not generally believed to harbor sweatshop-like conditions. For instance, in 1999 Genie Industries of Redmond, which makes lifts and booms for aerial work, willfully violated eight worker safety regulations (as well as violated six serious safety violations not considered to be willful), were accordingly forced to pay $377,900 in fines administered by the Department of Labor and Industries. At the time, the company had about 2,000 employees. The Labor and Industries inspectors found the violations after a six-month investigation instigated by employees.

In order to critically assess whether or not Washington State has sweatshops and or trafficking within factories, manufacturing plants, etc. it is important to first examine how the federal and state governments regards sweatshops and the laws they have enacted regarding employment labor laws and regulations. This acknowledgement allows one to comprehend the degree that workers are protected from crimes of trafficking and other forms of exploitation. It might also offer an explanation for why trafficked persons are not always identified, reported and/or prosecuted by government authorities.

Laws

United States

In regards to sweatshops, the U.S. Department of Labor defines a sweatshop as any factory that is in violation of two or more federal or state labor laws, such as minimum wage/overtime, child labor, worker compensation,
The Fair Labor Standards Act (FLSA) administered by the Employment Standards Administration’s Wage and Hour Division within the U.S. Department of Labor enforces also standards for the basic minimum wage and overtime pay. It requires employers to pay protected employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay; for nonagricultural operations, it restricts the hours that children under the age of 16 can work and forbids the employment of children under age 18 in certain jobs deemed too hazardous. For agricultural operations, it prohibits the employment of children under age 16 during school hours and in certain jobs too dangerous by governmental standards.

**Washington State**

Senate Bill 6352 and House Bill 2623 are pieces of legislation designed to protect farm and factory laborers, including dairy, fishing, logging, and agricultural workers, by giving the state the authority to revoke the license of any employer who does not comply with fair labor practices. Last month, two more pieces of legislation were introduced, House Bill 2725 and Senate Bill 6434, that required that workers who are on call, from farm workers to night watchmen, would earn minimum wage for time on the job. The farm-labor contractor proposal was drawn up by the Department of Labor and Industries and farm-worker advocates in the aftermath of a struggle over the activities of a Los Angeles organized labor scandal. Global Horizons, a subcontractor, was bringing Thai workers to the Yakima Valley throughout the last two years to do agriculture work. In 2004, the company was found guilty of violating several Washington State laws, including failure to pay taxes to the state and improperly deducting state and federal income taxes from workers’ paychecks.
Legal Debate

In order for the law to address the poor wages and living conditions of sweatshop workers, some groups, namely critics of globalization, call for minimum wage labor laws and work safety regulations, especially in countries that are sites for multinational factories. Still, there is a strong opposition claiming that forcing companies to pay artificially high wages will offer no incentive for a company to endure the costs of shipping, construction, and risk that come with installing manufacturing plants and other industrial units. Furthermore, opponents of a strong labor movement argue that sweatshop or factory working conditions are still the better alternative for workers from less developed nations; and forcing sweatshops to pay artificially high prices may force workers back “into the fields, the street, the brothels, and the black market.”

Political debate has also generated in Washington State over House Bill 2725 and Senate Bill 6434, meant to protect farm and factory workers subject to ambiguous pay and working hours. In opposition to the legislation are employer groups, such as the Yakima-based Washington Growers League and representatives of the dairy, cattle, fishing and logging industries; Caroline Martinez Mozee, a rancher and Klickitat County sheep rancher Max Fernandez are also in opposition to the bills claiming that the current laws are enough to protect the on-call workers (Fernandez recently won a long court battle in which it was determined that on-call workers are exempt from the minimum wage.) Dan Fazio, director of Washington Farm Bureau claimed, “We [Washington State] have the toughest and best workplace standards in the nation.”

The debate over labor laws reveals the strength and influence of the opposition, who have an interest in maintaining the status quo. The groups resisting the proposed legislation in Washington do not believe that minimum
wage laws should apply to on-call workers (usually farm or factory workers) either because of economic or ideological interest and have so far been successful in blocking the bill. As long as there is strong opposition to labor laws that require more protection for workers, Federal and State governments will continue to ineffectually regulate the workplace and protect worker’s rights. Enforceable labor laws that provide protection for workers are essential to industries like sweatshops, manufacturing plants and industrial units, where conditions particularly at risk to exploitation and trafficking. While it is true that not all employers who wish to employ cheap labor are perpetrators of trafficking, one can speculate that similar ideologies justify exploitation and maybe even trafficking of persons; these ideologies might also offer a partial explanation of why trafficked persons have not been found in these industries in Washington. Either way, the nature of these industries and their vulnerability to trafficking is in need of further analysis in order to think about ways in which trafficked persons are to be located.

Intersection of Sweatshops and Trafficking

When should sweatshops and/or factories be considered as cases of trafficking? According to the federal and state laws on trafficking, labor performed in sweatshops must be “induced by force, fraud, or coercion or in which the person induced to perform such an act has not attained 18 years of age.” As straightforward as this might seem, there is much ambiguity surrounding the issue of voluntary and involuntary labor. It has already been acknowledged that sweatshop workers are often exposed to exploitation, including the absence of a minimum living wage, long work hours and hazardous working conditions that could pose immediate and long-term health risks. Other times they are subjected to arbitrary discipline and verbal and/or physical abuse, particularly when they
sweatshops speak out, organize or attempt to create a union.\textsuperscript{66} In order to address this issue further, it is necessary to recognize the other factors that make sweatshops and factory environments particularly susceptible to trafficking – its demographics, they are often times underground, and the fact it is a competitive and profit-driven industry. While these factors make sweatshop and factory conditions at risk for trafficking, victims are further jeopardized and less likely to be discovered due to anti-immigration sentiments widespread throughout the country along with weak governmental enforcement and regulation policies in the workplace.

Vulnerabilities

\textit{Demographics of Sweatshops}

From a global perspective, a vast majority of all sweatshop workers are women (90%), young and often uneducated because she or he must work to support a family. In the United States, most sweatshop workers are recent or undocumented immigrants; almost always non-union and usually unaware they have rights as a worker (even if they are here illegally).\textsuperscript{67} In the Bay Area alone, there are some 20,000-sweatshop workers, mostly women from Hong Kong and China, according to Nikki Fortunato Bas, director of the nonprofit Sweatshop Watch. In New York, Asian Pacific Islander women make up the majority of sweatshop workers and in Los Angeles, some 15% of sweatshop workers are API.\textsuperscript{68} In a study carried out in the Chicago area, it was found that sweatshop demographics by national origin consisted of: 26% Latino; 22% Chinese; 21% Polish; 18% Vietnamese; and 12% African American.\textsuperscript{69} The majority of workers interviewed were women (60%) and almost half were under the age of 25 (49%). The Chicago study also found that 70% of sweatshop workers were undocumented.\textsuperscript{70} With undocumented immigrants making up an overwhelming majority of workers in these industries implies that they will be
highly susceptible to trafficking. In most cases, they speak very little English (if at all), are not familiar with American culture and laws, are unaware of their rights as workers, and are in constant fear of deportation. These factors are easily exploitable by an employer and could eventually lead to a trafficking situation.

**Underground Industry**

Changes in immigration laws in the U.S. in the 1980’s making it illegal to employ undocumented workers, has encouraged sweatshops, factories and manufacturing plants to go underground. As soon as employers break immigration laws, it becomes much easier for owners of sweatshops to break wage-hour, tax and labor laws as well. This environment has also made it more likely for abusive, coercive and forceful tactics to be used against sweatshop workers to ensure that the sweatshop operations will maintain dissident. Moreover, undocumented workers’ fear of discovery and deportation suggests that sweatshops will remain out of the view of the public and government unless more is done to locate and protect them.\(^1\)

The Immigration and Naturalization Service (INS) has reported that it faces significant obstacles to enforce of immigration law in sweatshops because of employers attempt to circumvent the law by operating underground sweatshops and employing illegal immigrants. In an INS inspection, it was found that the INS intelligence division had limited intelligence on sweatshop operations and their links to smuggling organizations stemming from the division’s almost total dependence on information from other law enforcement agencies or other INS divisions. Furthermore, it was revealed that INS field offices rarely used interagency task forces in order to enforce immigration law in sweatshops.\(^2\) It is apparent that there are internal and collaborative failures within government
agencies to track underground sweatshop and/or trafficking operations, which will surely impair the identification and prosecution sweatshop trafficking crimes. This, along with immigrant’s fear or mistrust of law enforcement, will intensify the difficulties that government agencies have at effectively tracking cases of underground sweatshops and trafficking.

Profit-Making Industry

The modern-day apparel sweatshop is a product of the global economy. Large retailers and manufacturers are seeking greater profits in a highly competitive industry; they are able to realize this by contracting production out to thousands of contractors and subcontractors. These contractors emerge “wherever labor costs are low, whether in Malaysia or Honduras, Los Angeles or New York.” These low prices, set by those at the top of the apparel industry chain, create the conditions where sweatshops can flourish: workers are paid even less, benefits are sparse and working conditions are poor. This trend has made sweatshops a highly profitable and low-risk endeavor to accommodate to the competitive pressures of the global apparel industry. The ever-expanding drive for profits indicates that sweatshops show no sign of disappearing; the means in which companies realize these profits suggests that these industries will continue to be at risk for human trafficking unless there are secure and enforceable protections for workers.

There are two diverging opinions on how to perceive the contemporary global economy and the emergence of sweatshops. Some claim that sweatshops are a way for corporations to exploit the poverty and desperation of less developed nations, by disregarding living wages, organization rights, and workplace safety regulations. In this opinion, employees of sweatshops are almost always also considered a victim of trafficking. On the other hand, proponents of
globalization argue that sweatshops, for all their unseemliness, often present workers the best-paid jobs with the best working environment they have ever had or ever will receive; they would not consider this situation to be a case of trafficking. Views that downplay the austerity of working conditions within sweatshops may “normalize” the phenomenon and make it more difficult to pass labor laws that would protect immigrants from exploitation and trafficking. These ideologies might also conflict with efforts to locate trafficked person; by shaping perceptions of sweatshop conditions, it could determine whether or not individuals would find this environment “exploitable” enough to report it to authorities.

**Perceptions of Immigrants**

Anti-immigrant feelings ran high in the early 1990s mainly because the country faced a prolonged recession and the marked growth of immigration, particularly to California. Some believe that as soon as it became increasingly obvious that white Americans would eventually cease to be the majority (projected estimate by 2050), a shift that has already occurred in California, also spawned the growth of an anti-immigrant sentiment. In 1994, a New York Times/CBS News survey found that 61 percent of U.S. residents thought that immigration levels should be reduced, up from 49 percent in 1986. This growing tendency may be detrimental to the identification and reporting of victims. U.S. citizens who believe that illegal immigrants do not belong in this country might be less likely to report a crime of trafficking, or may not even believe it to be morally wrong. These ideologies and perceptions to not cause trafficking in sweatshops, but they play off the vulnerabilities already inherent within these industries, making it much more difficult for governments to track victims of trafficking. In order to understand the complex ways in which all
these factors work to discourage the identification of trafficked persons, it is necessary to review and analyze recent cases of sweatshops and trafficking crimes reported in the United States and how those cases were prosecuted and played out in the media.

**Cases of Trafficking in the United States**

While the El Monte Sweatshop case has probably been the most public case of trafficking within the United States, there have been numerous other cases of sweatshops in which employers were charged with human trafficking. In 2002, three Florida citrus contractors were sentenced to lengthy prison terms for harboring hundreds of undocumented workers, threatening them with violence and holding them hostage over alleged $1,000 debts. In 2003, a jury in Hawaii convicted the owner of an American Samoa garment factory of involuntary servitude for enslaving hundreds of Chinese and Vietnamese garment workers. The owner was sentenced for 20 years on each of 11 counts of involuntary servitude. He was given additional time for money laundering, conspiracy and extortion.

Finally, the one of the most recent cases of indentured labor was identified at the John Pickle Company, a $15 million manufacturer of specialized oil industry equipment in Tulsa, Oklahoma. In this situation, fifty-two men from India were tricked into coming to the United States to work at the equipment manufacturing plant. Upon their arrival, Joe Pickle paid them $550 per month, far less than they were promised; forced them to live and work in a cinderblock warehouse renovated into housing, in which they were exposed to X-ray tests on welds next door; required that they had an “escort” with them when leaving the premises; and forced to them to eat food, usually covered in debris, which eventually made them sick. Pickle denies all of this saying, “Every statement
you have heard, everything they have said is totally wrong,” claiming that this was just a ploy for the men to stay in the country. Nevertheless, Occupational Safety and Health Administration cited the company for workplace violations, accepting a settlement of nearly $10,000. The Labor Department is also suing on behalf of a different group of Indian workers who had previously worked for Pickle, who claimed that their $2 and $3 an hour salaries violated minimum-wage laws. After all of this, Pickle has not been charged with human trafficking, even though the federal government certified all fifty-two men as trafficked persons, considering they all received temporary work permits and are currently working in factories and power plants throughout the United States.

These case studies are revealing on many accounts. First, they illustrate the prevalence of trafficking within the United States. While Washington State officials have not located instances of trafficking associated with sweatshops within our state borders, the fact that it is happening in other U.S. states makes the possibility much more likely. Moreover, Washington State has experienced a number of factories or manufacturing plants in violation of minimum wage and labor safety laws – suggesting that these sites are vulnerable to sweatshop conditions or even cases of trafficking. Secondly, these cases portray the wide range of forms trafficking can take and all of the complexities it encompasses. This complicated nature and diversity of trafficking cases offers one rationale as to why it is so difficult to identify and report crimes of trafficking – it could be that cases are not perceived to be trafficking even when they portray explicit conditions associated with trafficking. Some trafficked persons in these situations were clearly enslaved, as in the case in El Monte and in American Somoa, while others were kept in semi-slavery conditions through debt-bondage and threats of violence, like the case in Florida. It becomes more complicated, however, when one discusses cases where persons were forced to live and work
in unsanitary and dangerous environments while being strictly monitored, such as the case of the Indian workers at Joe Pickle Company. Some would consider all accounts presented here as crimes of trafficking.

Nevertheless, in the last case involving the John Pickle Co., the law did not prosecute this case as trafficking per se, but rather as work safety and labor law violations. This is a case where the law and the media did not believe this case to be trafficking, even though distinct traits of trafficking were depicted,
including coerced labor based on fraud and false premises. While the prosecution did not occur, it is obvious that the federal government at least somewhat considered these men as trafficked, since they were granted temporary work visas to stay in the United States. The point here is that defining trafficking and clearly distinguishing between exploitive labor and cases of trafficking is not a simple matter and it may be one explanation of why the estimated numbers of trafficked persons within our state are not being found.

Endnotes:

8 “Prostitution in the US – Statistics”
9 “Prostitution in the US – Statistics”
11 Rowe
13 Rowe
14 Rowe
15 Rowe
16 Rowe
17 “The Sex Sector”
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31 “Trafficking in Persons Report” 14
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73 “What are Sweatshops?”
74 “What are Sweatshops?”
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77 “Immigration Policy Issues.”
79 Cohen
Introduction to ‘Grey Area’ Industries

Although human trafficking can occur in underground and illegal industries such as sweatshops and prostitution, human trafficking is also prolific in legal, legitimate industries. While the industries themselves are legal, they can sometimes either serve as conduits for trafficking or as destinations for trafficked persons. Such industries in Washington state include: agriculture, construction, domestic work, international marriage brokers, international adoption agencies, and restaurants, bars and hotels. Although by no means are of all the businesses within these industries involved in trafficking, it must be noted that various characteristics of these industries make them susceptible to trafficking, and in many cases, businesses within these industries do quite clearly traffic or facilitate the trafficking of people. An examination of these industries is therefore needed in order to identify locations in which to look for trafficked persons. By examining how these industries might help facilitate or directly traffic people, we hope to paint a better picture of the often ignored ways in which trafficking can occur. Without examining these industries, a segment of trafficking victims are being ignored and thus, not identified. Thus, it is imperative that we examine these industries and their relationships with human trafficking in order to find trafficked persons or encourage them to come forward.

It is important to note that some of these industries constitute a significant portion of the state’s economy. For example, the agricultural, forestry and fishing industry produced nearly $3.5 billion in revenue in 2004. Restaurants and food services brought in more than $8.7 billion in revenue in 2004. And all of these industries have been growing over the past few years. With these industries constituting such significant portions of the state’s economy, it is
even more necessary to look at the ways in which they might be conduits or destinations for human trafficking.

Within each of the following chapters, we will show the landscape of these industries – what they do, how they operate, and how current laws and regulations might sometimes fail to either address or prevent human trafficking within these industries.

From there, we will outline the various factors – ranging from a lack of government regulation to potentially high profits to broader global economic demands – that make these industries susceptible to trafficking.

The specific cases that we will then present will also show the complex and myriad ways in which trafficking can occur within these industries, showing 1) how these industries can be involved with human trafficking and 2) pushing us to think about incidents of trafficking in more nuanced ways. Looking at the complexities and “greyness” of these cases will also work to show the difficulties in identifying trafficked persons, further contributing to the problem of finding trafficked persons.

Endnotes:

1  Washington State Department of Revenue. <http://dor.wa.gov/content/statistics/TID/ResultsTable1.aspx?Period=2004AN&Type=naics&Format=HTML>
2  Washington State Department of Revenue. <http://dor.wa.gov/content/statistics/TID/ResultsTable1.aspx?Period=2004AN&Type=naics&Format=HTML>
Domestic Work Industry

Domestic work. It is the work our country depends on to keep itself fed, diapered, clothed, and clean, and it encompasses some of the most basic of human needs. Yet somehow, this sort of work has come to be largely hidden, largely underpaid, and largely susceptible to trafficking. What is it about this industry that allows people to become trafficked into domestic service so easily and kept hidden away, hard to find? This section seeks to address these questions. To do this, we will first give a background on the industry. Next, we will explore how people can become trafficked into this industry, then follow with a discussion of the elements within the industry that make it particularly vulnerable to trafficking. The next section will specifically answer our question of why trafficked persons are not being found, and our final section will explore a case study of trafficking, with the intention of showing that even defining who is trafficked and who is not trafficked is problematic.

The Industry

Traditionally, this industry includes maids and in-home caregivers. The work environment may vary – many workers work on an hourly basis serving many clients per day, while others may actually live with the family they work. The work that domestic workers do has traditionally been considered ‘women’s work.’ To this day, this work is still done primarily by women, even in cases where paid staff are performing the work. As is characteristic of work that is considered ‘women’s work,’ this work is often low wage labor. In many cases people work alone, but sometimes agencies are responsible for contracting workers.

Statistics concerning the domestic work industry in the United States are largely unknown or considered under-measurements, due primarily to the
isolated nature of this work. While a 1998 Census Bureau Report estimated that there were approximately 550,000 domestic workers in the United States and that this sector was growing rapidly, the true number is likely much higher than this.¹ Other studies claim that there are 792,000 legal household workers in the United States², and according to the Los Angeles Times, less than 10% of all household help is reported to the IRS, adding evidence that severe undercounting is occurring in this industry.³ In 1999, it was calculated that somewhere between 14% and 18% of all American homes employed an outsider to do the cleaning.⁴ Approximately 40% of legal domestic workers in the U.S. are migrants;⁵ and this figure does not include migrants working in this industry illegally. Not unexpectedly given these statistics, minorities are over-represented in this industry, with the 1998 Census Bureau Report indicating that 3.8 percent of household workers were Hispanic, 15.8 percent were black, and 2.7 percent were ‘other’.⁶ As we will discuss later, workers, often illegal or informally working in this industry have a stake in making sure that their work is unseen, as do employers who would often prefer to not pay the required taxes. Therefore, in all likelihood this industry is much larger than these statistics indicate.

Even outside the realm of trafficking, this industry is often characterized by low wages and hard working conditions, and work performed on an informal basis. Even in some of its most formalized forms with commercial cleaning services such as Maid Brigade or Merry Maids, work violations are abundant. In one description of what life working in this industry was like, Barbara Ehrenreich worked for a well known maid company in Portland, Maine, and chronicles her experiences in Nickel and Dimed: On (Not) Getting By in America. Even in this formalized sector, various promises concerning the hours worked and the pay were made and then promptly broken. Ehrenreich was expected to show
up for work by 7:30AM each morning, yet her work (and thus her pay) did not begin until 8:00AM. She was told that one bonus of the job was ‘mother’s hours’ where she would typically be done with work by 3:30, but she found that more often than not, she did not finish with her work until 4:30 or 5:00PM, after which she was required to do additional duties that went unpaid. She was promised a 30 minute lunch break, but this typically turned into a 5 minute stop at a convenience store. In addition, her first paycheck was withheld without her knowledge or prior permission, to be given to her when she left the company. Clearly, if such violations are found in the most formalized and most visible sector of this economy, there is the potential for even greater violations in the unseen part of this economy.

**Migrants and Domestic Workers**

As discussed before, there is a disproportionately large number of migrant women working in this industry, thus making migrants an important topic of discussion. Legal migrant women entering the United States with the purpose of working in this industry generally enter on one of three different visas: A-3 visas, G-5 visas, and B-1 visas. The first two visas allow domestic workers to enter the United States to work for ambassadors, diplomats, consular officers, public ministers, those employed by international organizations or foreign missions to international organizations and their families. According to Human Rights Watch, over 30,000 migrants entered on such visas in the 1990s. These visas allow for the government to keep track of the whereabouts of these workers, however this information is classified and unavailable to service providers. The workers are allowed to transfer employers, but the new employer must also be a diplomat or international official, making this transfer difficult when a domestic worker is attempting to leave an exploitative
situation.

Finally, some domestic workers can enter the United States on a B-1 visa to come work for US citizens who normally reside abroad. Though over 200,000 B-1 visas are granted each year, it is unknown how many of them are actually domestic workers, since most are thought to be non-immigrants visiting the United States on business.\textsuperscript{15} For those workers entering the U.S. on a this visa, there is no record kept by the State Department of where they are located, making it difficult to track down where they are and what their working conditions are like. Additionally, those domestic workers here with a B-1 visa are unable to transfer employers, making them especially susceptible to threats from their employer.\textsuperscript{16}

\textit{Domestic Employees Laws for Migrant Workers}

Domestic helpers who followed previous employers to the United States from another country are entitled to several benefits under the law. The employer is obligated to provide free room and board, round-trip airfare, and the ‘prevailing wage’ for work in that area. The prevailing wage is a wage similar to those working in the same region in the same job, as defined by the U.S Department of Labor surveys. Comparable jobs to most domestic servants would include that of a child care provider or maid. In 2005 in King County, the prevailing starting wage for a child care provider was $7.81, for a maid it was $7.84 per hour.\textsuperscript{17,18}

Additionally, both parties must sign a contract that is submitted to officials, indicating agreements on hours, insurance, reasonable deductions for food and lodging. In the contract, employees agree that they will work only for their employer, and employers agree that the passport of the employee will not be withheld.
Case Study

Trafficking in Washington: Kenyan Domestic Worker

The working conditions of a Kenyan woman who was reportedly trafficked to the United States are a clear example of exploitation of labor. Even if the woman had been paid the $500 per month she was promised, working 15 hours a day she would have made less than $1.50 per hour. Unfortunately, however, this woman was not even paid the minimal amount of money her employer promised.

Prior to her arrival in the United States, the Kenyan woman worked for the doctor’s mother in Nairobi, supporting her three children with the money she earned. In 2003, the Lynnwood couple asked her to move to the United States to work for them. Reluctant, but persuaded by what she considered a good contract, the woman decided to come. Little did she know what kind of unspoken contract she was entering into.

The woman ended up working much more than expected with less money than was expected. Six days a week, she worked 15 hours a day, caring for two children (though originally she was only going to care for one), cleaning, and cooking. Though she was promised room and board, a trip to Kenya, basic living needs, and tuition to send her three children to private school in Kenya, plus $500 per month, little of that was received. She was paid only $70 to $180 per month (about 20 cents to 50 cents per hour of work). She was locked into the house during the day. Instead of having a work visa, she was illegally overstaying on a visitor’s visa.

The situation of the Kenyan woman was found when an individual from her church wrote a letter to the couple, posing as an ‘immigration consultant.’ The woman was promptly fired, given $600 and a plane ticket back to Kenya.

Employer Immunity

Several of the groups of employers that are able to legal bring domestic workers into the United States have diplomatic immunity, severely limiting the amount of recourse workers have to fight an unjust work environment. Diplomats, UN officials and OAS missions are all have full diplomatic immunity, while administrative and technical staff to these groups enjoy partial immunity, meaning that they cannot be charged in US criminal courts but can be charged in US civil courts. This is key because at least one of the cases we explore later in this paper is a case involving employer immunity.

Intersection of Domestic Work and Trafficking

As we have seen in the previous section, domestic work, as an industry, tends to be low-paid, under-recognized, and somewhat prone to wage and labor law violations. In this section, we will build upon this background, looking at the many ways in which this industry can be prone to trafficking and can make it difficult to find trafficked persons, or for trafficked persons to come forward. In this section, we will first explore how trafficked persons become trafficked into this industry. Next we will examine how isolation, certain stakeholders, an extreme imbalance of power between worker and employer, and migration issues that arise from migration laws all contribute to make the domestic service industry very vulnerable to trafficking. Finally, we will combine these factors and look at why trafficked persons are not being found or coming forward.

How People Become Trafficked into Domestic Service

While there certainly is no single way in which people become trafficked into domestic service, by and large most of the cases this study came across involved a single person or couple of people being asked to come work in the United States,
usually by a contact from their home country. Lured by promises of large wages or schooling for their family members, domestic workers agree to come to the U.S.

Once they arrive, however, circumstances change. Often they are brought here on a tourist visa that quickly expires, rather than the appropriate visa for a worker. Then, the circumstances they agreed to work for begin to change, with less pay and more work hours than expected. In a more typical work situation, it would be at this point that an employee would likely quit or seek help from authorities for violations of an agreement and labor laws; in trafficking cases, however, it is not so simple. Workers, often here illegally or without their proper documentation face deportation; without wages, they cannot simply get on a plane and return home, leaving them trapped.

In other cases that may closely resemble trafficking or be trafficking, workers come here and actually agree to work under conditions that most would consider exploitative. Since even the miniscule wages they are paid is more than they might make in their home country, this category of workers does not need to be lied to in order to be exploited.

**Why Domestic Work is Vulnerable to Trafficking**

There are several reasons why this industry is vulnerable to trafficking; in this section we will explore just a few. Here, we will examine how isolation, the influence of some key stakeholders, the great power imbalance in the domestic worker-employer relationship, and a number of migration related issues create a type of work that easily attracts trafficking.

*Isolation*

By definition, most of these workers spend the vast majority of their time working in private homes, and area that is not traditionally regulated by the government. Furthermore, live-in nannies and maids often work and live
in the very same home, potentially living without any connections outside that one household. This aspect of the industry makes it difficult for workers and resources that could help them come into contact. Despite the fact that health legislation, labor laws, and safety standards protect all types of workers in the United States, practically speaking the enforcement of these laws only rarely extends into the home. The solitary nature of this sort of work makes it relatively easy for people to become trafficked and stay trafficked.

**Stakeholders Work to Keep Workers Hidden**

In many examples domestic work, both the employee and employer have a stake in keeping the employee’s work relatively hidden. Employers, on one hand, even in somewhat normal, non-trafficking cases, may be reluctant to report their hired help in order to avoid paying taxes on their wages.

Even the employee may have a stake in keeping themselves unidentified, for various reasons. In more legal forms of this work, employees often would prefer to work under the table to avoid paying taxes or losing certain government benefits that depend on having low wages or no job at all. Less legal forms of work often involve cases of illegal migration, where the employee clearly does not want to be identified by the government for fear of deportation. While trafficking can involve legal or illegal migrants, as well as non-migrant workers, in this industry migrants brought here legally or illegally may have had their passports or travel documents withheld and are living under the threat that, should the government discover them, they will be deported. In cases such as these, the worker/trafficked person clearly would have some degree of motivation for staying beneath the radar. Thus, even the trafficked employees themselves may have a stake in not being identified as such.

**Imbalance of Power in Employee/Employer Relationships.**

In this industry, regardless of whether trafficking is occurring or not,
there exists an imbalance of power between employee and employer. Even in her short time doing this type of work, Barbara Ehrenreich commented,

“Do the owners have any idea of the misery that goes into rendering their homes motel-perfect? Would they be bothered if they did know, or would they take a sadistic pride in what they have purchased—boasting to dinner guest, for example, that their floors are cleaned only with the purest of fresh human tears?”

In almost every case we have come across, employers are members of at least the middle class, while workers in this industry are overwhelmingly members of the lower classes. The low wages paid in this industry often mean to the worker that each and every job they do is valuable – being fired from a job can be devastating when one is barely scraping by financially.

In many cases of trafficking, the imbalance of power is further exaggerated. Workers often live with the family that employs them, making them far more dependant on their employer than are other employees in other work sectors. This sort of relationship allows employers to use their power even more over their hired help. Employers have been known to exert force into the private lives of their workers, controlling with whom they speak to or come into contact with, as well as their ability to leave the house.

With legal migrant workers, the situation can become even more complicated. As was discussed in the previous section, many migrants’ visas are dependent on them working for the employer that brought them to the United States. If these workers lose their job, they are no longer legally allowed to stay in the U.S. This puts many workers in a difficult position, choosing to live in an abusive situation in the US rather than face perhaps even harder conditions in their home country. Furthermore, this power imbalance can be even further
exploited by certain officials who have diplomatic immunity, as was discussed in the previous section. These employers, knowing that the law cannot punish them, hold even more power over their employees because they are largely unaccountable for their actions.

Migration Issues

Though trafficking issues certainly must not be confused with migration issues, the fact that so many trafficked persons are migrants and so many workers in this industry are migrants necessitates at least some discussion of how migration may affect the likelihood of finding a trafficked person in this industry. The fact that foreign-born workers are so prominent in this industry makes it difficult to find trafficked persons for two main reasons. First, the signs that someone may be a trafficked person are often the same characteristics that are common among workers in this industry. Identifying a person with some of the characteristics of a trafficked person in this industry would often mis-identify many workers who are simply migrants, not trafficked persons.

Second, that so many trafficked persons are trafficked from other countries to the United States means that these individuals likely are unfamiliar with American society. They may have little familiarity with the language of the country to which they have moved, making it very difficult for them to escape or communicate bad situations, thereby making it unlikely that they would come forward and identify themselves as a trafficked person. Migrants may not have familiarity with the culture of the country, making it easy to convince them that any abuse they experience is considered ‘normal’ for the country that they are now in. Thus, many of the issues commonly associated with migration are also contributing factors for why trafficked persons are likely to go unnoticed or not step forward from their situation.
Why Can’t we find Trafficked Persons in this industry?

Many of the same reasons this industry is vulnerable to trafficking are useful in explaining why trafficked persons in this industry are not being found. The isolated nature of the work makes it largely unseen by the public. Trafficked persons themselves may be unaware of the rights they have in this country, and may be misled by the employers they have contact with. Finally, the fact that the work takes place in private homes makes it very difficult for government agencies to regulate or check on ‘workplace’ standards, thereby further isolating these workers. Though contracts for some categories of domestic workers must be filed with the government, there is no system in place to follow up with such workers. In sum, the isolation and power imbalances in this industry make it especially difficult to find trafficked workers.

Conclusion to Intersection of Industry and Trafficking

While clearly not all domestic workers find themselves in perilous situations, we can see how the very nature of the industry makes this industry particularly susceptible to violations: the extreme dependence on employers, the low wages, and the lack of access to resources that could help them. Clearly this industry has several vulnerabilities to trafficking. As we have seen in previous sections, trafficking of persons involves the recruitment and transport of victims for the purpose of exploiting their labor. Regardless of whether or not domestic workers agreed to come to the United States or not, when the work contracts that they agreed to are not honored and they are coerced to do labor that they did not agree to, trafficking has occurred. U.S. law recognizes that coercion can involve psychological abuse or nonviolent coercion. However, in practice thus far, more ‘minor’ forms of coercion, especially those involving wage and hourly violations only, are not responded to. It could be argued that
when a person who is brought to the US based on written contracts promising certain wages and that contract is not followed, the person has been coerced into a forced labor situation based on false promises. However, Aiko Joshi, the sole staffer of a hotline for trafficked persons, told Human Rights Watch that a person calling to complain solely about wage violations is not abusive enough to receive attention from the resources that are typically assigned to help trafficked persons. Though not receiving appropriate wages is clearly an important sign of trafficking, the call for help regarding trafficking is largely being ignored in this vulnerable industry.\textsuperscript{20} Though this paper presents some of the key issues connecting trafficking and domestic work, clearly we must further examine how we identify and assist victims of trafficking in this industry.

**Defining Who Is trafficked and who is not**

In the previous section of this paper, we demonstrated how various elements of the domestic work industry contribute directly to the difficulty in finding trafficked persons. In this section we will explore a more indirect effect. We will look at the lives of a domestic worker in cases that at the very least resemble trafficking in some way.

In the following case, we will examine how the complication involved in defining who is trafficked and who is not makes it very difficult to positively identify those who are trafficked in the midst of so many cases that resemble trafficking. The following case most certainly has elements of trafficking in it, but it illustrates how difficult it is for some trafficked persons to be identified even when they seem to be calling out for help.

*Case study: Ruth Gnizako*

*The Case:*

In one case, a West African woman named Ruth Gnizako was offered a
job in the United States by a relative who worked for the World Bank. Though she agreed to work as a nanny and housekeeper she and was subsequently on duty 24 hours a day, with no days off. She asked to return to West Africa, but this request was refused. She was beat by both the husband and the wife, and was forced to wait outside the apartment in the hallway whenever her employers left the house. When police were called when a neighbor heard the beatings going on, they spoke only to her employers about the beatings since they were unable to communicate with Ruth in French. The employers told the police that Ruth was crazy and beat herself, and Ruth was temporarily sent to a mental institution where she was sedated and tied down onto a bed.

When Ruth was returned to her employers, they told her that if she upset them, she would be sent back to the mental institution. For many more months, Ruth lived and worked for this family under these conditions.\textsuperscript{21} 

\textit{Trafficking and the Complexities of this Case:}

This case has many elements needed to make a solid case of trafficking. Ms. Gnizako had readily agreed to come to the United States, but because she was brought into the U.S. for the purpose of forced work and was lied to about the conditions under which she would be working as well as the benefits she would get, there is clearly a strong element of coercion.

In this case, many of the elements of the domestic service industry that make it difficult to find trafficked persons are present. Ruth was unable to communicate in English, making it impossible for her to communicate her situation to neighbors, the police who actually came to her home, or those at the mental institution. Though she eventually received a French translation at the mental institution, she was by that time completely drugged and unable to communicate what had happened. Two events, the interaction with the police officers and the stay at the mental institution, could have been points at which Ruth could have been rescued earlier. However, instead, these
interactions with police and health care workers ended up giving Ruth’s employer even more power – he was the only one given the power to narrate the events that had led to Ruth being beaten up; her voice was completely unheard, adding to the frustration and sense of disempowerment that she likely already felt. Ruth’s stay at the mental institution gave her employer further leverage to threaten her, creating a situation where Ruth’s power to speak for herself was even further diminished.

Another element that may have contributed to the World Bank worker’s violation of the law is his position above the law. As a worker for World Bank, he was entitled to Diplomatic Immunity, making it so that there was little personal risk in his mistreatment of Ruth. As is the case with so many trafficked persons, a member of the general public was the one who eventually helped Ruth escape – in this case it was a neighbor, highlighting the importance regular people can play in assisting with trafficked persons. Ruth was eventually returned to West Africa, but unfortunately following the trauma she suffered in the U.S. she was emotionally unable to participate in the US Justice Department’s investigation of her employers, making it so that she was returned home without receiving any compensation from her former employer.

Conclusion:

While there are countless other cases that could be explored regarding trafficking in this industry, this particular case was chosen to show some of the difficulties in identifying trafficked persons. Even though Ruth was being abused and had contact with the police and a mental institution, they did not identify her as such. While it is clear to us now that this was a case of trafficking, during the time that Ruth most needed help it would not have been clear to the casual observer what was going on. This case highlights the difficulties we face in identifying trafficked persons – clearly more training and an easier way to define who is trafficked and who is not is needed.
Case Study

Trafficking in Washington: The Barista

In September of 2001, when 12-year-old Lamia Ennassime came to the United States to live with relatives, she likely saw the journey as a new beginning, a journey of hope and promises of a new life. Living with her aunt and uncle, Sammy (Abdenasser Ennassime) and Tonya Ennassime, in a suburb of Tacoma, Lamia’s hopes of attending school to later become a dentist were dashed by the very family she thought could help her.

From the outside, Lamia may have appeared to be working contentedly towards the “American Dream”. Working at Lake City Perk as a barista, she may have appeared to be a shy, immigrant teenager, working her way through high school to help support herself. But behind Lamia’s quiet behavior was a life that in reality was heart-breaking, especially when compared to the life Lamia imagined she was entering.

Instead of attending school and working towards her goal of becoming a dentist, Lamia’s relatives had her work at the family espresso stand, at times working 12-14 hours per day. At work, she was unknowingly taped by her uncle, who complained that she talked too much with certain customers. In addition, her household duties included tasks such as making meals, cleaning, and laundry. Lamia’s tips were confiscated, and when her uncle Sammy read her complaints in her diary about being mistreated, she was punched. In the summer of 2005, Lamia disappeared from the Ennassime home.

The Ennassimes’s were charged in December 2005 with one count of harboring an alien and one count of forced labor. Though they deny the charges, Lamia’s story is still one that offers us a glimpse into human trafficking and some of the grey areas it involves.

Conclusion of Domestic Industry Section:

In this section, we have had the opportunity to explore trafficking within the domestic work industry. Through this exploration, we have learned that this industry is especially vulnerable to trafficking, due to the isolated work, employer and employee may have a stake in keeping the trafficked person hidden, the imbalance of power in these work relationships, and the fact that so many legal workers in this industry are migrants themselves. In our case study, we learned how complex it can be to identify a trafficked person, even when that person is clearly a case of trafficking. We will end with a set of
recommendations about measures that can be taken to find trafficked persons in this industry.

Recommendations

1. **Create awareness campaigns that target the general public**, making the public aware of what trafficking is and that it does indeed occur in the United States. As in Ruth’s case, it was a member of the general public that ultimately enabled her to free herself from her situation. Many experts we’ve talked to agree that the general public is essential for finding trafficked persons; therefore efforts to inform the public must be increased.

2. **Make it mandatory that law enforcement officers and health care workers undergo training in human trafficking**. Though programs exist in the Seattle area for such things, even in Washington resources for this type of training are stretched. With increased training in trafficking, perhaps the law enforcement or mental health workers would have identified Ruth’s situation, or at least made more of an effort to hear her side of the story.

3. **Use the fact that migrant domestic workers often must have a contract on file with the government**. Create a policy that has the migrant worker come into a government office to sign a contract. During that time, the domestic worker would be given a packet of information that would include information on their employee rights, how to recognize trafficking, and what to do if they are trapped or their contract is not being honored. This would also involve a brief meeting with a trained government official. This policy would at least ensure that some migrants received information about what to do if they are
trafficked, thereby combating the issue of isolation without invading people’s private homes.

Endnotes:

1 Ehrenreich, *Nickel and Dimed*
2 Hochschild, 16
3 Ehrenreich “Maid to Order” 91
4 Ehrenreich *Nickel and Dimed*
5 Hochschild, 16
6 Ehrenreich “Maid to Order” 91
7 Ehrenreich, *Nickel and Dimed*, 109
8 Ehrenreich, *Nickel and Dimed*, 89
9 Ehrenreich, *Nickel and Dimed*, 109
10 Ehrenreich, *Nickel and Dimed*, 89
11 Ehrenreich, *Nickel and Dimed*, 101
12 Hochschild, 16
14 ibid
15 ibid
16 Zarembka, 145
19 Ehrenreich, *Nickel and Dimed* 89
20 Human Rights Watch. “Hidden in the Home”
21 Zarembka, 143
Agriculture Industry

Agriculture is widely recognized as one of the most important industries to Washington State and the United States. With exports totaling between 58 and 61 billion dollars in 1996 and 1997, agriculture is an economically important industry to the United States. The products produced in this industry touch the lives of each of us everyday in the food we buy, cook and consume, and it has even been argued that our nation’s security depends upon having a strong agricultural sector. Interestingly, despite the clear importance of agriculture, the labor that this industry depends heavily upon is largely beneath the radar of most Americans. Unfortunately, agriculture is known to be an industry prone to having trafficked workers among its workforce. The goal of this section is to come to an understanding of how trafficking works within this industry.

In order to understand trafficking in agriculture, however, we must first have a firm grasp on how the industry works. Thus, we will begin this section with a set of background information on the industry, paying particular attention to Washington State. Next we will explore how trafficking takes place in agriculture, looking at the typical ways people become trafficked and the factors within the agriculture that contribute to trafficking. Finally, we will examine a few cases that contain some elements of trafficking, but may not be classified as trafficking under all definitions of trafficking. These case studies will allow us to examine the variety of situations that may appear to be trafficking, showing the difficulty in creating a dichotomous distinction between a person classified as trafficked and a person classified as not trafficked. Instead, we will show that the elements that constitute the definition of trafficking, migration and labor, are more continuous than these distinctions allow. This section will conclude with a set of recommendations geared towards finding trafficked persons in the agriculture industry.
Industry Background

In this section we will explore several aspects of the agriculture industry that will later help us understand how human trafficking intersects with the functioning of this industry. First, we explore the economics and organization of this sector. Next, we look at the demographics of the labor force. Third, we look at the typical wages earned by laborers in this sector. Finally, given that many of the workers in this industry are migrants, we briefly look at the migration laws that apply to these agricultural migrants. Each of these categories will give us a basis of understanding for the sections to follow.

Economics and Organization of Agriculture

Though the main venues of discussion about agriculture are many, there are two major debates that have a significant impact on the labor aspect of agriculture. Here, we will focus on how the increased sizes of farms and government subsidies have had an effect on labor. In later sections, we shall return to these ideas and uncover how they relate and contribute to human trafficking.

Increasing Trend Toward Large Farms

Though small subsistence farms or family owned farms were once the foundation of American agriculture, today the large agribusiness companies increasingly control most of the agriculture market. Only 9 percent of all farms are considered large (more than 1000 acres), yet these farms made the majority of all farm profits (51% of all profits in 2000). Since 1979, three-hundred thousand small farms (less than 1000 acres) have disappeared.

The movement to larger agribusiness control of the industry has meant that more and more people are workers for farming companies rather than owners of their own farms. Large farms have a wide variety of ways they employ labor.
For some of their farms, workers are simply hired and paid an agreed upon wage for their work. At the other end of the spectrum, some businesses may contract to buy crops from other smaller farmers, who are own and control their own land. Several variations of this exist between these two sides of the spectrum. Sometimes, those who produce crops for these large corporations may function more as subcontractors, at times even owning their own land, machinery, and employing their own workers. In these cases where there is more of a subcontractor relationship, the company may make several requirements for how products should be produced in order to ensure similar quality to all of the products it makes.

**Subsidies**

Though agriculture subsidies decreased throughout the 1990s, even at their lowest point, in 1997, subsidies totaled 9 billion dollars. While subsidies were intended to share the risks farmers took with crops and to preserve the family farm that was viewed as an “essential part of our national heritage that must be preserved,” led to “persistent excess overproduction.” This overproduction led to disequilibrium in the market, driving prices of crops and the wages of those in this sector down, thereby increasing the need for subsidies to preserve farming in the US. In the last decade, subsidy programs have adjusted to help prevent this negative cycle, but the effects of subsidies from recent decades still persist in the economy.

**Demographics**

**Birthplace**

Approximately 2.5 million workers are employed in agriculture, about 2.4% of the US workforce is employed in agriculture. According to the National
Agricultural Workers Survey (NAWS) of 2001 and 2002, only 23% percent of all agricultural workers surveyed were born in the United States; this indicates that 78% of agricultural hired workers were born outside the United States. According to Figure 1.1 below, nearly all of these foreign born workers were born in Mexico. Fifty-three percent of crop workers were working illegally. Of those who were born in another country, 90% were male. This is interesting in that, as explored in the discourse section, trafficking is often conceptualized as an issue that affects women. As indicated by this analysis of the agricultural sector, foreign born men may clearly have a stake in this issue as well.

Figure 1: Birthplace of agricultural workers in the United States. Source: National Agricultural Workers Survey.

Language Skills

The ability to communicate is often essential for escaping trafficking
situations. Among all workers, however, English skills were very poor. According to the survey, 81% of all workers spoke Spanish as their native language. Forty-four percent could not speak English ‘at all’ and 53% could to read English.\(^\text{11}\)

**Wages**

While the average wage of these crop workers was found to be $7.25 per hour, due to irregular work schedules, 30% of all farm workers make a wage beneath the Federal Poverty Guidelines.\(^\text{12}\) On average, workers spend only 32-35 weeks of the year employed in farm work.\(^\text{13}\) The average income from farm work as well as other work for individuals was $10,000 to $12,499, while that for the family was $15,000 to $17,499.\(^\text{14}\)

**Labor Laws**

For most farms, workers are covered under the Fair Labor Standard Act regardless of whether or not they are citizens, authorized migrants or unauthorized migrants. This guarantees workers to minimum wage, even if they are paid by the piece.\(^\text{15}\) This act does not apply, however, if less than 500 hours of farm work are performed on a farm in one year, making smaller farms exempt from these rules.\(^\text{16}\) According to another act, the Migrant and Seasonal Worker Protection Act, agricultural workers must be provided with information on wages, hours, and working conditions, and any housing must meet State and Federal safety standards. Furthermore, information must be provided in a language that is familiar to the workers\(^\text{17}\).

However, though the title of the Act implies that migrant workers would be included, not all migrants are indeed included under this act. According to the Commission for Labor Cooperation, workers who come to the United States with an H-2A visa are not covered under the Migrant and Seasonal Worker
As special type of visa, the H2A visa, may be used to hire foreign workers for seasonal agricultural labor. In order to do so, however, the potential employer must provide a statement declaring that “the employer must file an application with the Department stating that there are not sufficient workers who are able, willing, qualified, and available, and that the employment of aliens will not adversely affect the wages and working conditions of similarly employed U.S. workers.” The employer must provide either the prevailing wage, federal or state minimum wage, or the adverse effect wage rates, whichever is higher, in order to ensure that hiring migrant workers does not depress the overall wages. In Washington State, the adverse effect wage rate for 2005 was $9.03. Additionally, if workers are paid for piecework, it must be at least the amount they would make were they being paid by the hour. Finally, housing must be provided that is up to OSHA standards for workers that cannot ‘reasonably attend to theirs residencies.”

**Washington State**

Agriculture is an important part of Washington State’s economy and culture, with over 15,381,008 acres of farmland and 35,939 farms, and bringing in about 3.5 billion dollars to the state in 2002. Washington is in the top five states for having the largest number of farm workers. In 2003, the Agricultural Workforce In Washington State reported that 69,895 people were employed in agriculture, or about 1 in 10 of all Washington State workers. In comparison to the nationwide average, Washington’s crops tend to be more labor intensive. The average pay in these industries tends to be low, with the average worker in fruit tree farming making an average of $12,998 per year in that job. Interestingly, Washington is one of the top five states with significant growth in the agricultural sector – nearly all states have experienced
a decline.

**Intersection of Industry With Trafficking**

In this section, we will examine how trafficking happens within the agricultural industry. We will first begin by exploring trends in how people end up trafficked. We will then look at some of the qualities of the agriculture industry that make it vulnerable to trafficking. Finally, in light of all that has been covered so far, we will explore the question of why it is so difficult to find trafficked persons within the agricultural sector.

*How people are trafficked: Major Trends*

Due to the nature of the topic which we are exploring, it is difficult to say with any certainty how people are trafficked. Anecdotal evidence suggests that in agricultural trafficking is often combined with some form of smuggling across borders. In a commonly described scenario, a person makes an agreement with a coyote to be smuggled across the border, most often the US-Mexico border. After crossing the border, however, the person may be forced to work off their debt to the coyote under conditions that make it virtually impossible that their debt will ever be paid off. Alternatively, the person transferred to someone else and forced to work indefinitely. In each of these hypothetical scenarios, the trafficked person originally agreed to be smuggled across the border without the knowledge of the working conditions they would be subjected to on the other side of the border.

Given the high prevalence of migration networks running from Mexico to Washington State, there is a great likelihood that smuggling and trafficking networks follow the same pathways.
**Why agriculture is vulnerable to trafficking**

Numerous aspects of the agriculture industry have made it particularly vulnerable to trafficking. While the disparity in the world political economy is certainly a factor leading trafficked persons to be more easily lured into exploitative situation, this factor will only be touched upon as it is mentioned in several other sections. Here, we focus on how certain trends in the industry have led towards intense competition for profit and a drive towards lower and lower wages. Next, we explore how the rural, isolated locations of most farmland make it easier to exploit labor, as it is difficult for them to escape. Following this section, we will then focus on how the demographics of hired workers – largely Hispanic male migrants - makes it harder to distinguish trafficked persons from other workers in this industry. Finally, we analyze the way in which large companies paying smaller farmers (or subcontractors) for their products makes facilitates ignorance within these large companies, allowing them to remain unaware, or to turn a blind eye towards, trafficked labor used to make their product.

**The world market**

This concept has been discussed in many other sections, so it will only be briefly mentioned here. As with all other industries, those most likely to end up in trafficking are often motivated by a disparity in economic conditions. In agriculture, for example, migrants coming from Central America are often motivated by the ‘high’ wages paid in the United States. They may themselves agree to labor conditions that are exploitative, just to have the possibility of something better than the economic conditions they face in their home country. While these larger frameworks must be kept in mind, the rest of this section will focus on factors that are more particular to the agriculture industry.
**Profit margins**

As we saw in the Economics and Organization section, government subsidies have served to create a situation where overproduction and low crop prices are prevalent. This overproduction has kept prices significantly lower than they might be were agriculture purely influenced by market dynamics. These low prices mean that low wages must be paid in order for farmers to make a profit – often, the wages must be even lower than minimum wage. Seeing this dynamic, where farmers are unable to run a profitable farm using paid labor, we can see how there would be a great incentive for some individuals to turn unprofitable work into profitable work by ‘hiring’ trafficked workers instead of wage laborers. As was discussed in the stakeholders analysis, those who can pay the lowest wages are able to increase their profits; it follows then that those who pay no wages and used trafficked forced labor are able to profit the most. This drive towards lowering labor costs has contributed to an environment where trafficking is more likely to occur, due to the intense competition for profits.

**Isolation**

By definition, agricultural labor largely takes place in very rural environments. In Washington State, one observer commented on how easy it would be to hide trafficked persons, with miles and miles of unoccupied dirt roads and endless fields in the eastern part of the state. Rural environments make it quite easy for traffickers to hide their trafficking victims; at the same time it can make it very difficult for these workers to escape on their own. Thus, the very location where this work takes place makes them especially prone susceptible to trafficking.

To add to this problem, workers in farms are as likely to come into contact with government inspectors as workers in other industries might be.
While many food services such as restaurants and delis are subject to regular Department of Health spot-checks, farmland is not considered part of this group, and inspections of farms cannot take place without the farm owner’s permission. Thus, although workers on farms are working with what could be considered a public good in a category similar to food service, different rules apply that effectively allow traffickers to hide their trafficked workers when they’ve given permission for farmland inspections. Though agriculture is more of a public sector job than domestic work, these laws make for an environment of relative isolation and dependence upon a farm owner or contractor, much like we saw in the case of domestic work.

**Demographics**

As we saw in the background section of the agriculture industry, a large majority of the workforce is foreign-born. In these work communities, were it is the norm for a worker to be born in another country, undereducated, and non-English speaking, some of the usual indicators or tools used to identify trafficked persons become unavailable. Though an inability to communicate using any English at all may sometimes be a warning flag for trafficking, in agriculture it would be difficult to consider this a warning sign since it is so common. Additionally, the fact that so many foreign-born workers are in this industry makes it difficult to separate out those who have been trafficked. In all likelihood, workers who are trafficked and workers who are legitimately and voluntarily working in the industry may share very similar backgrounds, making it difficult to distinguish. In combination with the lack of English communication skills that one could use to communicate their situation and generally low wages, even when one comes into contact with a trafficked person, they would be difficult to distinguish from those working around them.
Turning a Blind Eye

One final aspect of trafficking in agriculture is related to hiring practices and the common system of subcontracted labor. While small farmers are often very involved in the hiring process, larger firms often have less direct control over who is hired. As we learned in the Industry Background section, large companies may have subcontractors who are completely responsible for working their land. These subcontractors then may use trafficked workers, and as it is not the larger company’s responsibility to keep track of labor, trafficked labor may be used without that company knowing or being responsible for it. These companies also use a system where individual farmers own the land they work on, but have a contract to produce crops for a larger company. Again, in a situation like this, it is unlikely that a larger company will devote much attention to who is being hired by private farmers they contract with. Smaller farms and large farms alike may use outside help to do their hiring or use workers found by ‘employment agencies,’ each of which could be ways in which trafficked persons could be hired.

In these cases, the farmer may be truly blind to the fact that the wages they are paying their workers are not up to standard, or that the wages that are directed to their workers are actually being pocketed by the person in charge of hiring.

Why can’t we find trafficked persons?

Not only is it the case that agriculture has traits that make it particularly susceptible to trafficking, it is also the case that certain traits in this industry make it especially difficult to find trafficked persons. To begin with, the isolated work environments and the fact that farms are often inaccessible to government workers who could help trafficked persons makes it so that trafficked persons are unlikely to come into contact with those who could most easily identify
them and assist them. The isolation also means that workers are often unable to escape on their own, since it is unlikely that there are areas nearby to escape to. Second, the fact that trafficked workers may not have strong language skills or reading skills can make it difficult to reach them with written materials or by English-only speakers. Third, a large population of migrant workers within the agricultural sector makes it so that trafficked persons are unlikely to stand out in the industry. Finally, the system of subcontracting in the farming industry makes it easy for companies to not notice trafficking when it happens or turn a blind eye to it when they do notice it. Without a system of accountability in place for this type of labor system, companies lack little incentive to contribute to the effort of identifying trafficked persons.

**Defining Who Is Trafficked and Who is Not**

As with other industries, the lines between who is trafficked and who is not become blurred when we examine real examples that at least resemble trafficking. In the following case, we will present an outline of the facts involved, then begin a discussion of how the elements in this case relate to trafficking.

*Claudio*

Claudio, 24, and his wife, 18, were Mexican migrants interviewed by David Shipler in *The Working Poor: Invisible in America*. These two migrants paid a total of $2700 to a coyote to cross the border near Laredo Texas. Without sufficient cash to pay for the trip up front, the $2700 fee was made into a loan to be repaid within three months. Claudio’s father provided his house and 7.5 acres of land in Mexico as collateral for the trip.

On the U.S. side of the border, the two were met by a contratista who drove them to a farm in South Carolina. Together, they earned $250 a week,
half of which went to pay the coyote. However, at this rate of pay, they would only be able to pay off half of the loan within the three months. To make matters worse, this job ended due to a hurricane, and they were forced to move again in search of work.

In this situation, not only were the workers not paid enough to pay off their debt, they were charged a huge number of fees that they never agreed to. Rent was charged for a tiny, squalid cabin they shared with other workers. Cleaning fees were charged, though the areas where they slept and bathed looked as though they had never been cleaned before. Unable to perform enough math skills to calculate his paycheck, Claudio was trapped into accepting whatever was placed on his check.

This case is complicated by the fact that there was no forced migration involved, nor was the labor directly forced. Claudio and his wife made an agreement to take out a loan to pay for their illegal crossing into the United States, and no evidence was presented that suggests that the coyote brought them over for the purpose of exploiting their labor.

In all likelihood, however, the coyote who helped them cross had much greater knowledge of the wages they would be able to earn working the United States. The coyote most likely knew that the agreement he made with the two migrants would force them into an almost slave-like situation, where they were unable to even keep enough money to pay for basic necessities such as food. In this case, the coyote bringing them across the border bound them to a situation that would force them to work under even the poorest of conditions in order to pay him off. If Claudio and his wife were led to believe it would be easy to pay off such a loan by the coyote, would this represent a case of trafficking because the coyote potentially deceived them into crossing the border by misrepresenting life on the other side? What if the person who gave work to Claudio and the
coyote were actually working together in a situation where those brought over by the coyote were taken to work for someone the coyote knew? If the employer and coyote made some agreement to hand migrants off from one to another and each shared a stake in working to keep migrants owing them money, would this be considered trafficking? How would one know for sure that Claudio had been brought across the border for the purpose of exploitation of his labor?

As we can see from this case, making a decisive determination as to whether or not trafficking is occurring can be difficult when pertinent information is restricted. Without knowing the coyote’s and employer’s purpose for bringing Claudio to the United States, and without having any evidence that the two were working together, making a case, especially a legal case for trafficking becomes very difficult. Based upon the facts available, this appears to be a human smuggling case rather than a trafficking case. But in reality, how would we really know if we met Claudio?

This case shows the complexity of the issue of identifying trafficked persons. Often there is not enough evidence available to the casual observer to know for sure if one is trafficked. Additionally, as was discussed in the discourse section of this report, the definition of trafficking is fuzzy – without more to the story, we cannot tell how much of Claudio’s situation is due to coercion or fraud on the part of the coyote, and how much of it he knowingly agreed to. Finally, the situation highlights the continuum that exists between forced labor and free labor – Claudio’s situation does not fit neatly into either category. Clearly, more work is needed in clarifying what we mean by trafficking.

**Conclusion**

In this section, we have examined how the agricultural industry intersects with trafficking. Several elements within the industry make it vulnerable to
Agriculture harboring trafficked persons: economic disparities in the world, the isolated work environment, the demographics of the population working in that industry, and the ability of companies using trafficked labor to ignore it. These same characteristics that make agriculture vulnerable to trafficking also contribute to the difficulty in finding trafficked persons within this industry. Finally, the in the case study we examined with Claudio, we saw the difficulties that are involved in identifying whether or not someone is trafficked – these very same difficulties may make it difficult to identify and assist trafficked persons in coming forward.

### Understanding Human Trafficking:
Placing anti-trafficking discourses and legislative definitions

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**Figure 1.1**
if we have no clear method of identifying them.

**Recommendations**

1. Create a policy that allows Department of Health inspectors to inspect fields in Washington, just as they have the authority to spot-check restaurants. This would eliminate some of the isolation the agricultural workers.

2. Hold large corporations accountable for the labor they use, even when labor is contracted out. Just as large farming corporations exert control over their contracted farms, often dictating very specific details about how farming should be done, corporations should be given an incentive to exert the same amount of control over the type of labor used. Create laws that offer serious punishments for corporations who use trafficked labor in the products they sell.

3. Address the demand side of the problem. Consumers are often unaware of where their produce comes from and how it is produced. Create a “Fair Labor” label, similar to that used for organic produce or fair trade products, which would certify that certain products were produced by workers paid fairly. This would give consumers power to help with trafficking, it would increase awareness about trafficking and other unfair wage practices, and it would create a market for those in the industry who do pay fair wages.

**Endnotes:**


3 Lansford
4 Lansford
6 ibid, 264
8 Lansford
10 Ibid, 7
11 ibid, 17-22
12 ibid, 38
13 ibid 38-39
14 ibid 38-39
15 Commission for Labor Cooperation, 40-41.
16 ibid
21 Sidney’s paper – check citation
22 2003 Agricultural Workforce in Washington State, 26
23 ibid, 34
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29 Apfel, Gillian. Presentation. 11 Jan 2006
30 Shipler
Small businesses: restaurants, hotels and bars

Most studies or reports on the issue of human trafficking in Washington State, as with the nation, refer to the roles of small businesses such as restaurants, bars and hotels as destinations for human trafficking. Yet within the public debate on human trafficking, discussion of these industries is often overshadowed by discussions of human trafficking within the sex industry. Without a clear understanding of what characteristics of small businesses make them vulnerable to trafficking and the ways in which people have been documented to be trafficked within these businesses, potential victims of trafficking will remain hidden.

After mapping out the economic roles small businesses and specific industries within them – restaurants, hotels and bars – play in the state’s economy, we will discuss certain characteristics or global influences upon these industries that make them vulnerable to trafficking. From there, we will discuss actual incidents of human trafficking in these industries, showing how trafficking can occur in these businesses. Finally, we will examine one case that occurred in Washington State in order to gain a better understanding of the complexities of trafficking cases within these industries.

Small Businesses: The Restaurant, Hotel and Bar Industries

Small businesses, such as restaurants, bars and hotels often represent a person’s life work and constitute their family sustenance. For many people, their small business is something they can proudly call their own. As a result, small businesses constitute a significant segment of the U.S. economy. According to the U.S. Census, firms that employ between one and four people constitute the largest type of firms and establishments nationwide. In Washington State, the Department of Labor and Industry estimates about 145,000 small businesses
– employing between one and 20 people –and another 100,000 small businesses outside of this category that do not have any registered employees⁴.

Among industries, restaurants constitute a significant segment of the nations’ income, about $511 billion per year.⁵ With 12.5 million employees, the restaurant industry is also the nation’s largest employer in the private sector.⁶ Within Washington State, there are 15,189 eating and drinking places, which are estimated to employ 255,000 people and make $8.3 billion in 2006.⁷ The accommodation (or hotel) industry in Washington State made more than $1.6 billion in gross income in 2004.⁸ Personal care services such as barber and beauty shops made more than $6.7 billion in 2004.⁹

**Intersection of Industry and Trafficking**

Small businesses such as hotels, restaurants and bars, however, have been documented to be either conduits or destinations for trafficking. Nationally, a study by the University of California Berkeley estimates that forced labor in restaurants and hotel work constitutes about four percent of all trafficking cases in the U.S. ¹⁰¹¹ In Seattle, Detective Harvey Sloan, of the Seattle Police Department, suspects that “people are trafficked to work in debt bondage in International District restaurants.”¹² Yet, there has yet to be any highly publicized cases.

**Vulnerabilities for Trafficking**

**U.S. Business Climate**

Larger economic factors make small businesses and industries susceptible to trafficking. The American business climate, which demands the least input for the most output, according to Peter Kwong, creates an environment in which human trafficking seems to be the most “efficient” solution. Here, it is useful to
quote Kwong at length:

For some time now the American economy has been emphasizing growth through deregulation and increased labor productivity. The most effective way to achieve this is by employing nonunionized labor. Immigrant labor is even better, not only because it is not organized but also because it is less protected. Following this logic, undocumented labor is the best: entirely unregulated and thus the most productive. If we push this logic one more step, then the most productive labor would be the ‘unfree’ undocumented immigrant labor, such as the indebted Fuzhounese workers.13

Thus, the conditions demanded by the U.S. economy – the emphasis on growth, labor productivity, and minimizing costs of labor – create an environment in which small businesses such as restaurants and hotels become vulnerable to human trafficking. The highest level of labor efficiency is both praised and ultimately necessary in order for one’s business to survive when competing with large corporations or other small businesses. Without using the strategy of minimizing labor costs such as “freezing or cutting wages” and exploiting illegal immigrant workers, small businesses that actually invest in their workers cannot survive in competition with others that do use such strategies.14 Yet, within this logic, the most efficient and thus most profitable mode of labor efficiency is forced labor. Although the American business climate creates a condition in which small businesses and its industries are susceptible to trafficking, some critics argue that the demand for cheap labor can also be a result of the greed of some small business owners. According to Detective Harvey Sloan of the Seattle Police Department, trafficking within small businesses boils down to greed – the desire by some business owners to utilize the cheapest labor possible.15 Although such “greed” is not mutually exclusive from the larger business culture and structures that demand low input in labor costs – it is commonly known that small businesses generally need to
maintain low costs in order to survive when competing with large corporations – it is important to note that the actions of business owners are also not entirely dictated by the demands of the U.S. economy.

Small Businesses: Risk, Centralization and Regulation

Small businesses such as restaurants, hotels and bars are also susceptible to trafficking due to the nature of small businesses as small-scale enterprises. According to Gillian Apfel of the International Rescue Committee, small businesses are vulnerable to being destinations for human trafficking due to a combination of factors including: a relatively low risk versus cost ratio, less overall regulation than larger corporations, and relatively less capital placed in a company’s reputation. Unlike larger corporations that depend on the credibility of their reputations for sales, small businesses can risk violating such anti-trafficking laws, because costs saved in trafficking a person outweighs the risk (a tainted reputation and the loss of large amounts of money that large corporations actually have to lose) incurred by doing so. Also, for small businesses, especially those that are family-owned, there is little oversight other than that of the owner and his or her family due to the tight-knit and small nature of the company – people outside the family are not directly involved in running the business. Thus, it is possible that illegal activity is only seen by the family who owns and works in the company. Furthermore, on some levels, small businesses are simply less regulated than large businesses. As a result of this combination of factors, small businesses are susceptible to trafficking.

Skill, Wage and Space

Particular characteristics of small business industries such as restaurants make them vulnerable to trafficking as well. Restaurants need many workers in
low-wage jobs. Since these jobs – including busing and cleaning – require low levels of skill, and oftentimes do not require knowledge of English, almost all people have the basic skills needed for these jobs. In other words, although it would be difficult to force someone to work in the computer science industry – due to its high skill requirement, it can be difficult to force someone into this type of labor because they literally do not have the skills to do the work – it is relatively easier to force someone into busing tables or cleaning. Furthermore, in most restaurants, many workers such as cooks are hidden from public view. According to Apfel, trafficked persons in the restaurant industry usually work in kitchens and as busboys, hidden from customers. This public/private divide naturally within restaurants allow some workers to be hidden from the public, creating a condition in it would be relatively easy to keep a trafficked person isolated. Furthermore, restaurants are often small, enclosed locations. According to Diana Moller, of the Northwest Immigrants Rights Project, the smaller the space, the easier it is to control an individual in a trafficking situation. Thus, the relatively small spaces of restaurants create another circumstance in which trafficking could occur.

**Trafficking Cases: Types and Methods**

**Restaurants**

As a result of such vulnerabilities, these industries have been repeatedly documented in relation to cases of human trafficking, particularly the restaurant industry. In a widely-publicized case in Houston, Texas, for example, a restaurant owner and some of his family members were accused of smuggling Mexican immigrants to work at three restaurants, paying them as little as 70 cents an hour for six days a week, forcing them to work the seventh day as domestic servants in their homes. They were kept in debt bondage, the trafficked
persons paying back their smuggling fee to the owners, who kept between $100
and $300 of the $400 in cash they were supposed to pay their employees. The
immigrants were housed in a room in the home of one of the traffickers, forced
to stay in the limits of their rooms, the kitchen and the bathroom until they
paid their smuggling fee. In such cases, the restaurant owner was directly
involved with the smuggling of the trafficked persons, keeping them in debt
bondage, withholding pay, and isolating the trafficked persons from the outside
community. In similar cases involving small businesses, according to Sloan,
business owners often directly traffic people, hiring someone often within their
ethnic communities to smuggle someone from their home country into the U.S.
to be exploited. It is clear that when one is directly engaged in the criminal
activity of trafficking individuals, he or she will prevent the trafficked persons
from being found by the general public or law enforcement. For example,
in this case, the trafficker forbade the victims from leaving their bedroom
and kitchen, preventing them from physically being seen by others, and thus
directly prevented the trafficked persons from being found. Furthermore, by
exploiting people who have been smuggled illegally into the U.S., and thus are
in a tenuous legal position, the trafficked persons themselves often hesitate to
come forward. For example, in a case we will later explicate, illegal immigrants
working in debt bondage at a Seattle-area restaurant fled the area soon after
alerting authorities of a workplace assault. Although this case occurred before
the TVPA was enacted, it is clear that without knowledge of one’s rights, the
method of trafficking in this industry – of exploiting illegal immigrants through
debt bondage or forced labor – lends itself to both traffickers preventing
trafficked persons from being found and trafficked persons being reluctant to
come forward. This case also reveals the vast power that traffickers/restaurant
owners can have over their illegal immigrant victims by drawing upon the
already-existing fear of deportation.

Hotels

Hotels have been documented as conduits for trafficking, or locations in which trafficked persons are held (whether knowingly or unknowingly). For example, an Econo Lodge motel in Los Angeles was the location for a makeshift brothel in 2004. Maria De La Luz Menjivar promised Mexican women “house cleaning jobs in fancy neighborhoods and then threatened with retaliation if they didn’t become prostitutes.” When they arrived in the U.S., they were forced to become prostitutes, working out of the Econo Lodge servicing mostly Latino day laborers. Menjivar was also accused of paying the women’s smuggling fees, which ranged from $1,200 to $1,500 per person, thus making the women indebted to her. It was only after some of the trafficked persons themselves notified authorities that the brothel was busted. The owner of the motel, Nareshkumar Patel, was arrested on suspicion of running a brothel but later released on bail. He claimed that he had no idea that the brothel was operating at his motel, saying the women had stayed there only three days. Whether the motel owner was aware of, benefited from, or participated in the trafficking is unclear. Yet, what is clear in this case is that the hotel was the location in which the trafficking occurred.

Of course, due to the characteristics of some hotels being small business and their similarities to restaurants in having a hidden labor source (such as janitors, maids and cooks), it is quite possible that people are trafficked directly into the hotel industry, forced to work as maids, janitors and cooks. Yet, such cases have not yet been widely publicized in Washington State.

Bars

In many ways, bars are similar to restaurants in that many bars also serve food and thus have some of its workers hidden from the public. Yet, one
of the most widely documented cases involving a bar has been its role as a front for sex trafficking. In one such instance, a bar owner in Houston, Texas pleaded guilty to human-trafficking conspiracy and smuggling conspiracy January of this year. He was accused of luring women from Honduras with the promise of jobs his El Potrero de Chimino bar and La Margarita restaurant. Yet, when they arrived in the U.S., the owner charged the women “as much as four times the cost of smuggling them across the border, then forced them to work as bar girls, sometimes coercing them to submit to sexual activity with male bar patrons and favored business associates.” Most of the $400 to $500 the women earned per week was “applied to smuggling debts of as much as $14,000, plus the cost of food and lodging…. Most women were left with as little as $50 at the end of the week and some were even deeper in debt.” The women were, furthermore, threatened with burning down their family’s homes back home if they did not comply. In this case, it is clear that the bar was operating as a front for sex trafficking, the owner of the bar controlling all aspects of the trafficking, from fraudulently luring women to the U.S. to placing them in debt bondage to threatening the women with violence to their families if they resisted.

Apfel also suspects that some beauty and manicure salons might also be locations of trafficking, although specific cases have yet to be found and widely publicized in Washington State. Furthermore, Peter Kwong notes that the combined smuggling debts of illegal Fuzhou Chinese immigrants alone who came to the U.S. between 1991 and 1994 are about $3 billion. With such a large amount of debt to be paid off by individuals to smugglers, it is likely that a range of legal, legitimate small businesses not mentioned in this section are involved in some aspect of trafficking persons – from hiring an illegal immigrant who is being forced to work almost around the clock to pay off debts to smugglers to directly trafficking workers.
Case Study

Lynnwood Chinese Buffet

When police responded to what they believed to be an assault case at a buffet in Lynnwood, Washington in 2001, they found a victim, whose “left forearm was shattered” by a meat cleaver. He claimed he was trying to call his mother in China, who was sick, when he was hit attacked with the meat cleaver by a kitchen supervisor at the restaurant where they both worked.

The victim, a citizen of the People’s Republic of China, later told police through interpreters that the restaurant owner, Zhon Young Ni, was smuggling illegal immigrants to be exploited for work at his restaurant, Oriental Buffet. The victim himself had received a visitor visa, but it had expired months before the incident.

The victim had been forced to work for less than minimum wage and was housed by Ni in a one-bedroom apartment, living with five other trafficked persons. They were working to pay back the debt they incurred for being smuggled.

Ni was charged in U.S. District Court in Seattle for “conspiracy and the transportation of, harboring of and employment of unauthorized immigrants.” He was not charged with human trafficking.

Yet, within a few months, the victims – not aware of their rights as victims of trafficking – and owner of the restaurant had all fled.

In this case, the restaurant was directly, or suspected of directly, trafficking people to work in their businesses. The individual had come to the U.S. on his own free will and knowingly broke immigration laws in order to do so. The victim was receiving payment, but after the withholding of payment by the employer for smuggling debts, the victim had very little of their own income. In addition, the person was also living in facilities either next door or within the
homes of his employers, and was hiding from view, unseen by customers at the restaurant. According to Richard Cross, an immigrant agent, such buffets are “good locations to harbor aliens since the customers do not commonly interact with buffet employees like in tradition-style Chinese restaurants…. They remain in the kitchen undetected.”

Complexities and Defining Trafficking

The factor that complicates this case is that the victim had consented to being smuggled into the U.S. and was working this job in order to pay off his debt. Although the job may not have been what he had hoped for, it is not clear that he resisted the business owners, making it appear as though to an extent, consent from the victim existed, at least until he called the police due to the physical attack. In other words, a surface glance at this case could lead one to assume that the victim consented, and thus is not a case of trafficking.

On the other hand, the victim, although an illegal immigrant who paid and consented to his smuggling, was exploited in the U.S. for his labor. He was forced to work for less than minimum wage and was housed close to the trafficker with other victims – common characteristics of trafficking cases as a tactic used by traffickers to control their victims. As a result, the initial consent to smuggling does not matter. For example, in most trafficking cases involving such small businesses, owners tend to directly traffic or hire others to smuggle people for the purposes of trafficking, hiring a person from their home country to smuggle the person into the U.S., where they are then exploited for their labor. The trafficked person will also often be living near the business owner, giving the business owner complete control over the trafficked person – which was the situation in this case.

Thus, despite the complexity of factors that might make it less obvious on
first glance that this case is an incident of trafficking, it is quite clear that factors common to labor trafficking – withholding wages, living in close quarters to the trafficker, and debt bondage – are present in this case and most likely could be considered trafficking.

With the vulnerabilities of small businesses to trafficking in mind, we suggest that public awareness campaigns in which the general public – those who pay for the services of small businesses such as restaurants, hotels and bars – are created in order to make the general public aware of the possible intersection of small businesses with trafficking. By making the public aware of the possibility that they may be financially supporting locations in which people are trafficked, they may see themselves as responsible to look for trafficked persons.

**Understanding Human Trafficking:**
*Placing anti-trafficking discourses and legislative definitions*

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**Interconnecting discourse and definitions**

- **People kidnapped for forced labor**
- **People deceived by being told they will be working one job and then coerced into another type of work**
- **People willingly smuggled - then exploited via debt bondage at workplace**
- **People working in place they desire and paid agreed wage**
- **People move to workplace and work at desired location**

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**Figure 1.1**
International Marriage Brokers

The stories of Susanna Blackwell and Anastasia King – two “mail-order brides” or Internet brides, murdered by their husbands in the state of Washington during the past decade - have galvanized local activists, policy-makers and the general public toward the issue of human trafficking in the state. Soon after the King case, the state launched a task force to research human trafficking in Washington, which later led to state anti-trafficking legislation. This past January, the signing of the federal International Marriage Broker Regulation Act made international marriage brokers (IMBs) legally responsible for collecting marital and violent criminal histories of potential husbands. Businesses are also liable for providing information to women who are seeking husbands through their services about the rights of victims of domestic violence in the U.S. Yet, the connection between the IMB industry – legitimate, legal matchmaking companies – and human trafficking has been widely contested. Some argue that the industry works as a conduit for sex trafficking networks, others argue that the businesses are a benign method for both men and women around the world to seek marital partners in an ever-globalizing world. Still others view the industry as turning a blind eye to the potential for husbands to exploit their wives for domestic and sexual labor. With such high-profile cases in the state and rapid growth in the industry in recent years, the possible intersection between human trafficking and IMBs needs to be examined. A clearer understanding of the relationship between IMBs and human trafficking is necessary to both increase identification of trafficking victims and encourage them to come forward.

In this section, we will describe the international marriage broker industry – how it operates, who patrons the businesses, and why. From there, we will show specific characteristics of the industry – including false or a lack of
full disclosure of participants about their backgrounds and the disproportionate payment by men to this industry— that make this industry vulnerable to trafficking. After outlining different ways in which women are actually trafficked through this industry, we will give two case examples that will: 1) push us to think about certain cases of Internet brides as forms of trafficking, and 2) show the complexities of such cases that make them difficult to define as trafficking.

The International Marriage Broker Industry

With the advent of the Internet, the IMB industry— also known as international matchmaking organizations (IMOs), “mail-order bride” agencies or “pen pal” agencies— has significantly grown. According to the Protection Project, more than 400 U.S.-based websites offered international marriage brokerage services as of June 2004. Nearly 30 years ago, Cherry Blossoms was the only IMB widely known to facilitate such marriages and did so through paper catalogues. Now, most IMBs operate on the Internet offering a range of services and multimedia forms of communication. According to the Global Survival Network, between 2,000 and 5,000 marriages in the U.S. are facilitated through IMBs each year. An INS study reported that between 100,000 and 150,000 women around the world (including those from North American and Europe) use IMBs for purposes of marriage. With such numbers, IMBs are not only large-scale businesses, but have also become a “highly profitable commercial enterprise.”

In Washington State, several NGOs, including the Refugee Women’s Alliance, suspect that at least one IMB operates in Washington State. Regardless of whether an IMB is based in the state, it is clear that women come to Washington on fiancée visas facilitated by IMBs. For example, about 40
percent (or about two to three women) of the Asian & Pacific Islander Women & Family Safety Center’s clients came to the U.S. either through international marriage brokers or through family-arranged marriages. In addition, about three to four percent of American men seeking Filipina brides on the Internet via IMBs live in Washington State.

**Operations**

The Internet has made it quite easy for IMBs to do business. According to the Protection Project, due to the low overhead and start-up costs associated with Internet-based companies and “the seemingly endless supply of eligible foreign women,” starting an IMB on the web is a relatively simple process. As a result of the low maintenance required of online IMB agencies, they often consist of a single or handful of individuals running the business from their homes. In many cases, these businesses “are operated in the United States by sole proprietors out of their homes, sometimes with the assistance of their ‘mail-ordered’ wives.” The Internet has also made it quite easy for men and women seeking spouses to find one through an IMB. According to the Protection Project, essentially, anybody with access to the Internet and a credit card can scour the world for a wife.

Although various IMBs operate differently, most involve men purchasing contact information of women. A cursory examination of one well-known U.S.-based IMB agency, Cherry Blossoms, reveals that photos and brief biographic data are posted on the site for both men and women. After looking at the women’s photos and other posted information such as “names, addresses, height, weight, education and hobbies… [and sometimes] breast, hip and waist” information, male customers pay IMBs between $2 to $5 for contact information of the women they choose. Others IMBs require a monthly payment from
male customers of up to $200 for its services.\textsuperscript{58}

Yet, the contact information for women is not the only product that IMBs sell. Cherry Blossoms, for example, offers live chats, and for an additional cost, assistance with the K-1 (fiancée) visa, and “romance tours.”\textsuperscript{59} According to a study conducted by the USCIS, most IMBs offer a range of products such as the “romance tours” in which clients can meet potential brides through social gatherings and aid in immigration paperwork.\textsuperscript{60} “Romance tours” usually consist of “a package tour for a group of customers to travel to Russia to meet a wide selection of women and girls.”\textsuperscript{61} Group socials during these “romance tours”, in which “as many as 2,000 women may show up for the ‘mixer’ party for a group of only a dozen men,” are intended to give men the opportunity to find their bride.\textsuperscript{62} After finding a potential wife to whom the men usually court while on the romance tour, the husband usually returns home and applies for a K-1 (fiancée) visa. The couple then marries either in the woman’s home country or in the U.S. upon her arrival. If the couple marries within 90 days of the fiancee’s arrival to the U.S, the couple can apply for the fiancee’s permanent resident status, which gives the wife’s legal status in the U.S. only for the next two years.\textsuperscript{63}

Demographics

The demographics of the people who participate in this industry are generally white men from industrialized countries seeking women from developing countries and vice versa. Generally, women who seek husbands through IMBs are in their 20s and from Southeast Asia and countries of the former Soviet Union.\textsuperscript{64} Within Asia, 70 percent of the women are from the Philippines, 16 percent are from Indonesia, 8 percent from Thailand, and 2 percent from Malaysia and Japan, and one percent from Korea. Ages of women tend to be
concentrated according to region. An INS-sponsored study by Robert Scholes found about 60 percent of the Asian women listed in catalogues that Scholes studied were under 25 years old. Among the eastern European women that were listed in these catalogues, 31 percent were under 25 years old. A study of 30 couples married through IMBs showed that almost all (28) had a 20 to 50 year age gap. Many scholars point to “poverty, unemployment, and media images of Western lifestyles” as factors that drive women to IMBs. In some developing countries like the Philippines, poverty and a woman’s low position within the economically depressed economy (due to gender hierarchies) have been pointed to by scholars as reasons women partake in IMBs. In other words, women are seeking economically and socially (more gender equal) better lives by participating in the IMB industry. Some scholars as also cite as factors social norms such as stigmas against children and divorces that would make marriage in their home countries difficult for some women. These factors, in combination with stereotypes of “white knight[s] carrying them off to a fantasy land of affluence and plenty” influence some women to search for husbands through the IMB industry. Yet, some scholars also have observed that Internet brides are actually often relatively well-off in their home countries, from families that “were from upwardly mobile middle-class families, living in households that could afford servants.” Furthermore, our own cursory examination of various profiles listed on some IMBs suggests that many women are relatively educated and employed. Also, in many of these and other cases, it is undoubted that women might simply be looking for a life partner.

Men who seek wives through IMBs tend to be in their late 30s, divorced, well-educated and white. Scholes’ study found that 94 percent of the men were white. They were highly educated, with 50 percent of the men having two or more years of college education and only five percent had not completed high
school. These men, according to the study, were “politically and ideologically conservative; and generally economically and professionally successful (64 percent earned more than $20,000 a year; 42 were in professional and managerial positions).”\textsuperscript{76} The median age is 37. Furthermore, with the Internet, an increasing number of men from rural areas have been participating in this industry, according to Sutapa Basu of the University of Washington’s Women’s Center.\textsuperscript{77} In Washington State, the majority of men who search for Filipina brides live in rural areas.\textsuperscript{78} Overall, 57 percent of the men have been married at least once, with the majority of them having been “divorced after an average of seven years of marriage”.\textsuperscript{79} Many scholars point to a feeling of alienation from American women by these men (on which the men often blame the second wave feminist movement in U.S.) and desire for a stereotypically domestic and “traditional” wife that leads men to search for wives through IMBs.\textsuperscript{80} In other words, “most of the personal reports from American men who have married women through these agencies talk about ‘traditional values.’ That is, American women are thought not content to be wives and mothers but seek personal satisfaction through their own careers and interests, while the foreign woman is happy to be the homemaker.”\textsuperscript{81} Yet, one scholar has complicated this image, argued that men she has met in her research generally did not “fit the image of victimizers out to find subservient maids and sexual partners.”\textsuperscript{82}

**Intersection of Industry and Trafficking**

Many marriages facilitated through the IMB industry result in stable, happy marriages. Testimonies from couples show the success of such marriages.\textsuperscript{83} Yet, it is important to examine the various characteristics of the IMB industry that make it vulnerable to being conduits for husbands to traffic their wives. By determining what ways this industry is related to trafficking, we
will be able to identity an another industry in which to both search for trafficked persons and encourage them to come forward.

**Vulnerabilities for Trafficking**

*Regulation*

First, the regulation of the IMB industry is largely un-enforced in the U.S. The vast majority of the IMB agencies operate solely online, making them extremely transient, able to cross not only domestic borders, but also international borders. Before this year, U.S.-based IMBs generally did not conduct background checks on American men searching for wives through their agencies, while women were asked by IMBs to give extensive personal information. Without such regulation and background checks, full disclosure is absent. As is commonly known, the Internet, due to the absence of face-to-face contact between individuals, produces an environment rife for deceit, lies, or simply stretching the truth about one’s identity. According to a study conducted by the Ford Foundation, “when there is not full disclosure and informed consent as to the nature of the relationship, a woman may end up as a trafficking victim in a servile marriage and may be exploited as a domestic worker and sexual slave, confined to the house, denied the opportunity to learn English, drive or communicate with family back home, and kept isolated or even prostituted by her husband.”

On January 2006, the International Marriage Broker Regulation Act, sponsored by Sen. Maria Cantwell (D-Washington) and Rep. Rick Larson (D-Washington) was signed into law. Building upon the existing Mail Order Bride Act of 2003, which made it mandatory for IMBs to disseminate to Internet brides information about their immigration status and waivers for battered wives, penalties for marriage fraud and the unregulated nature of the IMBs, the
new federal law requires IMBs to also conduct background checks on potential husbands’ violent criminal and marital histories. The new law also caps the number of fiancée requests an American citizen can make at one time. Since the bill was signed into law less than two months ago, however, it is difficult to determine the impact of the law.

Some NGOs, however, question whether the law will have enough financial backing for actual enforcement. The case of Natalyia Fox, an Internet bride who sued the IMB that facilitated her marriage for using deceptive practices to match her with her American husband who later physically abused her, shows that the law that had previously existed was not being enforced. The IMB through which Fox’s marriage was facilitated did not disseminate information about her rights as a battered spouse, and in fact told Fox that she would be deported if she did not remain in the marriage. Furthermore, it is important to note that the new law may actually result in increasing the lack of regulation within this industry by invoking IMBs to simply move to another state or overseas instead of implementing the regulations. For example, John Adams, president of Phoenix-based A Foreign Affair was quoted as saying that he opposed “most of Cantwell’s proposal because it would unfairly hurt his business. It also would tend to drive marriage broker companies offshore, he said.” Yet, it must also be noted that in response to the law, internationalmarriagebrokers.com has instituted an International Marriage Brokers Seal for websites that have implemented the requirements of searching for sex offenders and doing background checks on the American men on using the services of the site. However, it is not clear from the language of the website whether the information collected by the “sealed” companies would actually be distributed to the women and whether women would receive pamphlets of information regarding their rights under the Domestic Violence Act. This raises larger questions of whether the law could
be abused by IMBs by certifying themselves as abiding to the law when in reality they do not fully comply, giving participants the false impression of strict regulation. Thus, without enforced full-disclosure of criminal and marriage history of both men and women, the IMB industry can act as a facilitator for husbands using deception or other means to traffic Internet brides.

**Male Customer Served**

Second, IMBs, as with any profit-making industry, place their primary concern upon their customers – the men who pay for the contact information of women, monthly subscriptions, “romance tours,” and visa application help. It is the men, not the women, who pay for services of the IMBs. The interests of the IMBs, therefore, are in both making as much profit as possible by arranging as many marriages as possible and making the experience for male customers to find brides easy, fast and simple. This can create an inherent conflict of interest in establishing safeguards for women if it interferes with either the interests of customers or the recruitment of customers. For example, if conducting background checks on male customers inhibits the speedy process of matchmaking or detracts some men from even becoming customers, then the companies will not want to pursue such safeguards.

IMBs’ primary concern with catering to their paying male customers can be seen by the fact that “common-sense warnings” posted on one website lists various safeguards directed toward men, not women. For example, advice regarding age difference is framed through the rhetoric of: “If you are a mature man writing to a young woman,” and warns the reader to not send money. Such warnings are directed toward protecting the client who has money to lose from someone who has intentions other than long-lasting marriage – the man living in the industrialized country. “Common sense” warnings about abusive men are not explicitly directed toward women on this website. With such focus
on the paying male customer, the needs of women who seek husbands through the agencies are ignored.

The IMB industry’s goal as a profit-making industry, catering to the needs of its customers (male), can effectually facilitate abusive relationships, including situations of trafficking. In other words, due to the IMB’s financial dependency on the paying customer, it is actually in the interest of the IMB to turn a blind eye to the possible abusive actions some customers might articulate toward their wives in order to garner more business. For example, in the case of Natilya Fox, she argued that the IMB’s president, Natasha Spivack, had “made many false representations concerning Mr. Fox, [Fox’s estranged, abusive husband] and American men generally, and her immigration status, all to induce her to marry Mr. Fox.” Furthermore, Fox claimed that when she contacted Spivack after being physically abused by her husband, Spivack “encouraged her to stay in the marriage, and told her that she would face deportation and financial ruin if she left Mr. Fox… so that she would not have to find him another bride as guaranteed by the service.” Thus, it is clear that the structure of the IMB as a profit-making industry that caters to its male customers can lead to the IMB’s direct facilitation of abusive relationships, which may include incidents of trafficking. In Fox’s case, Encounters International used methods of deception to produce a match between Fox and her husband in order to raise profits and also and used such tactics as failure to disclose information about Fox’s rights as a victim of domestic abuse and encouragement to stay in a violent and potentially trafficking situation (although not enough evidence is present in the case to confirm) in order to avoid paying for her husband’s “refund” on a broken marriage. As a result of such financial interests, largely influenced by the fact that the IMB is driven by income generated by male customers, Encounters International not only ignored a potential trafficking
case, but also directly participated in coercing Fox to remain in the situation. Thus, it is clear that the dependency of IMBs on income from male customers creates a condition in which the IMB may either turn a blind eye to trafficking or directly participate in the trafficking of the victim, such as relaying threats of deportation.

**Selling an Investment**

Third, the fact that the industry charges often high fees for their services increases the potential for a husband to traffic a wife. Men often pay up to $15,000 in costs such as travel, immigration paperwork, and IMB subscriptions, for the services of facilitating a marriage. They are sometimes guaranteed by IMBs that if their relationships fail, they will be given assistance in finding another wife for “free.” The exchange of such large sums of money and the commodification of wives has the possibility of giving customers a sense (whether intentional or not) that they are buying the wife – that the wife has a sum of money to which she is “worth” or “owes.” Such a sense creates an environment in which men might demand or expect certain services from their wives. In other words, the large sums of money paid to the IMB industry by male customers create conditions in which they may feel as if they have ownership over the women they “acquire,” possibly leading to men forcing women to “fulfill” their worth.

**Selling Stereotypes**

Fourth, the industry’s use of stereotypes of foreign women as weak, docile, subservient, and domestic to “advertise” women directly creates an environment in which men might be prone to abusing their wives. Marketing strategies often draw upon homogenizing stereotypes of women in developing
countries, advertising “women as generic to their ethnicity – all Russian women are X, all Asian women are Y, all Latinas are Z – and emphasize that the women they offer (women who are in fact hoping to leave their home countries) will be ‘home-oriented’ and ‘traditional’ wives.” These images of foreign women, by their sheer nature of being stereotypes, are generally not true. Thus, the IMBs’ emphases on these stereotypical imaginings of foreign women, whether implicit or explicit, constitute misleading information. This can become problematic when husbands discover that the real women they marry might not fit the stereotypes that they in a sense purchase. Indeed, some scholars have observed that the relationships that IMBs tend to facilitate appear to have inherently conflicting desires – the woman to find “liberation” (whether economic or social), and the man to find a submissive wife. Thus, there exists a possibility that as a response, men might use various methods, including force or coercion, to enforce enactment of these stereotypes (actual cases of which we will later explore). In other words, the reliance of many IMBs upon the selling of stereotypes of foreign women makes IMBs vulnerable to being facilitators for possible trafficking cases.

Cases of Trafficking: Types and Methods

**IMBs as Fronts for Sex Rings**

Due to such vulnerabilities of the industry to being a conduit for trafficking, women have been trafficked by husbands through IMBs in various ways. In some instances, potential husbands or the operators of the IMBs themselves have been known to dupe women into sex trafficking rings. Some U.S. embassies in various parts of the world “report that matchmaking agencies conceal organized prostitution rings, victimizing newly-arrived ‘brides.’” For example, “brokers have paid U.S. servicemen to marry Korean women and
‘bring them to the United States to use in the massage parlors and brothels here.’ In other instances, the husband can be a pimp, taking the bride’s “passport and forc[ing] her into prostitution.” The husband/pimp might do this repeatedly, acting as a supplier for a prostitution ring. Husbands might also claim that the wife owes a debt – the husband paid for the wife’s arrival to the U.S. (visa and immigration fees) – and force her into prostitution as a way to pay off this debt. In addition, a study by the Global Survival Network has established a link between the Russian mafia and the IMB industry, due to the assessment that “most Russian IMOs have expanded their activities to include trafficking for prostitution.” According to some scholars, the romance tours serve as a clear indication that the IMB industry is selling more than marital love: “While proponents of bride trafficking claim that pornography and sex tourism are completely unrelated businesses, the marketing of complete services on the mail-order bride web sites tell a different story. Most companies that offer mail-order bride services also offer sex tours of third world countries.”

Husbands Forcing Wives to be Personal Slaves

Cases of husbands forcing wives into sexual or domestic slavery in their homes have also been documented. Such methods as:

“Isolation, domination, and threats of deportation [are sometimes used] to get an immigrant woman to perform domestic and sexual services on demand. One commentator in an Internet discussion of the pros and cons of paying for a ‘mail-order’ bride, pointed out that it can be much less expensive to purchase a wife than to pay for prostitution services, which don’t also include free housekeeping and cooking.”

Such forced domestic and sexual services constitute forms of trafficking.

As Suzanne Jackson clearly articulates:

Sexual or domestic services extracted from a woman through a pattern of abuse – including force or threats of force against
her or others, isolation, deception, and retention of immigration documents, and threats of deportation or incarceration intended to make her believe she would suffer serious harm of physical restraint should she disobey – now constitutes criminal forced labor under federal law.  

In such cases, women’s sexual and domestic labor – labor that can be sold in the legal market – is being repeatedly forced and exploited by the husband for his own use through both explicit and implicit means, ranging from domestic violence to threats of deportation to isolation.  Regardless of whether a woman consented to coming to the U.S. via marriage, forcing her to provide domestic and sexual services through physical abuse (domestic violence), threats of deportation or sheer isolation are forms of trafficking that occur within marriages that are facilitated by IMBs.

Such servile marriages involving domestic or sexual work are enforced by husbands through a broad spectrum of methods, of which we will now examine more closely.

Husbands Exploiting Tenuous Immigration Status

Such servile marriages have been documented, often characterized by husbands taking advantage their wife’s economic and legal dependency. American husbands can hold significant economic and legal power over their immigrant wives. With such an unequal power dynamic, women can be coerced into servitude without having to be threatened or physically abused. Living in a new country, with a new legal system and a new language, pen pal brides (often poor women who are targeted for recruitment in the IMB) “are economically dependent on their husbands when they emigrate to the United States.”

The bride is also dependent upon the husband for her legal citizenship status. U.S. immigration law requires that foreign brides have sponsorship from their husbands in order to receive permanent residency status. Under the 1986
Immigration Marriage Fraud Amendments, after the foreign bride marries her spouse, she has conditional residence for only 2 years. After those two years, she, along with her husband, must “make a joint application for permanent resident status for her. Administrative delays, however, may prolong the waiting period for permanent resident status for as long as four years.”110 Due to such dependency, husbands can coerce women into staying in the relationship or providing domestic or sexual services. The Asian Women’s Shelter in San Francisco estimates of the women in its shelters, “about 17%... are women trapped in servile marriages.”111 Kathryn Lloyd writes that, “Because the bride relies on her husband for her immigration status, is typically uninformed about United States law, and has limited resources to survive without the support of her husband, he can often control much about her life without fear that she will try to leave or take advantage of available legal protections.”112 Thus, men can easily force women into doing their beck and call without an explicit display of force or threat. For example, “Stories abound of men withholding the return plane tickets and other costly items from foreign women in the United States on fiancée visas when the potential brides refused to perform as expected.”113 In such situations where the husbands have significant economic and legal control of their wives, women can easily be pushed into servile situations with little explicit force necessary. The legal power the husbands have over the women – the necessity of their sponsorship for resident status and subsequent ability to deport the wife – gives the husband power to “demand she perform domestic services and sexual services. He can force her to serve him as a prostitute and force her to accept domestic abuse.”114 Although less visible, such cases of subtle coercion are indeed clearly forms of trafficking within marriages facilitated by IMBs.
Husbands Creating Debt Bondage

Husbands have also been known to place wives into a de facto debt bondage situation, claiming that his wife owes him the money he paid for IMB services, immigration paperwork, and travel expenses to bring her to the U.S. In other words, “Because the consumer typically pays the full cost of locating and meeting his bride, and then transporting her to the United States, he can try to force his new bride to ‘pay [him] back’ through domestic of sexual services, or monetarily.”\(^\text{115}\) Typically, a man who marries through IMBs spends up to $10,000 to $15,000 on IMB subscriptions, “overseas visits, telephone calls, and gifts.”\(^\text{116}\) Yet, the woman might not be able to pay back this debt, keeping her locked in a bondage situation, threatened by deportation if she resists. Although the wife might work by cleaning the house, cooking and other domestic and sexual services, “because of the phenomenon of giving little or no economic value to the services a wife provides in the home…. no matter how much a mail-order bride works in the home, she will never be able to repay debts to her husband, making her forever indebted and enslaved to him.”\(^\text{117}\) Such debt bondage for the purposes of labor exploitation is commonly seen in cases of trafficking in restaurants.

Isolation of Wives for Control and Exploitation

Furthermore, at least two cases have been widely documented in which husbands have kept their wives isolated in extremely rural areas in order to articulate full control over their actions (a generally common method of human trafficking). For example, one Internet bride, a teacher in China, came to the U.S. to live with her husband, who had “lied about his age, profession, and where they would live.”\(^\text{118}\) They lived for several months in remote home in the California desert, where “he kept her imprisoned in their house and sexually
abused her. He had a scheme for her to make money for him and be his source of income in old age.” Yet, this required her to take ESL classes, since she needed to learn English for his plan. At the ESL classes, she learned about domestic violence shelters and called the police. In another case, a U.S. citizen again forced his Internet bride to “do all the housework and cooking and to be available whenever he” chose by physically and sexually abusing her. The woman was unable to leave her situation because she lived in a rural, remote location, the nearest house being thirty miles away. In such situations, women are kept as slaves within their own homes, unable to leave their situation. Such isolation can be seen in other cases in which women “end up being in homes where they have little access to the outside world…. The men keep them in prison in their homes” through such measures as preventing them from having a drivers license. Thus, it is clear that isolation is used by husbands to prevent women from escaping situations in which they are exploited for their domestic and sexual labor (for the husband’s personal use). Such cases are important to think about in the context of Washington State, as the majority of men seeking Filipina brides (who constitute a large segment of Internet brides) live in rural areas. For the women living in such rural, isolated areas who may be victims of trafficking, access to NGOs and other resources that support women is limited.

Nuances

It is imperative to note, however, that while many experts suspect, that due to power imbalances, Internet brides are at a higher risk for domestic violence than other women, there is little evidence to support this suspicion other than anecdotes. Indeed, our purpose in this report is to note the various ways in which trafficking have been documented in relation to this industry.
Yet, it must be kept in mind that this is certainly not an overarching trend or inherent characteristic of such marriages.

Furthermore, by no means are all women in IMB marriages victims of trafficking, violence or domination. Nicole Constable, in her study of Internet “mail-order marriages,” writes that not only are most women participating in this industry are educated (many from the Philippines have college educations) and quite aware of the choices they make. She writes, “women I interviewed were usually aware of the larger context of structural inequality and of the risks involved in meeting people through correspondence, but they planned to navigate within this system. They were careful whom they wrote to, what agencies they used, which men they agreed to meet, and in what context.” In other words, Internet brides are not homogenous “victims.” They make the best decisions they can for themselves and their families based on the information they are provided and their circumstances. For many, the decision to enter a marriage through an IMB has proven to be a positive decision. In fact, it would be both incorrect and problematic to assume that Internet brides are weak or desperate. Constable clearly expresses the implications of such assumptions when she writes: “Promoting images of Asian women as mail-order brides or passive victims who will willingly do anything or marry anyone just to come to the United States not only is inaccurate, but also risks attracting further attention from men who are looking for women they can abuse.” Thus, it is important to keep in mind that although IMBs are susceptible to being conduits for or facilitating trafficking, the women who participate in this industry are not overarchingly weak or desperate.

Furthermore, it must be noted that the IMB industry has the potential to be abused by women, allowing them to enter fraudulent marriages in order to gain U.S residency. According to the USCIS, of the 266 conditional cases
that were denied by the INS in 1994 (out of 96,033 applications total), only one percent was determined to be both fraudulent and arranged through an IMB.\textsuperscript{130} In other words, the USCIS study determined that the IMB industry did not play a significant role in marriage fraud. Yet, it must be noted that the cases the cases of fraud that the agency has come across are limited to the incidents of marriage fraud that was discovered. The number of “mail-order” marriages that are fraudulent is unknown. It must also be noted that the vast majority of academics who research this field write women engaging in marriages through IMBs are “driven by poverty, unemployment, and media images of Western lifestyles.”\textsuperscript{131} Thus, for some women, entering a marriage through an IMB is just as much of an economic choice as it is about love or marriage (arguably, as with any other marriage). Of course, this does not mean that these marriages are fraudulent or that women are complicit in their exploitation, but simply points to the complexity of this issue.

Despite the nuances of marriage situations within this industry and the agency that women undoubtedly hold in making decisions, it is clear that the IMB industry can serve as a conduit for the trafficking of women. The (until recently) lack of regulation and payments solely made by male customers are some of the factors that create the conditions that make this industry vulnerable to the trafficking that has been documented within marriages facilitated by IMBs.

**Case Study: Susanna Blackwell and Anastasia King**

In 2000, Anastasia King, a 21 year-old Internet bride from Kyrgyzstan was strangled to death by her husband in their Seattle suburb home. Similarly, in 1995, Susanna Blackwell, another 21 year-old Internet bride from the Philippines was shot to death by her husband in a Seattle courtroom where she
was testifying for a marriage annulment.

Susanna Blackwell

Susanna had posted her personal information on the then Bellingham-based Asian Encounters IMB catalogue with the hopes of marrying an American man who would take to the U.S. and help her attain a life more comfortable than the one she was living in the Philippines – one relatively better off than the majority of Filipinos, but nevertheless one without a car or flushing toilets.  

Susanna – an honors student and beauty queen – was would have been considered a catch. She soon started receiving a flood of letters – on average 13 letters a day from about 100 American men. Meanwhile, Timothy Blackwell, a handyman and lab technician in his 40s, was looking for a wife through Asian Encounters, writing to as many as 24 women hoping for a response. He got one from Susanna.

After exchanging more than 40 letters and occasionally talking on the phone with Blackwell for 18 months, Susanna met Blackwell in person when he arrived to visit. Less than a month later, they married.

Yet, the day after their wedding, Susanna claimed that Blackwell choked her for making them miss their ferry ride to Cebu, the nearest metropolitan city from Susanna’s hometown. She told her mother about the incident, but decided to take the risk and follow her husband to the Seattle.

About a year later, Susanna was finally able to arrive in Seattle to live with her husband. Yet, the relationship was short-lived. After 13 days, Susanna left her husband, claiming that he “choked and struck her, and pushed her head into a sink.”

In response, Blackwell filed for a marriage annulment in order to have Susanna deported. He offered “to drop his annulment claim if she agreed to pay him $17,000 - the amount he said he’d spent on her, including court costs,
since their first encounter four years earlier.” It was at the annulment trial, that Blackwell shot his wife, the 8 month-old fetus that she was carrying, and Susanna’s two friends.

Anastasia King

Anastasia King also came to the U.S. with hopes of a better life. She met Indell King, almost 20 years her elder, in 1998 after being contacted by him through an IMB. Like Blackwell, King was also quite accomplished, speaking three languages and an honors piano student.

During a visit to Seattle – an invitation that her future husband offered in order to visit the UW – King proposed and the two were married in Mercer Island, where King, described by former classmates as an easy-going, upbeat, high-achiever, grew up.

She soon attended the UW’s Business School while he tried to hold down odd jobs. But Anastasia told friends that her husband started to become “jealous and controlling. He once took away her passport.” Among a list of his wife’s “failures,” he wrote that “she didn’t prepare meals or clean the house, wouldn’t ‘participate in sexual activity’ and had ‘friends or boyfriends’.”

Soon after they returned home from a visit to Kyrgyzstan, King held his wife down while Daniel Larson, who was renting a room in their house, strangled Anastasia to death. It was later revealed he had already married and divorced another woman from the former Soviet Union before marrying Anastasia. In marrying Anastasia, he was looking for “someone who’s a little less independent.” He was already looking for another wife not long after marrying Anastasia.

Complexities and Defining Trafficking

Both Susanna and Anastasia entered marriages in their early 20s with men around 40 years old through an IMB hoping for a better life. Susanna
was physically abused by her husband. It is also clear that Anastasia’s desires for independence conflicted with her husband’s desire for a submissive wife. Yet, should these cases be considered incidents of trafficking? Is the symbolic buying and selling of women trafficking? Without evidence of forced sexual and domestic service, should these cases be considered trafficking? Are these cases simply examples of domestic violence?

On the one hand, the aspects of labor and exploitation largely associated with trafficking are absent in these cases. These women are not being forced or coerced into explicitly visible and common forms of labor documented in human trafficking cases such as textile production or fruit picking. Rather, these cases take place within the private, non-productive, context of marriages. Furthermore, as women who entered the marriages on their own volition, it initially appears that these cases, due to the appearance of consent, should not be considered human trafficking cases, but rather, domestic violence cases.

**Labor, Control and Coercion**

In the case of Anastasia, her husband wanted her into performing work such as cooking, cleaning and providing sexual services. This is apparent from the list he showed her father – Indell wanted her to fulfill the stereotypical ideals of submissive a domesticity that revolved around the husband – cooking, cleaning, and providing sex. Although are not widely recognized by society as a forms of paid labor such work indeed constitutes a type of “work,” for it could be sold in the labor market. Indell, however, wanted to exploit such labor for his own use. In order to force such domestic and sexual work, he did such things as taking away her passport in order to articulate his control over her. In other words, Anastasia had been brought to Seattle for the purposes (although not explicitly) of providing domestic and sexual services to her husband,
which he attempted to enforce through isolation (complaining about her having friends) and threats (taking away her passport, implying that he might have her deported). Although explicit force, threats, or coercion weren’t used, the act of taking away a passport sends the same message. In Susanna’s case, the husband’s attempts at control were articulated through physical force, or domestic violence. Violence in this case should be considered a symptom of a greater, multi-faceted attempt by the husband at controlling the actions of the wife, rather than simply an act of anger problems.

Furthermore, like most trafficking cases, these women were brought into a situation through false pretences. According to Sutapa Basu, director of the University of Washington’s Women’s Center, the lack of disclosure and provision of false information that many women receive, qualifies such cases as trafficking. Like any other form of trafficking, false pretences are used to seduce victims into situations in which they cannot leave. Susanna and Anastasia were not made aware to the fullest extent possible of their husband’s characters, marriage histories, etc. Anastasia, for example, was not aware of her husband’s previous marriage and his former wife’s claims of domestic violence, placing them her in a precarious situation in which she did not concede to when entering the marriage. In Anastasia’s case, it is clear that Indell was attempting to keep her isolated, by discouraging her from having friends and spending more time with him, in order to increase dependence upon him, making it difficult for her to leave her situation. Such control, while not actual articulations of forced labor, reveal a symptom of potential trafficking had the elements of forced sexual and domestic labor been documented.

Indeed, the symbolic buying and selling of women in these cases do not constitute trafficking, but the situations of control for the purposes of personal exploitation, violence, and subtle coercion forces us to consider these
cases as those that could have become trafficking cases had the relationships continued. Perhaps if outsiders of these marriages had identified the various symptoms that marked these cases as potential trafficking situations, Susanna and Anastasia’s deaths could have been prevented. Thinking about the specific cases of Anastasia King and Susanna Blackwell as cases of attempted trafficking, however, will be useful in not only understanding the complexity of trafficking, but also broadening its definition. Without seeing the complex, subtle forms of trafficking that are not readily apparent (such as brothels in which women are chained to their beds), Internet brides who are in trafficking situations will not be identified, also preventing the women themselves from understanding their own circumstances under the framework of human trafficking and thus possibly feeling empowered to come forward.

Understanding Human Trafficking:
Placing anti-trafficking discourses and legislative definitions

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Figure 1.1
With this in mind, we suggest that the next Report of the Washington State Task Force Against Trafficking of Persons again address the vulnerability of IMBs to being conduits and facilitators for trafficking as it has done in past reports, but also explicitly explain the subtle ways in which women can become trafficked through this industry. This framework can be drawn upon and referenced by NGOs to raise public awareness. A more nuanced and complex understanding of the ways in which coercion can operate subtly and the broad spectrum of labor within the household – domestic and sexual – is needed in order to identify trafficked persons. We also recommend that the requirements and penalties of the International Marriage Broker Act be actively enforced, with the knowledge that some IMBs might attempt to circumvent regulations by moving offshore. Finally, we suggest that agencies assisting victims of domestic violence and human trafficking, if possible, expand their services to the rural areas in which trafficked Internet brides may reside.
International Adoption Industry

Media coverage of “baby trafficking” – stories of children being stolen from their parents (or directly sold by their parents) to be sold into prostitution, other forms of labor or international adoption – has garnered much debate around the already contentious issue of international adoptions. International adoption agencies in the U.S. are legitimate and legal industries that are generally perceived by the public to be providing an invaluable service for orphaned and abandoned children as well as parents who desire to raise children. Indeed, many, if not most, cases of international adoption are performed legally and in the best interests of the child. Yet, with stories of “baby trafficking” gaining media attention, it is necessary to examine the intersection of the international adoption industry with trafficking and delve into the question of whether such cases should be considered instances of human trafficking or remain under the umbrella of illegal adoptions and universal children’s rights.

The U.S. Department of State argues that such incidents should not be considered human trafficking due to the absence of labor.\(^{143}\) Children are generally not forced into work or exploited when they are adopted, and thus, should not be considered trafficked. Indeed, in most cases, and the economic and social opportunities they are provided in the U.S. are much greater than if they had remained in their home countries. On the other hand, some academics claim that the act of buying and selling a human being is essentially what constitutes trafficking. By looking at the complexities of such cases within this industry, we will show the fuzziness of the concept “human trafficking” itself.

Without an understanding of human trafficking in which both the law and public discourse is flexible enough, allowing the consideration of “greyer” cases of trafficking, the project of finding or encouraging trafficked persons comes to a roadblock. After laying out the landscape of this industry both
nationally and in Washington State, this section will map out the vulnerabilities of the international adoption industry to trafficking and ways in which this industry can sometimes directly traffic individuals for the purposes of adoption. By examining a couple cases of international adoption that have been cited in the mass media as incidents of “baby trafficking” in order to reveal not only the complexities of such cases within this industry but also to show the difficulties in defining human trafficking itself, a problem that clearly serves as an obstacle in finding trafficked persons or empowering them to come forward.

**The International Adoption Industry**

Due to such global political and economic factors, such as China’s one child policy and the collapse of the former Soviet Union, in combination with increasing First World demand for children, the international adoption industry has rapidly grown in recent years. The number of international adoptions worldwide almost doubled between 1988 and 2001, from 19,000 to more than 34,000. U.S. alone adopted 19,237 children from foreign countries, or more than half the world’s international adoptees in 2001. Just two years later, this number increased to 21,600. As a result, hundreds of licensed private agencies now offer services for arranging international adoptions in the U.S.

In Washington State, at least 10 adoption agencies handle international adoptions. In 2003, the state residents adopted 637 from foreign countries, the largest number of children from China and Russia. This follows a national trend of children’s countries of origin. As of 2002, China, Russia, Guatemala, South Korea and Ukraine were (in order) the top five supplying countries of children for international adoption. In 2005, U.S. families adopted 8,000 children from China alone, 95 percent of them girls. The U.S., in addition, has the highest number of intercountry adoptions, followed by France, Italy, Sweden and Germany.
The Adoption Process

Generally, potential parents who want to adopt internationally go through an accredited private adoption agency, although they can choose to adopt through a non-accredited private agency or an individual attorney. The agency performs a home study – required by federal law in order to determine whether a potential parent(s) is qualified to adopt a child. After the home study, the U.S.-based agency “often then contracts with another agency which has adoption programs in various countries. These agencies generally use independent contractors called facilitators in the foreign country. Such facilitators often contract with many different agencies.”

In order for a parent to adopt a child, the child must be legally recognized as an orphan. If one of the parents is still alive, then the child must be “legally and irrevocably released for adoption by the parent.” Furthermore, for an international adoption to be finalized, the adoption needs to clear all the laws and regulations in both countries and the adoption subsequently issued a certificate of legality.

The Intersection of the Industry and Trafficking

Vulnerabilities for Trafficking

Large Sums of Money

A few characteristics about the international adoption industry make it vulnerable to “baby trafficking.” Primarily, large sums of money are paid by potential parents to agencies or attorneys in order to adopt a child. An international adoption can cost a potential parent between $12,000 and $30,000. Such demand for adoption and the parent’s willingness to pay such large sums of money to meet this demand creates an environment in which “baby trafficking” can occur. As result of this demand, illegal actions may be used
on the supply side in order to enjoy some of the income from this industry. Babies can sell in the black market for between $5,000 and $25,000. In developing countries where the U.S. dollar is worth much more than in the developed world, this is a disproportionately large amount of money, even if it is split between several people. Also, the money that potential parents pay to hire a lawyer in a developing country is often equivalent to the payment made for U.S. attorneys. Yet, in developing countries, this amount of money in U.S. dollars is worth substantially more. Such high profit leads to an environment in which individuals can be tempted to procure children for adoption, whether legal or illegal.

**Independent Agents: Decentralization**

Another characteristic of the international adoption industry that makes it susceptible to “baby trafficking” is its decentralization, or involvement of multiple actors within one process of action. Although most international adoptions are handled through accredited adoption agencies, adoptions can also be arranged by “independent agents” – adoption lawyers, social workers, etc. While “these individuals are not licensed to place children… they may locate children for adoption, obtain the consent of the birth parents, and process the ensuing paperwork.” Thus, “although licensed agencies must process the adoption, intermediaries often procure the children and the licensed agencies do not routinely monitor this portion of the endeavor.” There have been instances of independent agents buying children from economically desperate parents. With often multiple actors working to process and adoption, and little monitoring of independent agents unethical means of obtaining children for adoption can be done without the other party’s knowledge.
Independent Agents: Too Much Centralization

In international adoptions that occur through individual attorneys in foreign countries in which they can represent both the potential parents and the biological parents can also create a condition that is vulnerable to trafficking. The process of adoption in these cases is too centralized – the individual attorney is not regulated by another authority, thus allowing possible coercive practices to be undocumented. For example, in Guatemala, lawyers who handle international adoption cases can, and usually do, represent both the biological and adoptive parents, doing everything from finding the child or parent to filling out the paperwork to issuing an adoption certificate. There is not oversight. In Guatemala, there have been reports “that the lawyers handling adoptions, in collusion with others, also operate houses where children who are stolen or purchased are cared for while awaiting finalization of the intercountry adoption. Theses are known as ‘casas cunas’ (cot or crib houses) but are often derisively referred to as ‘casas de engordeza’ (fattening houses).” With too much independent action and little or no oversight from another actor, the international adoption industry is also susceptible to trafficking.

Lax Regulation

Furthermore, lax regulations for international adoption in some foreign countries can also create a condition in which “baby trafficking” becomes easy. Regulations regarding international adoption in foreign countries range. Although some countries have stricter regulations, such as requiring a period of residence in the foreign country by the parent(s) and filing for adoption in that country, a small number of countries have looser regulations, such as allowing a parent(s) to acquire guardianship from the foreign court and subsequently legalize adoption in the U.S. and some even allow “adoptive parents to
adopt through a third party without actually traveling to the country.” \(^{166}\) The looseness of regulations in some foreign countries can provide an environment in which the agencies or attorneys can use illegal methods of obtaining babies for international adoption without the threat of such actions being discovered.

**Cases of “Baby Trafficking”: Types and Methods**

Due to such vulnerabilities, cases have been documented by various academics and journalists of people stealing babies or buying them from mothers for the purposes of international adoption. Such acts have been well-documented in Guatemala, the location for which we will use as an example of how “baby trafficking” to the U.S. operates. According to a report by UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, incidents of trafficking in Guatemala occur primarily for the purpose of international adoption. \(^{167}\) Other forms of reported trafficking include: networks of recruiters hiring women to register for a non-existent baby that will take the identity after being stolen from his/her birthmother, later to be given up for adoption. \(^{168}\) In other instances, illiterate birthmothers have been either tricked or drugged into giving their thumbprint on “blank pieces of legal paper which are subsequently filled in to read as a consent to adoption of the baby. The mothers are then threatened by the lawyers if they attempt to get their babies back.” \(^{169}\) In some cases, parents voluntarily give up their babies due to extreme poverty, according to the report. \(^{170}\) Networks of hospital workers or individual doctors have also been reported of telling birthmothers that their babies have died, later selling the baby for international adoption under a different identity. \(^{171}\) As a note, such cases of feigned death or false paperwork for the purposes of “baby trafficking” might make it difficult for a trafficked baby to be later found since the paper trail is simply incorrect.
Thus, it is clear that various characteristics of the international adoption industry, such as too much decentralization of actors within the international adoption process, lack of oversight for individual attorneys in developing countries, and the large financial costs paid by adoptive parents, create conditions in which the abduction or buying of children, can, and sometimes does, occur.

Case Study: Seattle International Adoptions, Inc. and Rani Hong

Yet, should such cases of “baby trafficking” be considered as human trafficking? In other words, does the sheer buying and selling or even stealing children for international adoption constitute human trafficking? An examination of two cases of “child trafficking” that involve Washington State will help us explore these questions.

Two sisters – one from the Seattle area -- were accused of buying and giving adoptive parents the false impression that their Cambodian children were orphans or abandoned in relation to their international adoption agency, Seattle International Adoptions, Inc. (SIA) in 2003 and 2004.

The biological mother of two Cambodian sisters adopted by a Whidbey Island couple accused the adoption agency of tricking her into giving her children up for adoption. Kim Sophoan, who is illiterate, argued that she was “forced to put her thumbprint on a settlement she didn’t understand giving custody” of her child.

SIA was also accused of paying “nannies” (biological mothers) $100 for their services and of donating $3,500 to a Cambodian orphanage.

Lynn Devin pleaded guilty to visa fraud and money laundering in 2003 while her sister, Lauryn Galinda was charged for bribery, profiteering and
falsification of documents.175

In another case, Rani Hong, a resident of Washington State, was taken away from her parents in India as a 7 year-old girl. A person came to her home telling her parents that the person would give Rani food, education and a place to stay near her parents due to her parent’s poor economic situation. The person told the parents that the arrangement would be temporary until her parents got back on their feet. Yet, one day Rani disappeared. She was sold to a trafficker, who moved her from state to state where languages differed. The trafficker posted missing child signs in the different states, and due to a lack of response, claimed the child had been abandoned. During this time, Rani was regularly beaten by her traffickers as a means of control. She was later adopted into an American family. Only years later when she returned to India and met her birthmother (whom she thought was dead and vice versa) did she realize that she had been trafficked.176

Complexities and Defining Trafficking

Should these cases be considered human trafficking? It is quite unclear. What constitutes trafficking – the buying and selling of human beings? Is an element of forced labor or exploitation necessary? While the first element is present in these cases, the second elements are absent.

Yes: Selling Humans

Some academics and activists would argue that the sheer act of selling of children should be considered a form of trafficking. According to Ethan Kapstein, “A free market for babies is out of the question: while infants can fetch a high price, they are not, and should never be treated as, commodities.”177 Within such perspectives, the commodification of children is seen as equivalent
to trafficking – just as buying and transporting drugs across borders would be considered trafficking. Furthermore, the term, “baby trafficking” itself reveals the association by some people of buying and selling with trafficking. Within this perspective, SIA, accused of essentially buying babies by paying “nannies” $100 for their services and paying orphanages large sums of money as essentially payments for the children procured, would be considered traffickers.

No: Absent Labor and Exploitation

On the other hand, the sheer commodification of people for purchase – although a clear violation of human rights – is not in and of itself trafficking and might be better addressed under existing international and national child protection laws. Simply, labor is not being exploited. These children are not forced to work. This is made clear by the 2005 Trafficking in Persons Report, which explicitly notes that, “unless adoption occurs for the purposes of commercial sexual exploitation or forced labor, adoption does not fall under the scope of the Trafficking Victims Protection Act.” In fact, children who are adopted into developed countries often have with vastly greater economic and social opportunities that they would have had in their home countries. The 2005 TIP report also argues that, “illegally selling a child for adoption would not constitute trafficking where the child itself is not to be exploited. Baby selling generally results in a situation that is non-exploitative with respect to the child. Trafficking, on the other hand, implies exploitation of the victims.” Thus, without the elements of exploitation and labor involved in such cases of “baby trafficking” for the purposes of international adoption, they do not appear to constitute human trafficking. Furthermore, in the case of mothers selling their babies to ISA, not only is the element of force or coercion not readily apparent, but also, the parents are not being exploited for their labor.
Without such exploitation of labor, these cases of “baby trafficking” cannot be considered human trafficking?

Regardless of whether the element of labor exists, in more complex cases such as Rani’s when the elements of coercion, force and abuse are apparent, it is quite difficult to determine whether a case should be considered a form of trafficking. Rani’s case of “baby trafficking” could possibly be considered trafficking. Rani was forced into a situation in which her value as a child was exploited for the economic gain of her traffickers. She was physically and mentally abused for the purposes of control and then sold among a network of traffickers. In addition, her parents – who legally represent Rani as a minor – were tricked into giving up Rani due to deceptive tactics of the trafficker. Although Rani was not visibly working, it is clear through the physical abuse she experienced to remain in her position and the buying and selling of Rani among multiple traffickers, that she was producing some type of value (the same end effect of more visible forms of work/labor). One could argue that Rani’s value as a child was her ability to articulate “loving labor,” or the ability to give and receive love. Rani’s case indeed appears to have many elements of trafficking that forces one to question whether all international adoptions that do not contain elements of labor and exploitation or sex work as specified by the 2005 TIP Report should not be considered trafficking.

It is quite unclear whether Rani’s case and undoubtedly other more complex “baby trafficking” cases should be considered to be human trafficking. Although her case invokes an instant reaction of moral violation, it is necessary to think critically about whether such cases are indeed human trafficking. With the element of visible labor absent, it could be argued that this case shouldn’t be considered trafficking. Yet, due to the elements of physical abuse, coercion, deception, and the invisible value that Rani produced, Rani’s cases could be
considered trafficking, at least by the general public.

The difficulty in pinpointing this case as either trafficking or simply an illegal adoption shows not only the general complexity of such cases and the quite subtle or invisible ways in which labor may operate, but also reveals the need for the law to address such complexity in order to better identify, and thus aid, trafficked persons. A definition of trafficking agreed upon by both the law and among the general public which addresses such complex cases that straddle this grey area, is needed. A definition of trafficking that excludes all forms of international adoption that do not include “labor” and “exploitation” fails to address the invisible and subtle forms in which labor and coercion may operate. With such a black-and-white definition of the relationship between “baby trafficking” and human trafficking, there exists the possibility that the general public may automatically ignore incidents of trafficking such as Rani’s in which labor or coercion are not explicitly visible.

With this in mind, it would be useful if the issue of “baby trafficking” and its intersection, or lack of, with human trafficking was explicitly addressed in the next Report of the Washington State Task Force Against Trafficking in Persons. Journalists, NGOs and other government agencies can then draw upon this definition to increase or clarify public awareness and thus identify more trafficked persons. If the state task force adopts the U.S. State Department’s interpretation of “baby trafficking,” then it is necessary that a qualification be made regarding the fact that quite complex cases of “baby trafficking” exist. Doing so will allow the general public to perceive the relationship between human trafficking and “baby trafficking” flexibly, preventing the general public from entirely ignoring trafficking cases that might occur through this industry.
### Endnotes:

1. See “Language and Power: Constructing the Anti-Trafficking Discourse” of this report.
2. These three industries were chosen for this report due to the fact that in newspaper articles, cases of trafficking within these industries were most visible. Our act of highlighting these three industries does not mean that they are the only small businesses industries in which trafficking occurs or that they constitute a disproportionate amount of trafficking cases.
6. Ibid.
7. Ibid.
9. Ibid.
11. Yet, according to Gillian Apfel of the International Rescue Committee, in Washington
State, with so few and such a diverse array trafficking cases documented, it is difficult to
determine the percentage these industries constitute among total trafficking cases.

12 Nicolosi, Michelle. “Seattle labeled ‘hot spot’ for human cargo.” Seattle Post-

Global Human Smuggling: Comparative Perspectives. David Kyle and Rey Koslowski eds.

14 Kwong 251.

15 Sloan, Harvey. Seattle Police Department. Telephone interview. 9 February 2006.

16 According to Gillian Apfel, if the International Rescue Committee, the majority of
trafficking cases involving restaurants, hotels, bars, grocery stores, etc are small businesses
rather than large businesses.


18 Moller, Diana. Northwest Immigrants Rights Project. Telephone interview. 24 February
2006.

19 Apfel interview. 24 February 2006.

20 Moller interview.


22 Moller Interview.

23 Rice, Harvey and Minaya, Zeke. “Restaureur charged in immigrant smuggling/
Indictment says a family forced workers to take illegally low pay and act as servants.”
Houston Chronicle. June 23, 2005. Pg. 4

24 Ibid.

25 Sloan interview.

26 Luna, Claire and Tran, Mai. “Arrest in Sex Slave Case; Woman allegedly forced Mexican
immigrants into prostitution and kept them against their will at Anaheim motel.” Los Angeles

27 Ibid.

28 Ibid.

29 Rice, Harvey. “Guilty plea in human-smuggling case: Woman from Honduras who told

4.

30 Ibid.

31 Ibid.

32 Kong 244.

33 Podsada, Janice. “Illegal Chinese alleges abuse: Immigrant’s story after assault leads to

34 Ibid.

35 Ibid.

36 Ibid.

37 Sloan interview.

38 Podsada.

39 Sloan interview.

40 Podsada.

41 Sloan interview.

42 Moller interview.

43 I will refer to women entering the U.S. through international marriage brokers as Internet
brides rather than the term “mail-order brides” as they are commonly referred. Many activists
and academics have argued that the term “mail-order brides” serves to commodify women in
the same manner in which the companies do.

44 “Cantwell Legislation to Protect Thousands of Mail Order Brides from Abuse Becomes
48 It must be noted that in general, Jackson contests these numbers.
50 Jackson 492.
53 Clark 18.
54 Lloyd 345.
55 Clark 18.
57 Suzanne Jackson also critiques Scholes’ methodology.
58 Scholes.
59 Cherry Blossoms website. 28 February 2006. <Cherryblossoms.com>
60 Jackson criticizes the USCIS study, stating that its narrow definition worked to exclude trafficking, placing fraud solely on the shoulders of foreign women, did not seriously investigate allegations of involvement by IMBs in the sex trafficking industry, and had various methodological problems, such as examining only INS documents in their research.
64 Scholes.
65 Scholes.
66 Scholes.
67 Scholes.
69 Lloyd 346.
70 Lloyd 346.
72 Vegara 15, 46
75 Scholes.
76 Scholes.
77 Sutapa Basu. SIS 495: TIP Task Force, Jackson School of International Studies.
One could argue that when one enters a marriage, the agreement of sexual relations is implicitly made. Furthermore, such incidents of forced sex would be better suited to be considered as marital rape. Yet, the husband’s repeated demands for sex through force, threats or more subtle coercive acts such as taking away passports we will argue should be considered trafficking, for it is the repeated or systematic act of sex (although consensual) that sex workers engage in, thus qualifying such acts as labor.
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118 Foo 52
119 Foo 52.
120 Foo 52.
121 Jackson, To Honor and Obey 549
122 Jackson, To Honor and Obey 549.
123 Moore, Wavenly Ann. “Groups Try to Cast Light on Clandestine Sex Trafficking.” St. Petersburg Times. 7/17/2003. 4
124 Alacantra et al, 14.
125 Alacantra et al, 14.
126 USCIS
127 Constable, Romance 71.
128 Ibid.
129 Constable, Romance 218.
130 USCIS
133 Tizon
134 Tizon.
135 Tizon.
136 Tizon.
138 Ibid.
139 Ibid.
141 Kotch.
145 Kapstein 117.
146 Kapstein 117.
149 Sterchi, Denise et al. “2002 Adoption Information Exchange.” Department of Health and Social Services. 4
151 Kapstein 118.
153 Kapstein 117.
156 “General Steps in International Adoption.” Joint Council on International Children’s Services.” <http://www.jcics.org/International_Adoption.htm>
158 Kapstein 119.
Both international and national laws already attempt to regulate such practices of stealing babies for international adoption or buying them from parents for the same purposes. The Intercountry Adoption Act of 2000, which implements the orders of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, outlines various regulations of international adoptions in the U.S. Aimed at preventing trafficking of children and other exploitations of children and adults involved, the law designates the State Department as the central authority to accredit adoption agencies and monitor requests for international adoption (http://travel.state.gov/family/adoption/notices/notices_473.html) The law also requires that “Attorney General must be satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the biological or previous adoptive parents has been terminated”. (<http://travel.state.gov/family/adoption/notices/notices_473.html>)

Conclusion

In order to comprehend why there is a discrepancy between the estimated number of trafficked persons within the state and the number of trafficked persons actually identified, one must expand their understanding of trafficking, both in terms of the types of work it is associated with and its various forms. The first part of this section has been an attempt to depict the range of industries that can be connected to trafficking, even when some industries have previously been ignored. Devoid of inspection within these industries, a portion of trafficking victims may be overlooked and thus, not identified. The industries we have described and analyzed in relation to trafficking are: sex work, sweatshops, agriculture, domestic work, international marriage brokers, international adoption agencies, and small businesses such as restaurants, bars and hotels.

The illegal industries conveyed in this section are most commonly associated with trafficking, the sex sector and sweatshops, are addressed for more obvious reasons. The underground and criminal nature of the industries make them highly vulnerable to trafficking; workers in this field are by and large working illegally, are undocumented and are often subject to the employer’s terms and conditions with virtually no regulation by government authorities. Moreover, employers go to greater lengths to conceal their illegal operations, creating an environment where the worker is put at further risk to exploitation and/or trafficking.

The legal industries presented in this section are legitimate and vital sectors for Washington State’s economy, employing a considerable number of the State’s overall workforce and contributing significantly to the State’s gross income. Nevertheless, these industries have specific characteristics that make them exceptionally susceptible to trafficking, more so than other industries in
Washington State. This is not to say that trafficking does not occur within other sectors of the economy, but the likelihood that trafficking is occurring within the industries depicted here are greater based on the research we have conducted. The research reveals that the most prevailing characteristics of these industries making them vulnerable to instances of trafficking are:

- **Demographical makeup**: a majority of the employees working in these sectors of the economy are migrating from other countries and/or are illegal immigrants; one can infer that in this situation, there will be an even greater imbalance of power between the employer and the worker;

- **Nature of work conditions**: in many of these industries, employees are often isolated from the outside world. Furthermore, industries like agricultural work and domestic work, often require hard labor, high productivity, and long hours with low pay;

- **Global business climate**: most of these sectors are big profit-making industries therefore the drive for profits usually impels employers to place a greater emphasis on growth, labor production and minimizing labor costs;

While there are other vulnerabilities that have been addressed throughout this section, these are the most recurrent and widespread. The fact that there has been regrettably low, if any government regulation within these industries has made workers even more susceptible to trafficking. How Washington State agencies can function in order to more easily identify trafficked persons will be the focal point of our recommendations.

The final part of this section illustrated the convoluted, multiple conditions in which persons have been trafficked in the United States, specifically Washington State. The cases presented have portrayed the “greyness” of various
situations and whether or not those conditions could constitute as trafficking; this uncertainty also works to show the difficulties in identifying trafficked persons, which amplifies the problem of finding trafficked persons. Even so, there have been cases in Washington State where trafficked persons have been identified by and/or reported to government agencies, mostly by the good will of everyday citizens that was in need of attention and observation; incorporated into our analysis, this component helps us better identify the “loopholes” of trafficking to think about more ways in which persons could be identified.

Our primary research and analysis of the various faucets of trafficking, namely the state’s industries vulnerabilities to trafficking and its different forms, has offered a rationale as to why some cases of trafficking go unreported. This understanding has prompted us to make three principal recommendations to better facilitate the ways that trafficked persons could be reported to officials. Each recommendation targets one of three levels of society: the state government, the business/employment sector, and the citizens of Washington State in order to realize the greatest potential to meet our objectives: to identify cases of human trafficking within and beyond our state borders so that we can work to abolish it.

**Recommendations**

1. **Conduct more trainings**

   1. There needs to be more trainings carried out among government officials as well as non-government officials in order to educate them on identifying trafficked persons, the legal rights of victims of trafficking, etc. The trainings conducted could take two forms:

      a. To develop a trafficking educational model that could be incorporated into basic trainings for government officials, including labor, health, fire, and
police officers;

b. Carry out individual trainings specifically addressing trafficking for government agencies as well as other groups who might come into contact with a victim of trafficking (health workers, NGOs, churches, etc.)

Organizations that are conducting trainings should continue to develop new program material and to carry out preexisting trainings. Also, organizations should actively recruit volunteers to conduct these trainings. In this sense, not only will volunteers cut costs, but also volunteers will be able to conduct more trainings throughout the state and will become more engaged with this issue themselves. It is imperative that volunteers train government officials, health care workers and other groups or community members who have a chance of coming into contact with trafficked persons. There are at least two cases where a government official in the state of Washington failed to identify a trafficked person due to the fact that they had no training or experience on this issue.

In one case, Detective Harvey Sloan admitted that he and another police officer failed to detect victims of trafficking working in a Chinese Brothel due to their lack of knowledge and understanding about how to identify a victim of human trafficking. In another case, Maggie Faust, at the Spruce Street Center recognized that she knew very little about human trafficking. These are just a handful of known victims that went undetected in Washington State due to a lack of knowledge and understanding of human trafficking.

2. **Require more transparency in these industries.**

The State needs to require labor departments to execute mandatory spot inspections for specific industries, such as on farms, orchards, factories, domestic labor services, etc. This also includes mandatory information released to individuals who are employed by these industries to define their...
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rights as employees when they sign contract. For example, when domestic workers sign a contract to be documented by the government (required), there must be a policy in place to give the worker her or his rights, definition and signs of trafficking, where one can report crimes of trafficking. All information packets should be produced in the first language of the employee and if she or he is illiterate there should be a translator present to explain the information given. Mandatory spot checks could be another activity to be undertaken by the volunteers of the government agency specifically designed to identify victims of trafficking. This would alleviate some of the government official’s apprehensions of overburdening the various labor departments and/or creating higher costs for these departments. A lot of times, victims (MOBS, domestic servants, agricultural laborers, etc) consent to their entrance into a situation, but aren’t fully aware of the person they are marrying or the situation they are entering, which sometimes ends up as trafficking situation. Currently, the Department of Health needs to have the permission of farm owners to go on farms, even when there is no suspected trafficking. Moreover, there are many domestic workers that are not aware or unsure whether or not they are being trafficked; even if they are conscious of their situation, they may be uninformed that they can get help. They lack necessary information to escape, but the mandatory spot checks and the disclosure of their rights and what it means to be trafficked may change this.

3. Campaign that targets benefactors of services and every day citizens.

A campaign that would address demand of trafficked labor by targeting subcontractors, such as johns, mail order bride agencies and husbands, produce buyers, factory and/or agriculture employers, consumers, etc. Furthermore,
the campaign should also reach out to every day citizens involved with a community or group, namely church members. The purpose of this campaign would be to make them feel socially responsible and obligated to help victims of trafficking escape their situation. Since individuals such as consumers are benefiting from cheaper prices, it is imperative to note that they are contributing to the situation of the trafficked person. Are the few dollars saved worth the cost of a person’s life? Most often, trafficked people in this industry are hidden from the public/patron view due to the isolationist nature of their occupation, such as cooks, busboys, stockers, domestic workers, agricultural workers, etc. There have been at least two cases in the state of Washington where church members found trafficked persons. Often times, church is the only place these workers are allowed to go outside of their working environment. Furthermore, our survey will demonstrate that we need more awareness campaigns in general. The analysis of other campaigns will show that other campaigns have worked by creating a sense that participating in something, even indirectly, is part of the problem. For example, the domestic violence campaign portrayed an image that by not reporting instances of domestic violence, that individual is knowingly contributing to the problem.
CHAPTER 5
Campaign Awareness

SECTION 1
Public Awareness Campaigns
By April Olson
and Jennifer Radcliffe

SECTION 2
Campaign Awareness Feedback
By Jake Zavertnik

SECTION 3
Human Trafficking Survey
By Lauren Ciszak
Public Awareness Campaigns

April Marie Olson and Jennifer Radcliffe

Introduction

Public awareness campaigns are used by various organizations to disseminate information to the general public or targeted audiences using a variety of media. They have been around in some form or another almost since the invention of the printing press. Campaigns are usually used when there is a need to change public perception about an issue or to get the public to help the authorities by taking ownership of an issue.¹ These campaigns usually raise awareness of relatively unknown problems or give the audience some tools to help with an issue they are already aware of. Public awareness campaigns have helped shine a spotlight on issues like forest fires, pollution, drunk driving, various forms of cancer, domestic abuse, and child abuse. One of the measures of a successful campaign is a rise in the proportion of the public who sees the issue as a problem or at least talks about the issue, which in turn gives it more exposure. Campaigns that urge people to do something tangible, like requesting information packages, visiting websites, or calling hotlines, can use “before and after numbers” to gauge their effectiveness.

Trafficking, like many other social ills, suffers from a visibility problem. The authorities are not finding many trafficking victims and very few victims voluntarily come forward for help. There is a huge discrepancy in the U.S. between the estimated number of people being trafficked and the actual number being found and helped.² As discussed elsewhere in this report, there are numerous reasons why victims are not being found or coming forward and traffickers are not being prosecuted. However, we have found that human trafficking is not a highly publicized or well-known issue. There have been some
campaigns that tackle human trafficking but they have not been very successful at disseminating information. Based on this lack of success of past campaigns, this report will argue that there needs to be a three phase campaign: phase one addressing the trafficked persons, the second phase informing people who come in frequent contact with the victims, and the third phase targeting general public awareness. The most lagging phase appears to be the one where the trafficked persons are the target audience.

Anti-trafficking campaigns are different from other current campaigns because trafficking is a complex issue that has many facets such as immigration policies, cultural differences, language barriers and its underground nature. The various organizations and people involved in rooting out trafficking have differing approaches based on their points of view. Campaigns that target the victims in developed countries have to take into account their literacy level as well as their familiarity with the predominant language in the host country. Another concern is the safety of the victim, the victim’s family in their native country as well as the safety of the people running the campaigns. The organized traffickers have proved to be ruthless and well connected in the various developing countries that they use for recruitment. The way society views trafficking in developing countries is often different from the way it is viewed in developed countries. For instance, some Latin American countries refer to it as “trata de blancas,” which literally translates to “white slave trade,” and the word “trafficking” may not be identified as the same issue.

This section will first explore several non-trafficking campaigns that have proven to be successful and highlight the attributes that worked for them. Secondly, it will look at non-trafficking campaigns that did not seem to achieve their objective. The positives and negatives of these campaigns will then be applied to an analysis of current trafficking campaigns. Subsequently,
two campaigns that are similar to trafficking will be highlighted; reduction of prostitution at the World Cup Games and World Vision’s anti-sex slavery campaigns. It is important to dissect these campaigns because they also shed light on the needs of an effective trafficking campaign. The third section will review the current campaigns. This section will conclude with a list of recommendations for effective anti-trafficking campaigns.

Successful Campaigns

Not all campaigns are effective at getting their intended message across to the target audience. Yet, the U.S. public has been exposed to some campaigns that have been very successful in raising awareness or getting people involved in a given cause. This report takes a detailed look at a few of these effective campaigns to look for common traits and ideas that can be used in a campaign against trafficking in persons.
Smokey Bear and Forest Fires

In the 1940s, 90% of forest fires were estimated to have been accidentally started by humans\(^3\). The toll of these forest fires on the economy, society and environment led the Forest Service to seek out methods to educate the public about potentially risky habits. Starting in 1944, the campaign used Smokey Bear as an iconic spokesperson to drive home the fact that forests were home to a large population of innocent wildlife. He had a very effective tagline: “Only You Can Prevent Forest Fires.” The public was therefore encouraged to take on responsibility and ownership of the problem.

The campaign also targeted young kids using a sing along song featuring Smokey the Bear (the song writers added “the” to help with the tempo), which became very popular in its own right. This strategy ensured that subsequent generations would grow up with reminders from a spokesperson they were familiar with, Smokey Bear. This campaign strategy has paid off well as can be seen by the continued popularity of Smokey Bear and a reduction in accidental forest fires. As of early 2005, 95% of adults and 77% of children recognize Smokey’s tagline.\(^4\)

The campaign continues to evolve as the primary threat shifted from forest fires to wildfires. Smokey’s tagline changed to “Only You Can Prevent Wildfires,” which was similar enough to ring a bell in people’s minds. The campaign is still alive and well, more than sixty years after its inception. The keys to success of this campaign seem to the iconic spokesperson and simple tagline that deliver the message to the public.
Posters for Smokey Bear campaign
“Speak Up. Speak Out.”

Rape victims are often reluctant to come forward and seek help after going through such a harrowing ordeal. Despite the existence of large national organizations like Rape Abuse and Incest National Network (RAINN), local organizations like Texas Association Against Sexual Assault (TAASA) and a number of crisis hotlines, Texas crisis centers were not receiving many calls. TAASA launched the Speak Up, Speak Out campaign in 2003 with help from the federal government and it is still producing print media and organizing talks. This program has also served as a role model for other rape victim campaigns locally and nationally.6

The campaign focused on getting real victims to speak on TV, radio, and live speaking tours of college campuses. Hearing or reading about the authentic experiences of the victims helped to remove some of the shame and anxiety that many rape victims endure. The campaign’s success is evident in the sharp increase in phone calls to the crisis centers and the surge in visits to TAASA’s website. Many women calling the hotline explicitly credited the campaign as their reason to make the call.7

This campaign has received well-deserved praise for its effectiveness and innovative approach. TAASA made sure to include victims from different backgrounds and to highlight the different types of rape that commonly occur. These strategies, along with the presence of the actual victims ensured that their message struck a chord with victims who were too traumatized to come forward and seek help.
Posters for the “Speak Up. Speak Out.” campaign

I was raped...
And at first I didn’t tell anyone.
I was ashamed. I felt so disposable.
A guy I met down at Tad’s drugged me
and raped me. At first
I was in denial. But the more I didn’t talk
about it, the more it was in my mind.
Then I started talking about it, and I haven’t
stopped. Today, eight months after I have
good days and bad.
But more good than bad.
I’m working on healing. I’m telling my
name is Maggie.
I am a rape survivor.

Fui violada...
Y tuve mucho miedo de decírselo a alguien, porque
no lo había dicho. No se me había de ese.
Cuando yo tenía once años, el esposo de mi prima
me violó. No le dije a nadie, pero mucha gente
me escuchaba y no me llevaron a esos talles como
esta. Al fin, tuve que hacerlo.
Empiece a recibir terapia.
El hablar sobre la violación
Ayuda mucho a comprender
lo sucedido y ayuda a
aguantar de que una se
siente agradecida y admite. Me
llamé Elvira, y soy una sobreviviente de la violación
sexual.
Child abuse campaign

Child abuse was a virtually unknown social issue in the mid 1970s. Concerned with the rising number of victims and general acceptance of physical punishment as a parent’s right, the Prevent Child Abuse America (PCAA) organization together with the Ad Council launched a campaign in 1976. This campaign closely parallels the trafficking issue in two aspects, the invisibility of the problem and the low rate of victims who complain. The campaign used the tagline “It shouldn’t hurt to be a child” and emotionally charged pictures of abused kids in a very effective print media campaign.

This campaign ended in 2003 after largely achieving its goal of raising public awareness about child abuse. Only 10% of the public considered it a social problem when the campaign launched in 1976. However, in five short years over 94% of the surveyed people believed it was a serious problem. Given its success at shining a spotlight on the issue, the sponsoring organizations decided to get the public involved and to give practical advice on countering child abuse. The tagline evolved to “Take time out. Don’t take it out on your child” and “Stop using words that hurt” to target the parents who had a stressful work environment. The willingness of people to help and take responsibility once they became aware of the issue encourages hope for similar responses to other issues.

The success of this campaign can be credited to the unabashed use of touching images and succinct taglines. It would have been hard for most people to ignore a poster with an image of a hurt, disheveled or crying child.
Poster for preventing child abuse

Too often, kids get the worst of their parents' bad day at work. In the form of verbal abuse at home. If that's been happening to you, you've got to work to change things. Words can hit a child as hard as a fist. And leave scars you can't see. Think about what you're saying. Stop using words that hurt. Start using words that help.

For helpful information, write National Committee for Prevention of Child Abuse, Box 2864E, Chicago, IL 60690.
Domestic Abuse

Domestic abuse used to be treated as a problem that was internal to certain households and neighbors were often reluctant to get involved. The victims of domestic abuse were often afraid to come forward and seek help partially due to the social stigma of being abused but mostly due to the perceived lack of a support network. The Family Violence Prevention Fund along with the Ad Council launched a campaign in 1994 to raise public awareness of the issue and to encourage neighbors to get involved in abusive families.

They used an aggressive print media campaign using the tagline “There’s no excuse for domestic violence,” along with pictures of battered women. As the awareness of the issue grew, the campaign shifted its focus to involving the neighbors. They used commonly heard excuses such as “I was searching for the right way to talk to them,” across the images to goad people into action. This message helped to convince people that it was not acceptable to stand by idly when a neighboring family had an abusive husband. The campaign was very successful in raising the profile of the domestic abuse problem from an internal issue to the national stage. By 1997, the hotline in the ad had received over 100,000 calls and it was considered to be a grand success.12

While it is similar to the strategy used in the child abuse campaign, this campaign’s tagline keeps evolving. “Coaching Boys into Men” is the current one and it is targeted at coaches to give young boys a positive role model. Clearly, it can be seen that poignant images and concise, targeted taglines can be very effective in a PSA.
Posters from the stop domestic abuse campaign.13
Drunk driving

Drunk driving has received a lot of attention at the local level in many communities. Deaths caused by drunk drivers are seen as an avoidable tragic loss of life. The National Highway Traffic Safety Administration (NHTSA is part of the US Department of Transportation) teamed up with the Ad Council to design a campaign to reduce the number of drunk drivers. They realized early on that most drunk drivers do not intend to drive drunk but end up in that situation after a night out. They came up with the successful tagline “Friends don’t let friends drive drunk” to shift the responsibility of stopping drunk drivers to their friends. The NHTSA also launched a “Designated Driver” campaign to reduce the instances where people would be forced to drive drunk at the end of the night. These campaigns were successful in getting friends involved in the issue and they helped to bring down the number of fatal accidents due to impaired driving.

The organizations involved in this campaign were soon made aware that people had a common argument that they were just buzzed after a drink or two and therefore they could drive as they were not really drunk. They responded to this with a new tagline “Buzzed Driving is Drunk Driving” along with images of a single drink. The success of this campaign is evident in the reduction of fatal accidents and the popularity of the term “Designated Driver,” sometimes shortened to DD. Once again, well-targeted taglines and attention grabbing images seem to have contributed to the success of this campaign.
Public Awareness Campaigns

Posters from the drunk driving campaign\textsuperscript{14}

This bracelet was a gift from an anonymous friend who had been affected by drunk driving. It is worn to raise awareness and remember those who have lost their lives due to drunk driving.

\textbf{Friends Don't Let Friends Drive Drunk.}

---

The "It's Only Another Rose" cocktail:
- 1 oz. gin
- 1 oz. vermouth
- 1 maraschino cherry

\textbf{Never underestimate 'just a few.'}
Benzedrine is in drunk driving.
Unsuccessful Campaigns

Two campaigns that have not had much success in achieving their goals are the breastfeeding and anti-drug campaigns. An analysis of their negative factors will be useful in designing an effective anti-trafficking campaign.

Breastfeeding

The US Department of Health and Human Services (DHHS) has a long-term goal of having 75% of moms breastfeed for the first six months by 2010. They ran a number of campaigns that seem to have raised awareness about the benefits of breastfeeding but did not substantially increase the number of women who were actually breastfeeding. They worked with the Ad Council to create a new campaign to get more mothers to breastfeed. They replaced the successful “Breast is best” tagline with “Babies Were Born to Be Breastfed” for the 2004 campaign.

According to at least one researcher, the new campaign does not address the correct issue. Rebecca Kukla suggests that most mothers already know that breastfeeding is best for their baby and the new tagline increases their guilt over not being able to breastfeed (2006). She goes on to assert that it would have been much more effective to have a campaign that reduces the stigma of public breastfeeding and one that encourages more support in the workplace for lactating mothers. By using visual euphemisms in the ads, the campaign furthers the notion that breasts are shameful. The primary lesson from this campaign is that comprehensive research and surveys should determine the campaign’s message rather than the wisdom of a few designers.
Posters from the breastfeeding campaign¹⁶
Anti-drug campaigns

While anti-drug campaigns have been around for a long time, the number of young people who have tried at least one kind of illegal drug has stayed relatively level over the years. It is therefore fair to say that these campaigns have had little or no success in preventing youth from trying drugs. “Just say no to drugs” was one of the first campaigns that met with limited success. During the Clinton administration, the “This is your brain on drugs…” campaign combined that tagline with unsavory images such as scrambled eggs to try to scare the youth away from drugs.

The campaigns now focus on stopping kids from trying drugs by showing the dangerous results of drug use. Recent studies have shown that the drug use rate among high school kids is dipping only slightly and is on the rise among 8th grade students in 2005. The key to the failure of this campaign seems to be the disconnect between what the ads describe and what the youth see happening with their peers who use drugs. The ads seem to go overboard in demonizing drugs and in the process lose all credibility with the target audience that they were trying to influence.

One lesson to be learned from this failing campaign is that the target audience should not be considered to be naive and uncritical. All campaign messages, however well intentioned, should be subject to focus groups and their feedback should be given very high priority.
Poster from anti-drug campaign

You were babysitting your niece. And you got high. So you didn’t notice what she poured into her play teacup. Weed can make you do stupid things like that.

freevibe.com
Conclusion of Non-Human Trafficking Campaigns

Most of the successful print campaigns have used a combination of succinct taglines, well-defined messages and attention grabbing images to get their message across to their intended audience. They also evolve over time either to stay current with the issue or to provide further information and tactics once the issue becomes well known.

The two unsuccessful campaigns seem to send the wrong message to the audience. The breastfeeding campaign tried to keep raising awareness of the benefits of breastfeeding rather than moving on to enabling the mothers. The anti-drug campaign went overboard with its message and alienated the target audience.

Campaigns Related to Human Trafficking

Trafficking is a social issue that is considered to be a result of various broader issues in both developing and developed nations. The lure of economic success in the developed countries, often amplified by the traffickers, overshadows many humanitarian and social concerns of the victims in the developing countries. There is also an underground demand for the trafficked people in the developed nations. Many of these related, but separate issues are the subjects of other public awareness campaigns here and abroad. This report explores some of the campaigns aimed at issues related to trafficking to get a better understanding of the work that has already been done.

First, we will look at the Coalition Against Trafficking in Women (CATW) and their current campaign to reduce the prostitution that occurs during the soccer World Cup games. Though prostitution has been made legal in Germany, the demand for prostitution during the World Cup games will outweigh the current supply, and therefore will likely lead to a migration of prostitutes from
other cities and countries. This campaign is a good example of the influence of outside factors that create prime opportunities for trafficking. The campaign is notable because it is seeking out a highly visible current event and basing their campaign around it. Though the campaign has a short run which will end with the games, it could possibly have broad, long-term effects because it will be reaching a huge, diverse, and largely male population. The focus on the male population highlights the demand side of human trafficking which was explored in the stakeholder analysis. In this particular campaign, the focus has been shifted from the prostitutes to the “johns” further underlining the importance of identifying target audiences for the anti-trafficking campaigns.

Secondly, we will explore the World Vision, and U.S. Immigration and Customs Enforcement campaign against child sex tourism. Given the severe legal consequences of child abuse in the U.S., some sex offenders have shifted their attention to developing countries to take advantage of the complications introduced by committing the crime abroad. These two campaigns highlight that human trafficking is intimately intertwined with social issues.

**Current Campaigns Related to Human Trafficking**

**Buying Sex is not a Sport**

The upcoming 2006 World Cup soccer series has raised some concerns over legalized prostitution in Germany. The Coalition Against Trafficking in Women (CATW) is running a campaign targeted at the public to cut down on prostitution and trafficking during the games. Their main strategy is to shift the focus from the trafficked women and prostitutes to the men who buy their services. The effectiveness of this campaign cannot be measured until after the event, but they are already making headlines and raising awareness.
This campaign is a good example of how the various peripheral social issues interact with trafficking. Since prostitution is legal in Germany, it would be harder to arrest or prosecute the victims or their pimps. The German sex industry is openly talking about “importing” women from its less well-off neighbors and this makes it harder to prove that the women did not move there voluntarily for making money in a legal profession.

CATW is circulating a petition that has the following introduction: “From June 9 - July 9, 2006, 12 German cities will host the World Cup Games. Approximately 3 million football fans – mostly men – will attend. It is estimated that 40,000 women will be ‘imported’ from Central and Eastern Europe into Germany to ‘sexually service’ the men. Germany legalized pimping and the sex industry in 2002. However, it is predicted that the legal red light districts will be too small for the thousands of sport/sex tourists in attendance. In preparation for this influx, the German sex industry has erected a massive prostitution complex for the ‘booming business’ expected during the games.”

CATW is also involved in a number of projects to educate people about the realities of emigration and trafficking in many countries including Mexico, Mali, India, Republic of Georgia, Philippines, and Nigeria. They are also involved in strengthening the laws against people who pay for prostitutes so that they can curb the male demand for prostitutes.

**Sex Tourism Prevention Project**

Sex tourism has become a booming industry spurred on by the difficulty in prosecuting cases where the crime happens on international territory. The U.S. Immigration and Customs Enforcement, the U.S. State Department and World Vision collaborated on a campaign to prevent sex tourism. They targeted the people flying out of the U.S. into Cambodia, Costa Rica, Thailand, Mexico
and Brazil by placing hard-hitting billboards in prominent locations near international airports. They also produced in-flight ads on international flights. Their key strategy is to drive home the fact that criminals will be prosecuted in their own country even if the crimes were committed abroad.

The first poster provides a clear consequence for the offenders, 30 years in prison. The picture of the sterile jail with one lonely man sticking out tells the possible offender that this is not a place where they want to go. The knowledge of the possible prosecution is a good deterrence. The target audience is effectively addressed; however, the poster’s downfall is that there is no explanation that the perpetrators can be prosecuted even if the crime happens abroad.

The second poster that states “I’m not a tourist attraction” and has a pair of child’s eyes that affectively portray sadness and innocence. For most people, this image evokes feelings of guilt and compassion for the child. However, a possible perpetrator may not experience those same feelings upon looking at this ad. Therefore, this poster seems to have been created with the hope that the perpetrator will be deterred by a conscience and morality that most likely does not exist. Sutapa Basu of the UW Women’s Center stated in an interview that public awareness campaigns are often framed as a moral issue. She thinks that the public will obtain a better understanding of social ills by viewing them
from a human rights, labor laws, and public health perspective rather than just
the moral perspective. She said that while people believe that trafficking is
wrong, relying on the morality of people alone will not change the system that
courages these kind of practices.”

This poster does provide a moral message
but does not directly address the possible consequences.

Overall, this seems to be a campaign that is well planned but not
uniformly well executed. The target audience is well defined and the ads are
placed in very appropriate locations. Viewing some of these ads may make the
perpetrator think twice before actually committing the crime while the ads that
rely on morality may not have the same effect.

Conclusions to Campaigns Related to Human Trafficking

The Buying Sex is Not a Sport campaign highlights the complexity of
interactions of social events and their relation to the campaign’s focus. A tie to
social activities or a target for these activities should be taken into consideration
for anti-human trafficking campaigns. The message may be stronger and more
effective if it correlates to a certain big occurrence or event. The World Vision
posters provide an example of the same message portrayed very differently
with varying degrees of effectiveness. The poster that shows the tangible consequence of 30 years in jail speaks stronger than the moral distraction of the second poster. Therefore, trafficking campaigns should also try portray the tangible message that trafficked victims have rights and that they find safety and possibly obtain a T-visa.

**Anti-Human Trafficking Campaigns**

In this section pertaining to the current anti-human trafficking campaigns, both the effectiveness and dissemination of the campaigns will be analyzed. We begin by analyzing the only national campaign in the United States launched by the U.S. Department of Health and Human Services. The target audience is the people who may come in contact with trafficking victims such as healthcare workers, law enforcement, and social service workers. This national campaign provides a starting point for analysis because it is the campaign that is most used, even by local Washington organizations. Secondly, we will explore the Polaris projects “Slavery Still Exists” campaign. We chose to look at this campaign because it is a strong grassroots organization that offers a variety of campaign materials and resources. Thirdly, we will explore how local organizations such as Refuge Women’s Alliance and the Washington Anti-Trafficking Response Network have supported and contributed to anti-trafficking campaign efforts.

**Look Beneath the Surface**

In 2004 the U.S. Department of Health and Human Services (HHS) launched the Rescue and Restore campaign with a goal to increase the number of identified victims and help them receive benefits and services. This campaign appears to be the most readily available campaign sponsored by the federal government. The materials are available in English, Spanish, Russian, Polish,
and Mandarin Chinese. They provide very easily downloadable campaign kits specifically for the health care industry, law enforcement agencies, and social service providers. The kits include power point presentations, posters, Rolodex cards, brochures, and more. The Rescue and Restore campaign also established a trafficking information and referral hotline which serves callers in multiple languages and includes conference call access to a translation service with capability in more than 150 languages. During the last six months of Fiscal Year 2004, the Hotline received more than 1,600 calls and roughly 40,000 persons had visited the Rescue and Restore website.\textsuperscript{22}

HHS approached the campaign with a focus on the reasons why there is a discrepancy between the number of trafficked persons seeking help and the factual number of trafficked persons. Therefore, they felt like the Rescue and Restore campaign “1) would be victim-centered and address the barriers to identifying victims; 2) would target intermediaries – people and institutions who come in contact with victims but who may be unaware of the phenomenon of trafficking or what to do about it, including local law enforcement officials; social service providers; health care workers; faith-based organizations; migrant and labor outreach organizations; child and homeless youth advocates and caregivers; legal aid providers; and organizations conducting outreach to ethnic populations; 3) would be community-based, since the nature of trafficking, its ethnic breakdown and the structure available to address it vary widely from city to city and from urban to agricultural areas.”\textsuperscript{23}

This campaign, however, has raised more questions about the “correct” approach and the effectiveness of a broad federal campaign. The campaign uses local partner coalitions to tailor the campaign material for regional and ethnic differences. Local anti-trafficking groups have voiced their concern that
when Rescue and Restore started the campaign, their opinions as insiders were ignored. Though the campaign felt that it was victim-centered and community-based, voices from the community tell another story.

Rescue and Restore also did not effectively address the bigger problem of reaching out to the trafficked persons and educating them, rather it focuses on the smaller task of educating the people likely to interact with the potential victims. Sutapa Basu opined that the current campaigns show signs of a “rescuing the victim” attitude and the larger issues are not addressed. She suggests giving the public a “broader perspective of trafficking” and explaining how it affects our society at every level will encourage them to think about their role in the system that uses the trafficked persons.

The poster shown below was specifically targeted at the law enforcement agencies but there has been at least one complaint that in this particular poster the woman either appears to be the offender rather than the victim or portrays the wrong image of a victim.

Poster for “Look Beneath the Surface” campaign
**Slavery Still Exists**

The Slavery Still Exists Campaign was initiated by the Polaris Project which is a national grassroots public awareness movement focusing on ending modern-day slavery and human trafficking in the United States. The campaign, launched in 2004, is aimed at increasing general public awareness however; the success of the campaign is unknown. Hundreds of community members from across the United States have joined the campaign by taking photos showing their commitment to fighting trafficking in persons. This part of the campaign is effective because connecting slavery and trafficking is intuitive for people. However; these photos do not tie slavery to trafficking in any identifiable manner. A negative factor in this campaign is that the “Slavery Still Exists” pictures can be seen only via the internet, therefore limiting the number of people who can access these images.

The sponsoring organization, Polaris Project, also runs a number of other campaigns, including the National Freedom Run Walk, portable public information booths, testimonies from victims, and the more traditional printed materials like brochures and ads. This combination of campaigns seems to be an effective grassroots method to spread the word about human trafficking. Testimonials from victims have been historically known to be very effective, as seen in the rape and abuse campaigns. The Polaris Project is not as well funded as
the Rescue and Restore program but is narrowly focused on grassroots activism in a few select cities. Their campaigns share the same major shortcoming as the Rescue and Restore program, namely that they do not reach out to trafficked people.\textsuperscript{28}

**Trafficking of Persons is Illegal! You can be free/ Slavery Still Exists**

The Refugee Women’s Alliance (ReWA) is a local nonprofit organization in the state of Washington. The multi-ethnic organization provides services to refugee and immigrant women and their families. They also reach out to trafficked persons by providing a range of anti-human trafficking material including one handout that has the tagline “The Trafficking of Persons is Illegal! You can be free.” ReWA also has a variety of materials that state “Slavery Still Exists” as well as small handout reference cards. The organization supplements its efforts of dissemination with special events such as premiere showings of movies such as “I Just Keep Quiet.” ReWA does not have their own campaign or campaign tagline. They do, however, use the Rescue and Restore “Look beneath the Surface” campaign materials.

**Washington Anti-trafficking Response Network (WARN)**

Akin to ReWA, the Washington Anti-trafficking Response Network has not created its own campaign. However, it offers a limited amount of International Rescue Committees materials for anti-trafficking public awareness. While WARN’s limited resources are better than providing nothing, the benefit is further degraded by the ineffectiveness of the material. The WARN handout provides a lot of information however, it is wordy and does not catch one’s
attention. The brochure has only one picture with no catch phrase. Overall the handout is beneficial for people actively searching for specific information and possibly a good read for any interested party. However, it lacks broad appeal and it is not widely circulated to the general public. Unfortunately, WARN does not seem to have any materials that are intended for the trafficked persons either.

**Conclusions for Anti-Human Trafficking Campaigns**

The anti-human trafficking campaigns reviewed have various campaign materials available, but they are lacking in variety and quality considering the importance of the issue. As described in the stakeholder analysis, the state of Washington does not have an agency or organization dedicated to human trafficking. Therefore, there is no local campaign or slogan that addresses the specific trafficking problems in Washington. This may be the result of the Rescue and Restore campaign’s plan of dissemination through local coalitions rather than government agencies. In addition, some of the material is only available via the internet and this may cause a technology barrier.

With regard to campaign poster aesthetics, the messages need to be tied to human trafficking. “Slavery Still Exists” is an easy to remember tagline; however, it does not directly reference trafficking. The picture and message should not victimize the person or portray them as culpable. A tangible message should be conveyed as in the World Vision poster; maybe a poster that shows the safety of a T-Visa. Above all, the campaign needs to target and reach trafficked persons. One of the key strategies for getting through to victims is increased community involvement. The communities understand the needs, limitations, and approaches for the particular region or ethnicity.
Tips for an Effective Campaign

Print

Posters, flyers, and brochures are relatively cheap to produce and distribute. These can be customized in various languages and placed in facilities that the target audience is likely to use. A campaign addressing the victims, for instance, can stick posters at ethnic grocery stores and have brochures available at the counters. The sex tourism prevention campaign used billboards right outside the airports to deliver a powerful message to its target audience. Currently, newspaper and magazine media ads are easier to produce than radio or TV ads, but the customer base for print media is shrinking. Some of the key strategies for an effective print campaign are:

- Use a “succinct” picture, one that captures the issue. An ambiguous picture can confuse the message, as seen in the breastfeeding campaign and the Look Beneath the Surface poster.
- A catchy tagline will stick with the audience when used in different ads over time. Smokey Bear’s tagline is a great example.
- People respond more when an ad directs them to do something or something will be done to them rather than just informs them for example “Friends don’t let friends drive drunk” and the “Cost of Child Sex Tourism: 30 years in jail.”

Radio

Radio is a very effective and cheap medium for getting a message out to a large audience. There may be programs on regional radio that the victims are likely to listen to and radio campaigns can be conducted in the victim’s own language. Radio campaigning is different from print and TV because there is no visual component at all. However, the Assessment of U.S. Government Efforts to Combat Trafficking in Persons in Fiscal Year...
2004 pointed out that their radio campaigns were difficult to evaluate so they discontinued them.²⁹

Some of the key strategies for an effective radio campaign are:

- Radio announcements are short, so stick to one or two points
- Build several ads that approach the same point from different angles to avoid boring the listeners
- Use a “hook” to get the listener to pay attention, e.g. music, humor, shocking statistic
- Use volunteers to do the voices rather than paid professional radio actors
- Broadcast in various languages to broaden the audience

**TV**

Well-executed TV ads can draw the viewer in more than the radio or print ads, but the downside is that the odds that a victim has access to a TV may be much lower than the odds that they have access to a radio or any print media. TV ads allow a tagline, hotline number or a website to be displayed throughout the ad and are effective vehicles for getting through to the general public as well.

Some of the key strategies for an effective TV campaign are:

- Stick to one or two points as spots are only 10 to 60 seconds long
- Use only one or two actors to minimize distraction from the message
- Build several ads that approach the same point from different angles to avoid boring the listeners
- Use a “hook” to get the listener to pay attention, e.g. music, humor, shocking statistic
- Display some sort of contact information prominently
- Avoid excessive special effects which can detract from the message
Internet

Internet can be an effective means of getting campaign materials and advertising campaigns to interested parties, but it is limited in its ability to reach the general public. The people who see internet advertising campaigns tend to be those who are looking for them. The internet’s strength, however, is that it is multimedia; internet ads can imitate TV, radio and print ads. However, due to the inability of the internet ads to reach a wide audience or most victims of trafficking, it is most useful as a means of disseminating information to community organizations or grassroots campaigns.30

Different Messages for Different Audiences

It is important to remember that trafficking affects a broad spectrum of people from potential victims abroad to law enforcement and health care providers in the host countries. The public awareness campaigns must focus narrowly on each audience and emphasize an appropriate message. CATW has already worked with a number of foreign countries to publicize the perils of emigration and to educate the at-risk population about trafficking. The message in those campaigns was that they should not believe everything they hear about how good their life would be in the host countries. The Rescue and Restore’s “Look Beneath the Surface” campaign addresses the law enforcement agencies and service providers in the US who are likely to come in contact with the victims. This campaign encourages them to look for signs that the people they are dealing with may be victims of trafficking. The Polaris Project aims to raise general awareness of the program at a grassroots level and their message is that slavery still exists. They hope to shock people into browsing their display booths and learning more about the problem.

What has been missing so far seems to be a campaign directed at the victims
in the host country. Victims may not even know that trafficking is illegal and are often hesitant to contact law enforcement. Some may even feel complicit in their victimization and not seek help, much like the victims of rape or domestic abuse. A campaign targeted at the victims could make them aware of their rights and offer some help through crisis hotlines. It is important to keep in mind that they may not know the language of the host country and that they may not have access to most forms of mass media.

**Chapter Conclusion**

Analysis of the various campaigns has highlighted a few common traits among the most successful efforts as well as a few pitfalls to avoid while designing a new anti-human trafficking campaign. The three phase approach suggested at the beginning of the chapter will allow this campaign to clearly identify different target audiences, different messages and possibly different media. The phase aimed at increasing awareness of the problem amongst the public can use print, radio, TV and the internet to deliver various renditions of the same message. The phase targeting people who come into contact with the victims will probably find it more effective to use specialized on the job training and a poster based campaign that can remind them to look for signs of trafficking in the people they are helping. The most lagging phase, the one targeting the trafficked persons themselves, will benefit more from a print and radio campaign in multiple languages than from a TV or internet campaign. Radio ads can be very effective if inserted into the programming that victims are likely to listen to in their own language. Posters, brochures, and flyers in various languages can be effectively distributed to locations likely to be visited by potential victims such as ethnic grocery stores, healthcare facilities, and welfare offices.

All three phases can learn key design strategies from some of the
effective campaigns that have been analyzed. All print media campaigns should make use of poignant images, messages fine tuned for the intended audience, and memorable taglines. Radio campaigns should use the native language of the target audience as much as possible and try to be short and succinct. As Emma Catague of the Asian and Pacific Islander Family and Safety Center asserted, news media tends to “sensationalize and glamorize trafficking” to make a more compelling newscast. TV campaigns in particular should focus on the humanity of the victims and avoid the temptation to go overboard with dramatizing the problem. The campaigns should try to avoid always portraying the trafficked persons as helpless victims who need to be rescued. As public awareness of the issue rises, focusing on individuals who “have to be saved” may detract from educating the public that they are participating daily in a system that creates the demand for trafficking.

All campaign material must be run through focus groups and specialists in the fields so that they do not reflect only the designer’s ideas or the objectives of a sponsoring agency. The campaigns should be designed from the start with measurable metrics for effectiveness and the feedback should be used to continually improve the campaign. Mixed responses to some of the “Look beneath the surface” posters were very evident in some surveys (“Campaign Awareness Feedback”) and focus groups lending credence to the necessity for this step earlier in the design process for the campaign.

The “Speak Up. Speak Out” campaign used rape victim testimonies to generate some remarkable results in helping other victims come forward. This campaign was also innovative in using a number of victims from different backgrounds to showcase the breadth of the problem. It is recognized that at this point human trafficking testimonies are very hard to obtain; however, they will be very effective once they are used in a campaign targeting the victims.
Despite some commendable efforts at a federal level, anti-trafficking campaigns are severely lacking at local and community levels. Most states, including Washington, do not have a local campaign or even a slogan. Almost all Washington State campaigns reuse material from the federal programs with little or no modification. A local campaign designed from the ground up based on some of the strategies outlined in this chapter will be a very effective tool in combating this escalating issue.

Endnotes:

1 (Mendelsohn 1973: 61)
4 http://www.smokeybearlicensing.com/statmedia.html
8 http://taasa.org/member/materials2.php
9 http://www.adcouncil.org/default.aspx?id=135
12 http://www.adcouncil.org/default.aspx?id=140
13 http://www.adcouncil.org/default.aspx?id=140
14 http://www.adcouncil.org/default.aspx?id=49
15 (Kukla 2006:170)
16 http://muse.jhu.edu.offcampus.lib.washington.edu/journals/hypatia/v021/21.1kukla02.html
18 http://monitoringthefuture.org/pressreleases/05drugpr.pdf
19 http://www.worldvision.org/get_involved.nsf/child/globalissues_stp
20 Interview Sutapa Basu  Feb. 25th
21 Pictures from: http://www.state.gov/g/tip/rls/tiprpt/2005/46618.htm
23 Ibid. pg 10-11.
25 Interview Sutapa Basu  Feb. 15th
26 Ibid.
27 http://www.acf.hhs.gov/trafficking/about/posters.html
28 http://www.polarisproject.org/polarisproject/
http://www.slaverystillexists.org/slaverystillexists/
http://www.nationalfreedomrun.org/nationalfreedomrun/
30 Behavior Change through Mass Communication, AIDSCAP Project
Campaign Awareness Feedback

Jake Zavertnik

Over the past couple years, the U.S. State Department and several nongovernmental organizations have produced advertising campaigns against human trafficking. The previous section discusses these various awareness programs, but several questions still remain. Are these campaigns effective at raising the general public’s awareness of human trafficking? Do they help individuals understand the ‘grey areas’ of trafficking? Do they reaffirm previous conceptions of trafficking?

Given the framework of this report, it is necessary to gauge the dissemination of anti-trafficking knowledge by answering these questions. To do this, we initiated a campaign awareness feedback survey.

Survey methodology

Each respondent was presented with three posters featured in the “look beneath the surface” state-sponsored advertising anti-trafficking campaign geared toward the public. After viewing the posters, individuals were surveyed on the effectiveness of the campaign to address human trafficking issues. Particularly of interest were evaluations of the posters’ ability to raise public awareness regarding human trafficking. Given time constraints and logistics, the survey was limited to 50 respondents. For a complete breakdown of the survey questions, see Appendix B.

Results

While limited, the general feedback was certainly telling of the overall effectiveness of the ‘Look beneath the surface’ campaign. Firstly, 37 respondents
Poster 1: Child prostitute

Poster 2: Child laborer

Poster 3: Domestic Laborer
noted that the posters increased their understanding of trafficking to some degree. Several, 16, noted that the strong images of the young children and the crying woman showed them that trafficking wasn’t exclusive to sex trafficking. However, in general, many explained that the posters only ‘somewhat’ increased their knowledge. Indeed, when asked if the posters informed them of something they didn’t already know about trafficking, only roughly half, or 24, responded that they learned something new. In most cases, this was that domestic servitude and agricultural work could also be classified as trafficking. On the same question, 20 respondents said the posters didn’t tell them anything they hadn’t already seen or heard about trafficking. In this sense, 13 respondents noted that other forms of awareness, such as television shows and movies are more

<table>
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<th>Campaign Awareness Effectiveness</th>
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<tbody>
<tr>
<td>Increased understanding of issues as a result of viewing posters:</td>
</tr>
<tr>
<td>Yes: 33</td>
</tr>
<tr>
<td>Posters effective at increasing public awareness:</td>
</tr>
<tr>
<td>Yes: 17</td>
</tr>
<tr>
<td>Informed of something you didn’t already know about trafficking:</td>
</tr>
<tr>
<td>Yes: 24</td>
</tr>
<tr>
<td>Most effective poster:</td>
</tr>
<tr>
<td>Girl: 43</td>
</tr>
</tbody>
</table>

Survey Total: 50
effective.

At a recent screening of ‘I Just Keep Quiet,’ for example, a film sponsored by REWA that deals with human trafficking, 5 persons surveyed (of 5) said the film increased their knowledge of trafficking. All 5 had some previous knowledge of the subject, but in some form, from increasing knowledge about how victims are trapped in the industry, to explaining FBI procedures, the film told all respondents something they didn’t already know.

Of the three posters shown, an overwhelming majority – 43 – thought that the picture of the young girl was the most effective. For one respondent, the connotations of a young girl working as a sex slave was much more powerful than seeing a young “immigrant” working in the fields. Similarly, several other respondents noted that they could identity with the horrors of prostitution and sex slavery. Of the remaining respondents, 7 concluded that the image of the young boy working in the fields was the most powerful. From these, 3 made references and associations to sweat shops and child labor. None of the respondents found the image of the crying woman to be the most effective at increasing knowledge.

In general, it is apparent that the ‘Look Beneath the Surface’ posters are not strong enough to garner increased public awareness. Only 17 individuals believe posters are an effective way of portraying human trafficking, or more specifically, that these particular posters, were effective at conveying the message of trafficking. Of the rest, 29 responded that these posters were not effective at increasing public knowledge. This is reflective in the fact that nearly all of the respondents had never before seen the posters. Thus, while many recognized aspects of the posters to increase knowledge of trafficking, the presentation of the subject was not overly successful.
Conclusions

To begin, a more comprehensive and funded survey should be undertaken by future task forces’ and/or the State Department. This will provide a broader spectrum from which to gauge the effectiveness of anti-trafficking campaign posters.

Secondly, it is evident that general awareness of trafficking is still low amongst the public. As many of the respondents can attest, this can be raised through advertising campaigns, including posters, television shows and billboards.

Third, it is apparent that campaign posters are not visible enough. More posters and more money needs to be spent on educating individuals on the subject. This includes hanging posters in public bathrooms, in restaurants, at parks and in bars.

Fourth, the posters need to somehow better convey the issue of trafficking. Several individuals, upon seeing the posters didn’t know what they were supposed to getting out of them. That is, the message of the posters, particularly the domestic worker crying often did not elicit an immediate response relating the image to trafficking.
Human Trafficking Survey
Lauren Ciszak

In the previous chapter on campaigns, we discussed the methods that work best for disseminating a public information campaign: “succinct taglines, well-defined messages and attention grabbing graphics.” These are elements of a public awareness campaign that contribute to its success. However, accurately determining the target audience for a campaign and effectively disseminating it to that audience is as important as the campaign itself. Therefore, when thinking about a more effective anti-trafficking campaign, we must ask ourselves some additional questions. Who are the best targets for such a campaign on human trafficking? What do people know, and what are their misconceptions about trafficking? Who is the “critical mass” for this public awareness campaign? Have the current campaigns reached the people they intended to? To best answer these questions, our Task Force decided to conduct a survey.

In order to develop a sufficient understanding of public knowledge on the subject of trafficking, we developed a survey that assesses a person’s knowledge of human trafficking, as well as his or her conceptions (or misconceptions) about it. Included in the survey are questions detailing who can be trafficked, what trafficking involves, whether people perceive trafficking as a national or local issue, and whether or not they have heard of trafficking before.

For the purposes of our report, we felt that it would be best to survey the general public as well as people who have a good chance of coming into contact with trafficked persons. Thus we have chosen to sample both the general population, at shopping malls and supermarkets, as well as healthcare workers, social workers, law enforcement officers and ethnic communities. This survey group allows us to assess the knowledge of the average citizen. In addition it also helps us gauge the understanding of groups who are targeted by awareness
campaigns, such as the Rescue and Restore campaign, which aims specifically at law enforcement, healthcare workers, and social workers.

The results of our survey, though limited in scope because of time and access issues, will allow us to formulate a more specific and targeted approach for an effective awareness campaign. Because of our limitations, certain groups are disproportionately represented amongst our respondents. We have kept in mind the possibility of biases when interpreting the results. Nonetheless, it will give us a grounded perspective from which draw constructive conclusions.

In this survey we show who is aware of human trafficking, common misconceptions about human trafficking, perceptions about trafficking victims, who people perceive to be traffickers, how trafficking happens and whether it is a crime. Our survey also determines how people first learned about human trafficking. Finally, the survey assesses who people would contact first (if anyone) if they were to come across a person they thought to be trafficked. This will help us determine which public service sectors to focus on bringing up-to-speed on trafficking awareness.

Overall, we hope that our survey will give us some objective information with which to assess knowledge on the subject of human trafficking. This will, in turn, show us where we should focus our efforts when thinking about a public awareness campaign that will ultimately help us locate more victims of trafficking.

1. **Our Data - Limitations**

Though this survey offers valuable insights into where public knowledge of trafficking currently stands, it is important that we are aware of its limitations. This is for many reasons, including the limitations of time, money and resources we had in conducting it. Because of our limitations, certain groups are over-
represented amongst our respondents. This will give it a certain bias, which we have kept in mind when interpreting our results.

The first and foremost of our limitations is the fact that our survey was not random. We used our personal contacts to acquire respondents for the majority of the surveys. This has meant that certain groups, namely students and people in the 18-25 year old age bracket are over-represented.

Second, of the three groups our survey focused on, we received relatively few responses. For instance we only received survey responses from twelve police officers that were all on patrol the same night. Due to such limited responses, our survey will not allow us to generalize about the knowledge of all police officers or even all police offers in the Seattle Police Department. Instead, this survey is more of a tool to indicate possible trends within these groups.

We had a similar number of responses from healthcare workers. The only ethnic community we were able to survey was the Southern Sudanese Community of Washington, and we were only able to survey a few of their board members. This will be a major consideration when interpreting our results, as human trafficking often involves ethnic communities, and the absence of their input is thus significant.

Third, our survey of the general public was minimal. Our attempts to
survey people in shopping malls were often thwarted by mall security, and though we did survey a fair number of students, we should not consider them to be completely representative of the “general public.” Fourth, our survey group was fairly small, with only 162 surveys completed. Finally, our survey was written with little knowledge of survey techniques or statistics. Though we did do some research on survey techniques, we are by no means experts and thus the clarity of some survey questions may be lacking.

We must be careful not to use the results of our survey as an objective or complete picture of general public knowledge about human trafficking. Instead, this survey may be thought of as a tool to give those working in trafficking a starting place for redirecting and creating informational campaigns on trafficking. That does not mean, however, that we cannot derive some concrete and useful information from our data. Indeed, there is some very telling information that has come out of this survey, which will be discussed later in this paper.

2. Measures

There are some specific ideas and perceptions that we attempted to measure using our survey, most of which addressed an individual’s general perceptions about what trafficking is, why it happens, who is trafficked and who traffics other people. We divided our survey up into three sections, each of which focused on learning about a different set of perceptions held by the respondent.

The first section of the survey aimed to find out to what extent people believed that the conditions of trafficking existed in the United States and in Washington. These questions were asked without using the words “human trafficking” and respondents were not informed what the survey was about beforehand. We asked respondents whether they believed slavery existed in the U.S. today, whether sweatshops exist in the U.S. today and whether these things
exist in Washington. Responses to these questions were particularly interesting in conjunction with one of the questions in the next section, “Do you believe human trafficking exists in Washington today?” Between these two questions, we could deduce whether a person equates human trafficking to slavery. This first section also asked whether a person believed that an illegal immigrant should have certain protections from the law. This question was placed in the survey to determine if the public believed that such immigrants deserve protection under the law.

The second portion of the survey began with a definition of human trafficking from the State Department, added so that people who had not heard of trafficking before could complete the survey, and so all respondents would start off with the same definition. Here, we aimed to measure if people had heard of trafficking before and to find out where they had heard of it first. It then asked what was included in trafficking, where respondents thought trafficked people come from, and who they would contact first if they thought they knew of someone who was trafficked.

The survey then measures what people thought might be signs of trafficking, who could be traffickers, and what types of people could be trafficked. This helped us to see if there are any major gaps in public understanding of trafficking. For example, many people disagreed with the idea that U.S. citizens can be trafficked, and many people did not think professionals could be traffickers. Next we asked what happens to trafficked people once they are found, how concerned respondents felt the U.S. government should be in addressing human trafficking. This allowed us to measure public knowledge of the rights and services afforded to trafficked persons, and to see what importance they give to the issue in general. Finally, this section asked if the respondent had ever had training or seen a public campaign on trafficking. This allowed us to assess
whether workers in certain fields had been receiving training on trafficking as well as if campaigns were being well disseminated.

The third section of our survey was demographic. We asked a person’s occupation, age, place of birth and education level, so that we might be able to separate them out into demographic groups later on, searching for trends within their answers.

3. Survey Analysis

For the purposes of our report, we will analyze the survey in four different sections. First we will analyze all respondents together as “the general public” in order to get a good general picture of conceptions about trafficking. Second, I will break the respondents into three groups: the police force, healthcare and social workers, and Amnesty International members and film festival attendees.

Each of these groups was chosen for a specific reason. First, the responses of the police force because it is the natural first contact for people if they believe trafficking may be happening. This means that their knowledge of human trafficking will have a huge impact on the ability to locate and help trafficked people. The second and third groups in this analysis are composed of healthcare workers and social workers, who are also among the most likely to encounter victims of trafficking. Finally, Amnesty International’s results will be gauged in an attempt to determine whether previous awareness impacts the survey results and how these results differ from those of the general public. Additionally, I will to examine the misconceptions that Amnesty International members hold despite their exposure to the topic.

The results of our survey are telling in many different ways. Through this survey we found that all segments of the population, even those people that were
most likely to come into contact with trafficked persons, had misconceptions about human trafficking. On the other hand, there were important differences among the different groups we surveyed, which suggest the need for different types of campaigns and different focuses directed toward each group. Finally the results of our survey suggest a strong need for a general public awareness campaign that targets society as a whole.

A. The General Public

Through our survey, we hoped to discover general misconceptions about trafficking among the general public. What we found was that the general public is relatively confused about just what trafficking is, who does it, and what it entails. Throughout the survey our results show a general acknowledgement of trafficking issues, but no specific knowledge. Ninety-six percent of respondents said they had heard of trafficking before, but specific knowledge of the subject is limited and ambiguous.

I. Is trafficking slavery?

The first piece of information that demonstrates the confusion about human trafficking amongst the general public arises when we examine two different questions. The first question is: “Does slavery exist in the United States today?” With this question we aimed to measure whether or not people think slavery happens in the United States today. From there we wanted to compare that with the answer to the question: “Do you think human trafficking exists in Washington?” This will allow us to determine whether people equate human trafficking to slavery.

Without a doubt, or survey results demonstrate that people do not necessarily equate human trafficking with slavery. Eighty-six percent of
respondents believe that human trafficking exists in Washington State, while only 10 percent believe it does not. This number could have been significantly higher if the question was asked about the whole United States.

![Pie chart showing responses to whether human trafficking exists in Washington. 86% believe it exists, 10% believe it does not, and 4% are unsure.]

On the other hand, only sixty percent of respondents believed that slavery exists somewhere in the United States today, 20 percent of respondents believed that it did not, and twenty percent were unsure.

![Pie chart showing responses to whether slavery exists in the United States today. 60% believe it exists, 20% believe it does not, and 20% are unsure.]

II. Does trafficking happen here?

Clearly there is some disconnect between what people perceive as
human trafficking and slavery, though in reality they are equitable. Although many people recognize the connection, significant portions of respondents (forty percent) did not, or were unsure. This most likely would have been even more pronounced had both questions been asked about Washington in particular, because as we will see, people do not necessarily like to admit that things like trafficking happen close to home.

This phenomenon was clearly demonstrated when we asked respondents if sweatshops exist in the United States and proceeded with a question asking if sweatshops exist in Washington. In response to the question “Do sweatshops exist in the United States, seventy-seven percent of respondents answered “yes,” and fifteen percent said “don’t know.”

However, when asked if sweatshops exist in Washington State, only fifty percent of respondents replied “yes” and thirty-four percent were unsure.
III. What are the characteristics of trafficking?

It was when respondents were questioned about the signs of trafficking, who can be trafficked, and who can traffic others that confusions showed through most clearly. Therefore, we have chosen to examine the three questions that ask respondents to determine these things here. In the following sections I examine responses to questions 2.7, 2.8 and 2.9 on the survey. People have some idea of what the signs of trafficking are, because all of them pretty much agreed with the fact that each of the categories was a sign of trafficking. However, there was surprisingly little variation between each of the categories.

In order to best measure the opinions of respondents on this question, we have indexed the degree to which respondents believe each category is a sign of trafficking. Thus, a score of 100 would mean that all respondents thought a category was always a sign, and 0 would indicate that all respondents believed that a category was never a sign. All indexes for this question ranged between 72 (the index for evidence of being controlled as a sign of trafficking) and 57 (the index for the inability to speak English).
All of the categories fall on the index around “sometimes a sign.” However there is an important split that occurs between some of the signs. On the one hand, evidence of being controlled, intense fear, inability to move or leave job, fear of the law, and illegal immigration status are more toward the “always a sign” category. On the other hand, bruises and signs of physical abuse, isolation, poverty, depression, untreated medical issues, and the inability to speak English fall more toward the “rarely a sign” category.

This is an interesting split because there is no real distinguishing mark between the categories that fall on either side. If illegal immigration status tends to fall closer to “always” one would expect “inability to speak English” to also fall on that side as well, because people tend to associate illegal immigrants with the inability to speak English. However, the results indicate that the general public realizes that the inability to speak English alone is not really a sign of trafficking, or of being an illegal immigrant. Similarly, we would have expected evidence of being controlled and isolation to be close to the highest end of the index, but isolation was not. These results demonstrate some confusion on the part of the general public as to what are the usual or typical signs of trafficking.

For the purposes of indexing, we removed responses or “I don’t know” from the data, but for each question approximately twenty people out of 160 responded “I don’t know.” Thus, one-eighth of respondents simply had no idea about the signs of trafficking.
Our survey data showed similar results when we asked respondents to determine who can be trafficked. On this question, the index, which was based on level of agreement, ranged between 57 and 80. Thus, an index of 100 would mean that all respondents strongly agreed that a certain category of people could be trafficked. However these results are perhaps most telling when we examine the question in this light: all categories listed on this question can be trafficked. Thus, the level of agreement to each and every one of these categories should, in theory, be 100. Thus an index of agreement of 57 for the possibility of United States citizens being trafficked is extremely informative. This means that many people do not believe that U.S. citizens are susceptible to trafficking. Similarly, adopted children and gang members received low indexes.
The third place where people’s confusion about trafficking showed up clearly was on question 2.9, where we asked: “people who traffic other people can include” and respondents answered yes or no to each category. Of the three questions we examined, this evidence is perhaps most explicitly indicates that people are confused about trafficking.

Of the people who responded to this question, the category for which the highest percentage of people said “yes” was drug smugglers. This indicates that there is significant misunderstanding about who traffics other people among the general public. Drug smugglers smuggle drugs, not human beings, and therefore should be low on the list. Surely it is possible for drug smugglers to also traffic people, but by no means should this group be the highest on the list of possibilities. On the other hand, it is important to keep in mind, as with the previous question, that every category of people in this question should, in theory receive one hundred percent “yes” answers, because anyone could be a trafficker.
Clearly, people are apt to believe that seemingly “upstanding citizens” and members of society are not potential traffickers. Diplomats, professionals and community leaders received the three lowest percentages of “yes” responses. However, we have seen through some of the case studies presented previously in this report, such as the case of Ruth Gnizako, the West African woman who was trafficked by a World Bank Employee, that anyone, including prominent members of society, can take advantage of and traffic people.

IV. What happens to trafficked people once they are found?

One of the most striking misconceptions among the general public concerns the question of what happens to trafficked people once they are found. Fifty-two percent of respondents believe trafficking victims are deported, while only twenty one percent said they were given the same benefits of refugees.
B. Who will people contact first in the event they believe they know of a trafficking victim?

The majority of respondents (52%) said that they would contact the police first in the event that they believed they knew of a victim of trafficking. Thirty-four percent of respondents said they would contact an aid organization first in the same event.
The data from this question is extremely relevant for the purposes of our report because it demonstrates the importance of both strong, competent aid organizations that work on trafficking as well as a police force that is knowledgeable, sensitive and up-to-date on trafficking issues.

VI. Conclusion

The preceding examples demonstrate that the general public does have some ideas about what human trafficking is and who participates in it. However, people do not know the intricacies of trafficking, and thus hold important misconceptions about it. These misconceptions need to be addressed in order to better combat trafficking. As we have seen elsewhere in the report, the general public identifies the majority of trafficking victims. Neighbors, fellow church members, and friends are often the ones who end up contacting someone who helps free a trafficked person from slavery. Thus, it is essential that the general public is better informed than they are at present. This can be accomplished through an effective public awareness campaign that uses the techniques discussed in the previous chapter. This section of the campaign must be targeted at every sector of society, so that human trafficking becomes a household topic, similarly to what happened with the domestic violence campaigns and rape awareness campaigns discussed in previous sections. With a successful campaign and a large target audience, the anti-trafficking movement will be in a much better position to effectively locate and help the victims of human trafficking.

B. Police Force

Our survey data demonstrates that people are most likely to contact the
police if they come across a person they believe is trafficked. In fact, 52% percent of respondents who made the choice said they would first contact the police in the event that they thought a person was the victim of trafficking.

For this reason, it is imperative that our police force is knowledgeable and up-to-date on trafficking issues in Washington State. If the police force does not know what to look for in a trafficking victim, that a trafficked person is eligible for certain types of assistance, or even that trafficking is a crime in Washington State, we cannot expect to locate and help trafficked people. Similarly, if the police force is not sensitive when responding to trafficked persons, then the public will not want to go to them the next time they find a trafficked person. If trafficked people who come forward are deported, then trafficked people themselves will be wary of contacting the police. It is for this reason that we decided to include police officers in our survey. We wanted to know what the police force knows about trafficking, and whether or not training on trafficking helped in their comprehension of the issue and its complexities.

As part of our survey, we collected data from one patrol of the Seattle
Police Department on February 13th, 2006. Twelve members of the police force completed our survey. Granted, this is a small sample, but it gave us important insights into the Seattle Police Force’s knowledge about human trafficking, and the importance of training to help the police better understand the complexities surrounding the trafficking issue.

First of all, we must start out with the knowledge that the Seattle Police viewpoints are strict on illegal immigration, relative to other groups of surveys we analyzed. Out of the twelve officers surveyed, only one of them thought that a person who entered the country illegally should be paid the minimum wage for work, and only five thought that an illegal immigrant should be protected from exploitation.

### Should a person who entered the country illegally be paid the minimum wage for work?

(Responses from Seattle Police officers)

- **Yes**: 8%
- **No**: 42%
- **Blank**: 50%

### Should a person who entered the country illegally be protected from physical, mental or economic exploitation?

(Responses from Seattle Police officers)

- **Yes**: 31%
- **No**: 66%
- **Blank**: 3%

### Should a person who entered the country illegally be paid the minimum wage for work?

(Responses from the general public)

- **Yes**: 31%
- **No**: 66%
- **Blank**: 3%

### Should a person who entered the country illegally be paid the minimum wage for work?

(Responses from Seattle Police officers)

- **Yes**: 8%
- **No**: 92%
The responses by the Seattle Police, for whatever reasons, vary greatly on this question from the responses by the survey group as a whole. This demonstrates that the Seattle Police in general take a much harder line on illegal immigrants than do other Seattleites. Many (but by no means all) trafficking victims have entered the country illegally, overstayed their visas, or had their immigration documents confiscated. Therefore, police must be alerted to the fact that there may be more to look for when they come into contact with an illegal immigrant. A trafficked person’s documents may have been stolen or taken by his or her captors. He or she may have been tricked into coming into the country illegally. Moreover, in the strictly legal sense, in the case of trafficking, the fact that a person entered the country illegally has no bearing on his or her status as a trafficked person. Even a person who entered the country illegally of his or her own free will can be a victim of trafficking if he or she was then coerced, forced or defrauded into working against his or her will.

Thus, in order to avoid situations whereby the police immediately regard any undocumented person as a criminal, they must be trained to recognize the signs of trafficking. Surely there are people who enter the country illegally, for whatever reason, and are not victims of trafficking. However, it is important that the police be able to differentiate between an illegal immigrant and a potential victim of trafficking.

This is not something that comes naturally or easily. An anti-trafficking campaign must therefore focus heavily on training police. Just as the police often have training on other subjects such as cultural issues and basic first aid, training on the human trafficking issues should be mandatory for all police officers, new or old. The police force must be armed with the knowledge and skills to be able to distinguish between a potential victim and a criminal. They must be well versed in the signs of trafficking, so as not to immediately report
potentially trafficked victims to the INS, which would place them in detention centers, and immediately begin deportation hearings against them. Much of our information in this report suggests that this is the case with many victims of trafficking; they are deported before they are even recognized as potential victims. So, is the police force knowledgeable about human trafficking? Are they aware of the signs of a trafficked person?

Perhaps the most revealing results from our survey was the fact that of twelve police officers surveyed, only three had received training on the subject of human trafficking. This is especially telling because there has been a five-year effort in Washington State to train and inform the police force, especially in King County. Still, the number of police officers who had received training on trafficking far outnumbers the number of people in any other group we surveyed who had received training.

Another surprising detail was that of the nine officers who had never received any training, over half (five) were unsure if human trafficking is a crime in Washington State. However, of the three who had received training, all indicated that trafficking was a crime.

**Is Human Trafficking a crime in Washington State?**
(Responses from officers without training)

- **Yes**: 0%
- **No**: 56%
- **Don't know**: 44%
- **No answer**: 0%
These results highlight the fact that it is essential that Washington State police officers receive the training they need. It also demonstrates that training the police is effective and productive. The police force is the group where most people would go if they believed they knew of a trafficked person. If the majority of the police force does not know that trafficking is a crime in Washington, how are we supposed to find and help the victims? How can we combat trafficking if the front line is unaware of the fact that it is even a problem? We must absolutely focus on training and informing the entire police force of Washington State if we are to make progress on locating and helping trafficked persons, and if we are to move forward in combating trafficking in Washington.

Even the officers who had received training still had some misconceptions about human trafficking. These misconceptions were mostly located in the question “People who traffic other people can include?” The “correct” answer to this question should have been to check all the answers which included the following: drug smugglers, farmers, employment agencies, friends/family, diplomats, organized crime, community leaders, matchmaking agencies, adoption agencies and professionals. However, two of the three trained officers left out community leaders and one of the three left out matchmaking agencies, diplomats, and professionals. Still, overall, the officers who had received training were far more knowledgeable on the whole than those who had not. This points to the fact that the training they received was well done, accurate and well received by the officers.

Among the officers without training, over half did not think that farmers, employment agencies, and professionals could be traffickers. Over one third did not think that diplomats, friends or family, matchmaking agencies and adoption agencies could be traffickers. Not a single category received a unanimous vote by the police officers surveyed. This shows some confusion among the police
force as to what trafficking is and who can traffic people. Consequently, this should be an area emphasized in any police training on trafficking.

All the results from our survey of the police force point to the desperate need for police training on trafficking. This is no fault of the individual police officers or the police force. Indeed, there has been a concerted effort by the police force, on the part of Harvey Sloan and WARN, to train the police. But Harvey Sloan is the only detective assigned to trafficking in the State of Washington, and he surely cannot complete this enormous task on his own. More effort, funding and personnel must be concentrated on police training.

It may very well be that because our police force has not been trained, trafficking victims are slipping through the cracks. Therefore, it is essential that we train the entire police force to recognize the signs of trafficking, to look for them in all different kinds of situations, and to be sensitive to trafficked persons’ unique situations. We have demonstrated that police training is effective and constructive. Specific training on the issue of trafficking should be mandatory for all police officers already in the force, and it should be a part of every new officer’s basic training. This is not unrealistic; the police go through much other mandatory trainings on a variety of other subjects including domestic violence, sexual harassment, and gun safety. If we only trained the police force, we would significantly improve our ability to locate trafficked people. This would in turn empower organizations to keep up their work providing services to trafficked people, and would greatly alleviate the main obstacle in the fight to combat trafficking: the inability to locate trafficked persons.

C. Healthcare and Social Workers

Though we had intended to discuss healthcare and social workers’ responses to the survey, upon examination of the results we discovered that they
largely reflected the views of the group as a whole. There were no significant differences in any section of the survey or on any particular question among social workers or among healthcare workers. This is unfortunate because it means that these two groups, which comprise people who are among the most likely to come into contact with trafficked persons, are lacking in the knowledge and skills required to identify them.

Once again, this illustrates how important it is to include training on human trafficking as a part of any curriculum, whether it be basic training for the police, or in this case, healthcare and social workers. For example, one respondent had received training on human trafficking as part of her Master’s degree in Forensic Nursing. She was much more knowledgeable on the subject than her untrained counterparts.

In addition to including human trafficking in all curricula, a public awareness campaign on a general public scale, though perhaps not as effective, will certainly reach healthcare and social workers as well. These two would combine, if developed well; to reinforce the training healthcare and social workers receive in school, and tell them that human trafficking is a problem affecting all of society. Thus, the dual campaign, one aimed at specific public service sectors and another aimed at general awareness, could be self-reinforcing.

D. Amnesty International

Originally, we had not planned on examining Amnesty International members as a separate group. However, upon examination of the data, we realized that Amnesty International members, along with the people who attended the Amnesty International film festival, often had drastically different answers than the general public. This, in turn, was significantly skewing our data. Amnesty International has launched an anti-trafficking campaign as part
of its larger campaign to stop violence against women. Thus, many members of Amnesty were already familiar with the intricacies of the human trafficking issue. In addition, the Seattle chapter of Amnesty International is currently working on trafficking as one of its main issues. Thus, many of the people we surveyed from this group were more knowledgeable and thus held different ideas about trafficking.

Perhaps the most striking difference, and the one that prompted us to examine Amnesty International more closely, was the difference between Amnesty members and the general public in terms of who they would contact first in the event of suspected trafficking.
Amnesty International members are overwhelmingly more likely to first contact an aid organization in the event they believe they know of a case of trafficking. On the other hand, the general public is much more likely to contact the police. There are two possible reasons for this. First, because Amnesty International is concerned with the protection of human rights, and the police are not always associated with upholding those rights, Amnesty members may be wary of first contacting the police. Second, since Amnesty International members tend to be more informed about trafficking in general, it is likely that they know of specific organizations to contact in case of trafficking, whereas the general public most likely does not.

There were many other ways in which the responses given by Amnesty members differed from those given by the general public. Most of these differences simply demonstrate that Amnesty members are more informed about trafficking than the general public. However, the results also show that, while Amnesty members are better informed about trafficking, they still hold important misconceptions about it.

Amnesty’s indexes were more on target than those of the general public. For example, on the subject of who can be trafficked, Amnesty members were significantly higher for every category. Thus, they tended toward the “correct” answer to the question, which would have been 100 for all categories. However, Amnesty members were still significantly off this mark, and therefore still have much to learn on the subject of trafficking.
For the question “Who can traffic other people,” the variation between the answers to the questions was much more pronounced on some categories. This is perhaps because for some groups, such as organized crime, their possible connection with trafficking is self-evident, and thus the fact that Amnesty members have more knowledge on trafficking does not have much effect on responses. Indeed, the difference between Amnesty and the general public on organized crime is only two percent.

On the other hand, when looking at groups of people for whom involvement in trafficking is not so evident, Amnesty members answered “yes” significantly more than the general public. This is true for “friends/family.” Eighty-three percent of Amnesty members agreed that friends or family could be traffickers, whereas only seventy percent of the general public agreed.
Despite the fact that Amnesty members were better informed on trafficking, however, the largest percentage of them (94%) agreed that drug smugglers could be traffickers. Perhaps it is simply the prior association with smuggling that makes people associate drug smugglers with human trafficking, but this shows a significant misunderstanding of trafficking in general. First of all, drug smuggling usually involves drugs, not humans.

Second, the fact that people believe drug smugglers to be the most likely traffickers shows some confusion on the part of both Amnesty members and the general public about the difference between smuggling and trafficking. Smuggling simply implies illegally aiding a person to cross a border. It does not necessarily have anything to do with force, fraud or coercion, which is an integral part of the definition of trafficking.

Explaining the difference between smuggling and trafficking has been an important aspect of many anti-trafficking campaigns, especially ReWA’s, and it is perhaps not being conveyed as well as it could be. In light of these
survey results, this is an aspect that should also be emphasized in any other public awareness campaign on trafficking.

Our survey results from Amnesty International members reveal that answers to certain questions pertinent to trafficking, such as “Who would you contact first?” can drastically change depending on the group you examine. Many factors in a person’s life and personality determine how he or she will react to a situation, and we must be aware of that. Our survey results from Amnesty International suggest that for this sector of the population, it is just as important to have a trained and knowledgeable police force as it is to have effective and accessible organizations that can assist trafficked people. Therefore, we should also put plenty of funding and personnel into keeping anti-trafficking organizations accessible and competent.

These results also reveal that exposure to the subject of human trafficking has a positive effect on people’s awareness and understanding of it. On the other hand, they demonstrate that even people who are exposed to the issue of human trafficking often and are generally interested in similar issues still may misunderstand important aspects of it. Thus, this section of our survey also serves to reiterate how important it is to have an effective general public awareness campaign on human trafficking that can serve to clear up these widely held misconceptions about it.

5. Conclusion

Throughout this report, we have emphasized the fact that the biggest obstacle in the anti-trafficking movement is the inability to locate victims. In addition, we have demonstrated that most victims are located by normal people, around their community. Through our survey, we determined that no one, neither the general public nor the groups of people most likely to come into
contact with trafficking victims, has a concrete understanding about trafficking in general.

Therefore, our first recommendation to come out of the survey is that a major campaign targeting the general public is essential to solving the problem of the inability to locate victims. This campaign must raise awareness among the general public, as well as specific groups such as healthcare and social workers, so that they develop the skills and confidence to know when a person is a potential victim of trafficking. The campaign should have all the qualities of the effective campaigns discussed in the previous chapter, and should be clear, concise, and well researched.

Beside the lack of general awareness we discovered through our survey, there were two major differences we revealed amongst various groups. The first was between police officers who had received training on human trafficking, and those who have not. The police officers that had received training on trafficking issues were vastly more knowledgeable on the subject of trafficking and the issues surrounding it than officers without training.

Because we also determined that police officers are the group people are most likely to turn to in the event they believe trafficking has occurred, we decided that the training of the police force should be one of the top priorities of any anti-trafficking campaign. Therefore, one of our critical recommendations is that any anti-trafficking campaign should push for mandatory human trafficking training for all police officers, both new and experienced, and that training on trafficking should be permanently incorporated into basic training for all police officers.

Training, however, should not only be for the police. It is important that other groups likely to come into contact with victims of trafficking receive training as well. Both healthcare workers and social workers in our survey were
on par with the general public in terms of knowledge about human trafficking. This means that they are not being reached by awareness campaigns, despite the fact that many of them, such as the social workers at the Spruce Street center (see Sex Work Industry), are working with populations vulnerable to trafficking on a daily basis.

The second major discrepancy we gleaned from our survey results was the differing responses of Amnesty International members (and people who attended the Amnesty International film festival) and the general public. Since Amnesty International has made human trafficking part of one of its major campaigns, Amnesty Members have been exposed to the subject and are thus much more knowledgeable about it. Clearly the Amnesty campaign has had some impact on its membership. This demonstrates the influence that repeated exposure to the issue of trafficking can have on a person’s understanding of the subject, and thus the potential for a highly successful public awareness campaign. The trick to the matter is simply getting to the public, and effectively disseminating the information. With that in place, as well as mandatory human trafficking training for people in the public service sectors, the anti-trafficking movement will be well on its way to finding, helping and empowering the thousands of people reportedly trafficked in the United States and Washington every year.

Endnotes:

CHAPTER 6

Conclusion
Conclusion

In his analysis of the end of formalized, nineteenth century slavery in the United States, Kevin Bales notes that “emancipation [is] a process, not an event.” Perhaps this quote best defines the position in which Washington State, and its residents, currently find themselves. Our state has demonstrated a willingness to pass innovative and groundbreaking legislation. The passage of legislation is only symbolic, however, if the process of finding and aiding trafficked persons is not pursued.

This report has attempted to address the reasons for why victims haven’t been identified. In doing so, we examined the discourses that revolve around trafficking, the stakeholders who have the power and will to create change, the Federal and Washington State law and legislation. In addition, we looked at the potential for Washington State in public mobilization and political willpower as demonstrated through its groundbreaking anti-trafficking legislation. From there, we looked at the ways in which trafficking operates through networks and industries. In doing so, we examined particular industries that contain characteristics that make them vulnerable to trafficking, including: the commercial sex industry, sweatshops, domestic work, agriculture, small businesses such as restaurants and hotels, international marriage brokers, and the international adoption industry. In addition, we surveyed the local community in order to assess the general public’s knowledge about trafficking. From this survey we drew a set of recommendations about what the content and audience should be for future campaigns.

**Recommendation 1:** The creation of an anti-trafficking campaign that is aimed towards the general public, greater support of grassroots movement and cultural community involvement in the development of anti-trafficking
campaigns and in the Washington State Trafficking Task Force, and mandatory training about trafficking for civil servants and healthcare workers.

Since the initial criminalization of human trafficking, characteristics surrounding this offense have not yet become common, public knowledge in Washington State. Many trafficking awareness campaigns have sought to target specific groups, such as law enforcement and health care workers. These campaigns, however, have neglected the education of the general public. This is a critical oversight in that our research has indicated that the majority of trafficking victims in Washington have been discovered by, or have sought help from, members of their local community. Therefore, we feel strongly that a campaign aimed at the education of the general public would prove most effective.

One example of a public awareness campaign that successfully overcame obstacles similar to those presented by trafficking is the rape awareness “Speak Up, Speak Out” campaign. Faced with very few victims coming forward, despite help hotlines, awareness surrounding this issue gained prominence by using a human face and voice to speak to the public. As in the instance of trafficking, the issue of rape is defined by a victim who is “often reluctant to come forward and seek help after such a harrowing ordeal.” The rape awareness campaign’s success also stemmed from its ability to bridge cultures, allowing women to handwrite or speak their individual stories in their native language, appealing to victims within their communities and increasing the number of call-ins to previously underused hotlines. A similarly structured approach, taking into consideration the culture and language of the communities being addressed, would also be appropriate for an anti-trafficking public awareness campaign. Not only would such a campaign address potential victims, it would be aimed
predominately at communities members, in an attempt to increase overall public awareness and discourse surrounding the issue.

Recommendation 2: Address the demand side of trafficking.

In order for these campaigns to be culturally appropriate, it is imperative to study and to draw support from the community level. The local community must be involved in the development and continuation of the campaign. Doing so will not only ensure that the message being sent is culturally appropriate, but also it will heighten community awareness surrounding the issue. Such an approach has occurred naturally in the Filipino community of Washington State, playing a role in the consequent passage of anti-trafficking legislation.

The nature of the anti-trafficking movement as a grassroots movement within Washington demonstrates the significance and the potential impact of cultural communities and grassroots movements. Therefore, it is our proposal that community members, more specifically community members from a variety of groups with interests in trafficking, be included in the Washington State Task Force. The groups which these individuals represent have been vital in the location of trafficked persons in the past, and have generated statewide momentum, two contributions which would be vital to any successful Task Force addressing this issue. Also, one significant issue faced in the anti-trafficking movement is the discovery of victims. It is our argument that these cultural groups, once informed as to the characteristics of trafficking victims, would be able to significantly impact the number of victims located.

Recommendation 3: Greater collaboration between NGOs that aid trafficking victims and law firms in order to encourage more pro-bono civil suits to be filed against traffickers. Amend the S Visa by not requiring
individuals to waive their ability to contest deportation, and by providing an incentive to informants.

Civil suits have proven to be a major deterrent from behavior such as sexual harassment in the United States. In contrast to France, where sexual harassment is a criminal offense, the United States, where sexual harassment is a civil offense, has a much lower sexual harassment rate. Since a victim of trafficking may bring a civil suit against a convicted trafficker, an increased number of civil suits brought against convicted traffickers would serve as a major deterrent from the crime of trafficking. Therefore, it is our proposal that there be more encouragement for lawyers to pursue pro bono cases involving trafficking lawsuits. This was very successful in the Nataliya Fox case, and her suit against her matchmaking company and ex-husband.

Recommendation 4: Amend the S Visa by not requiring individuals to waive their ability to contest deportation, and by providing an incentive to informants.

Trafficking exist oftentimes within a complex network, in which there are often little to no incentives to expose a trafficker due to the risks of being the informant. If the informant is undocumented, for example, the informant has no incentive to come forward and assist in an investigation due to his or her fear of deportation, as well as his or her fear of becoming a targeted victim of that network. While the S-Visa allows a person to stay in the country while aiding in an investigation, they still may be deported after the case, and must agree to not contest a deportation order under any circumstance. To create an incentive for many of those who have knowledge of a trafficking situation to come forward, we would recommend that this bill be amended, taking into greater consideration the currently deterrent consequences of becoming an
To create an incentive for many of those who have knowledge of a trafficking situation to come forward, we would recommend that the S-Visa be amended, taking into greater consideration the currently deterrent consequences of becoming an informant.

informant. This alteration would also help law enforcement target trafficking cases that sit within organized crime, potentially allowing for the protection of the person coming forward.

Recommendation 5: The creation of a non-governmental organization in Washington State to cohesively and comprehensively address all the proposals and issues mentioned above through trainings, public awareness, direct service provision, and research and evaluation.

Although law enforcement is a critical actor in the identification and assistance of trafficking victims, members of these victims’ communities are far more likely to actually discover trafficked persons. For this reason, we believe that mandatory training in the identification of trafficked persons is vital for civil servants and healthcare workers, among others. Representing the group of individuals most likely to encounter trafficking victims, training them to identify common signs displayed by such victims, as well as the appropriate response to take, is likely to result in the discovery trafficking, even within remote areas.

For many reasons, it is important that we think about more than including just those who are able to identify and assist trafficked persons as targets for our awareness campaigns. In several of the industries explored in this Task Force Report, we saw how the ‘demand’ for the labor of the trafficked person was a driving force behind the exploitation of their labor. In the sex work industry, for example, johns create a demand for the services of those in that industry. In restaurants, bars, and hotels, the demand is created by paying customers, and in the international marriage broker industry a demand for ‘internet brides’ is created by men seeking wives from abroad. With sweatshops and agriculture, a demand for exploited labor is at least partially driven by consumers wanting to buy the cheapest goods.
Given the integral role demand for the labor of trafficked persons plays in maintaining the systems of power relationships that have been discussed in this report, we propose that more attention be paid to this side of the equation, primarily in the form of awareness campaigns directed at these groups. In some cases, such as with the sweatshop labor, some forms of awareness campaigns have already begun. However, though we encountered anecdotal evidence suggesting that johns in fact have played an important role in the identification of several trafficked sex workers, we did not come across any campaign aimed at teaching johns about the signs of trafficking in sex workers and who to contact should they meet someone they suspect to be trafficked in one of their encounters. In the agriculture industry, perhaps the creation of a ‘fair labor’ label on produce harvested on farms known to have fair labor practices would help create awareness in consumers and give consumers the choice to support or not support certain labor practices. Signs in bathrooms of hotels, bars, and restaurants could serve to educate customers, and employees, about trafficking in hotels, bars, and restaurants.

In order to accomplish such a variety of recommendations, each of which we see as a key component in the anti-trafficking movement, we suggest the creation of a trafficking-centered non-governmental organization (NGO). While this institution is not itself vital, it would efficiently address each of the aforementioned concerns, because of its expansive focus on trafficking its comprehensive, multifaceted approach. This NGO, described in the following section, would be an ideal addition to the anti-trafficking movement. Although the establishment of the proposed institution would be capable of addressing this array of issues, it is also possible to take them individually; we would suggest, however, that this NGO would be the most efficient and effective way to coordinate these efforts.
NGO Proposal

In order to implement the aforementioned policy recommendations, the 2006 UW Task Force proposes that a statewide non-governmental organization be established in Washington State with the sole mission of identifying and assisting trafficked persons, entitled “Washington Anti-Trafficking Campaign to Help (WATCH).” The following four branches would carry out the major functions of WATCH:

- Public Awareness Campaign
  - Develop a locally-specific campaign for Washington State, including a statewide slogan and other campaign materials;
  - Involve ethnic communities in the formation of such campaigns

- Trainings
  - Trainings would involve a range of methods including: pre-existing trainings developed by WARN, protocols to make trafficking awareness part of basic agency training, web-based trainings, management training, staff training, etc.
  - Train the following government agencies that are affected by illegal trafficking:
    - Police Enforcement
    - Firefighters
    - ICE
    - Social Workers
    - CTED – Dept of Office of Crime Victims Advocacy
    - Health Care Authority – Basic Health
    - Labor and Industries – Crime Victim Compensation
    - Public Instruction – Superintendent of Department of
Health

- Secretary of State – Office of Address Confidentiality Program
- Social and Health Service – Health and Rehabilitation Services

- Train other organizations or groups that have an interest in identifying victims of trafficking:
  - Medical Providers
  - Faith-based organizations, churches, etc.
  - University Students, Professors and Staff
  - Community Groups
  - Trade Unions
  - Labor Inspectors (Agriculture and Farm, Health, etc.)
  - Corporate Employers, Employees, etc.

**Service Distribution**

- Services delivered to trafficking victims will embrace the following set of principles: client-centered (responsive to needs of individual); cultural competency (delivered in context of victim’s culture and provides interpretation/translation as needed); available to all eligible victims (non-discriminatory services);\(^5\)
- Services to victims of trafficking will meet these standards: confidentiality will be maintained, staff will be well trained on identification and service provision, service will be delivered proactively and all communication will be coordinated;\(^6\)
Research and Evaluation

- Research and document cases of trafficking, exploitation of internet brides and other workplace exploitations in Washington State and surrounding areas;
- Conduct regular evaluations on each of the three other branches: Public Awareness Campaign, Trainings and Service Delivery;
- Conduct regular evaluations on other organizations, government agencies, NGOs, etc. providing services to victims of trafficking.

Rationale

The main justification for the creation and establishment of WATCH is that there is no state agency or non-governmental organization whose sole mission is in identifying and helping victims of trafficking in Washington State. While there are organizations such as OCVA, ReWA, Asian Pacific Islander Women and Family Safety Center, and Consejo, among others, carrying out anti-trafficking activities, they have additional functions and objectives not related to trafficking. Based on the complex, multifaceted ways that persons can be trafficked, as illustrated in this report, establishing a new organization that can devote its full efforts on identifying and assisting victims of trafficking would be solution consistent with our findings. While there is one organization in Washington, WARN, that exclusively trains individuals on identifying and assisting victims of trafficking, it is a temporary organization and it has limited capabilities. While the 60 trainings WARN conducted in 2005 is significant, it is our belief that more can be done.
Feasibility

In order for WATCH to become an effective and professional organization, preliminary planning is crucial. Prior to its establishment as an organization, it should analyze the needs of the community it is serving, seeking guidance from organizations and agencies already involved in the field. In establishing a Board of Directors, WATCH would search for representatives from a broad range of backgrounds – including legislators, researchers, activists, etc. Once this is established, WATCH can define the bylaws under which it will operate, and then register as an official NGO with the Washington State government.

The establishment of WATCH would not be feasible without substantial funding from its contributors. In order to acquire the financial means required to create a brand-new NGO, WATCH would be committed to requesting funding from a multitude of arenas. Most likely, the initial administrative costs would necessitate a private donor or the acquisition of grant money. Once established, WATCH could lobby the federal and state governments for funding, enabling it to carry out its functions. While the federal government has the flexibility to give direct funds to anti-trafficking programs, the state government would require that the money be directed through a state agency, most likely the Office of Crime Victims Advocacy (OCVA). On this account, WATCH would have to apply for the state money directly through OCVA. While government funds are a necessity, it is imperative that WATCH also rely on private donations so that it maintains its own autonomy. This independence is critical to the delivery of appropriate services, aimed at meeting the true needs of the community in which it operates.

The final component that is required to make WATCH a successful organization is its reliance on its volunteers. WATCH will actively recruit
volunteers from various sectors in the community in order to carry out its functions. One possibility of recruiting volunteers would be through the UW Service Learning Program where college students could volunteer with WATCH for a period of time and receive credit (as well as a valuable learning experience). Volunteers would be responsible for conducting and developing trainings, creating and implementing a local public awareness campaign, assisting victims in receiving services, and actively researching and evaluating trafficking and the anti-trafficking campaigns. The use of volunteers not only reduces overhead costs, it engages a broad spectrum of community members with this issue. In order to identify victims, there must first be an overall awareness of trafficking among Washington State citizens. As of now, that is lacking. Based on the research and evidence included in the 2006 Task Force Report on “Human Trafficking,” we endorse the establishment of a brand-new NGO, WATCH, in order to direct all of its efforts toward identifying and assisting victims of trafficking in Washington State.

Throughout this report, we have had the opportunity to grapple with a myriad of issues surrounding the hidden nature and concealment of human trafficking. Through these efforts, we have not only come to a better understanding of why so few trafficked persons are being identified; we have also created several concrete suggestions for how this problem may be ameliorated. Through the creation of an NGO specifically focused on human trafficking, a coordinated and comprehensive program may be put together to locate and assist trafficked persons. It is our hope that the intentions of those who worked to create anti-trafficking legislation in Washington and the intentions of those who have worked diligently ever since on this issue will be carried on through the creation of this NGO.
Endnotes:

1 Bales, Kevin *Disposable People* 7
2 Reference report section: Survey results
3 Reference report section: Public Awareness Campaign
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2003 Agricultural Workforce in Washington State
Task Force Survey

Hello and thank you for taking the time to respond to our survey. This University of Washington International Studies Task Force greatly appreciates your input. Please answer the questions below to the best of your knowledge, and with all honesty. All surveys are anonymous. We would be happy to share the results of our survey with you or your group. If you have any questions, please contact Lauren Ciszak at ciszak@u.washington.edu.

Group:
Date:

Section 1

1.1. Do you agree with the following statements?

<table>
<thead>
<tr>
<th>Statement</th>
<th>Yes</th>
<th>No</th>
<th>Don't Know</th>
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</thead>
<tbody>
<tr>
<td>Slavery exists in the United States today.</td>
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<tr>
<td>Sweatshops exist in Washington today.</td>
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<tr>
<td>Sweatshops exist in the United States today.</td>
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<tr>
<td>It is okay for an employer to force an employee to work to pay off a debt.</td>
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<tr>
<td>It is legal for an employer to force an employee to work to pay off a debt.</td>
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</table>

1.2. Do you believe a person who entered the country illegally should be paid the minimum wage for work?

☐ Yes ☐ No

1.3. Do you think a person who entered the United States illegally should be protected from physical, mental or economic exploitation?

☐ Yes
☐ No

Section 2

Human Trafficking is defined by the United States government as:

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery. Please answer the following questions with this in mind.
2.1. Have you ever heard of human trafficking before today?
☐ Yes
☐ No

2.2. Do you think human trafficking exists in Washington?
☐ Yes ☐ No

2.3. Human trafficking includes:
(Check all that apply)
☐ Forced prostitution
☐ Illegal immigrants smuggled into a country
☐ A person forced or coerced to work in order to pay off a debt
☐ Crossing an international border
☐ Child labor
☐ Sweatshop labor

2.4. How did you first hear about human trafficking if at all?
(Check one)
☐ News Report
☐ T.V. Show or Movie
☐ Presentation or Lecture
☐ Poster, flyer or other public information campaign
☐ This survey
☐ Class/Training
☐ Other
☐ Don't Remember

2.5. Who would you contact first if you came into contact with a trafficked person?
(Check one)
☐ Hospital/Other Healthcare worker
☐ Police
☐ Church or Religious Organization
☐ Aid/Relief Organization
☐ No one
☐ Unsure

2.6. Where do trafficking victims within the United States usually come from?
(Check all that apply)
☐ Africa ☐ Eastern Europe
☐ Southeast Asia ☐ India
☐ Canada ☐ Latin America
☐ United States
2.7. Signs that a person is trafficked are:

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<thead>
<tr>
<th></th>
<th>Always a sign</th>
<th>Sometimes a sign</th>
<th>Rarely a sign</th>
<th>Never a sign</th>
<th>Don't know</th>
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<tbody>
<tr>
<td>Evidence of being controlled</td>
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<td>Bruises and other signs of</td>
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<td>physical abuse</td>
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<td>Illegal immigration status</td>
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<tr>
<td>Intense fear</td>
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<td>Depression</td>
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<td>Fear of law enforcement</td>
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<td>Inability to speak english</td>
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<td>Inability to move or leave a</td>
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<td>job</td>
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<td>Isolation</td>
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<td>Untreated medical problems</td>
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<tr>
<td>Poverty</td>
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2.8. People who are trafficked can include:

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<thead>
<tr>
<th></th>
<th>Strongly Disagree</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic workers (maids, nannies etc.)</td>
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<tr>
<td>Illegal Immigrants</td>
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<td>Migrant agricultural workers</td>
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<td>United States citizens</td>
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<tr>
<td>Prostitutes</td>
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<tr>
<td>Adopted children</td>
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<tr>
<td>Gang members</td>
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<tr>
<td>Factory workers</td>
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<tr>
<td>Mail-order brides</td>
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</tbody>
</table>

2.9. People who traffic other people can include:

*(Check all that apply)*

- Drug smugglers
- Farmers
- Employment agencies
- Friends/Family
- Diplomats/Other foreign government officials
- Organized crime (gangs, the mafia etc.)
- Community leaders
- Matchmaking agencies
- Adoption agencies
- Professionals (doctors, businessmen lawyers etc.)
2.10. What happens to trafficked people after they are found?
(Check one)
☐ They are deported
☐ They are given the same benefits as refugees
☐ They are sent to jail
☐ Nothing

2.11. How concerned should the U.S. government be about human trafficking?
(Check one)
☐ It should be a top priority
☐ It should be important but not a top priority
☐ It shouldn't be very important
☐ It is not an issue the government should deal with

2.12. Have you ever had a briefing, training, class or information session on human trafficking?
☐ Yes ☐ No

2.13. If yes, when? Where?

2.14. Have you ever seen a poster, TV ad, or other public campaign item concerning human trafficking?
☐ Yes ☐ No

2.15. If yes, Where? Describe.

2.16. Is Human Trafficking a crime in Washington State?
☐ Yes ☐ No
☐ Don't know
Section 3

3.1. Gender
☐ Female  ☐ Male

3.2. Occupation

3.3. What sector are you employed/involved in?
☐ Healthcare
☐ Education/Academic
☐ Student
☐ Social Service
☐ Law Enforcement
☐ Non-profit/Volunteer
☐ Corporate/Business
☐ Other

3.4. Where were you born?

3.5. Where were your parents born?

3.6. Age
☐ 18-25
☐ 25-35
☐ 36-45
☐ 46-60
☐ Over 60

3.7. Education
☐ Some or all Primary School  ☐ Some High School
☐ High School  ☐ Some College
☐ Associate's Degree  ☐ Bachelor's Degree
☐ Master's Degree  ☐ P.H.D.
Campaign Feedback: Suggestions for Public Awareness Campaigns

We are conducting a Task Force on Human Trafficking. We are studying the impact current public awareness campaigns have on raising awareness on the subject of human trafficking. Please answer the following questions as honestly as possible. All responses are anonymous.

Did any of the posters increase your understanding of human trafficking? Explain.

Are the campaign posters effective at increasing awareness of human trafficking? Explain.

What have they told you that you don’t already know about trafficking?

What can they do to better present trafficking material?

Of the posters you have now just seen, which is the most effective? (Describe poster briefly).

Are posters and other advertising material an effective way of teaching people about a complex issue such as trafficking?

Thank you for taking the time to participate in this focus group and giving us your input. If you have any further questions or concerns, please e-mail Jake Zavertnik at jaz@u.washington.edu