

Sexual Trafficking: Another Crime against the Woman and Girl-Child

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Abstract

Human trafficking impacts people of all backgrounds and people are trafficked for a variety of purposes. While men are usually trafficked into hard labour jobs, women and girls are typically trafficked into the commercial sex industry, i.e. prostitution or other forms of sexual exploitation. Sexual trafficking involves acts that constitute a complete degradation of the victim's body, mind and soul. Not surprisingly, poverty constitutes its major cause. Despite the abundance of legal frameworks which are in existence to curb the ugly trend, the shameful act still thrives in almost all parts of the world. The writer briefly goes through these issues and suggests several practical means of combating the ugly trend.

Keywords: girls, legal, prostitution, sex, sexual, trafficking, women

1. The incidence of Sexual trafficking

A \$32 billion annual industry, modern day trafficking is a type of slavery that involves the transport or trade of people for the purpose of work. According to the U.N., about 2.5 million people around the world are ensnared in the web of human trafficking at any given time. (Note 1)

Human trafficking impacts people of all backgrounds and people are trafficked for a variety of purposes. Men are often trafficked into hard labour jobs, while children are trafficked into labour positions in textile, agriculture and fishing industries. Women and girls are typically trafficked into the commercial sex industry, i.e. prostitution or other forms of sexual exploitation. (Note 2)

Sexual trafficking is a crime of violence against females. It is a form of economic exploitation akin to forced labour or slavery. (Note 3) Sex trafficking or slavery is the exploitation of women and children, within national or across international borders, for the purposes of forced sex work. Commercial sexual exploitation includes pornography, prostitution and sex trafficking of women and girls, and is characterized by the exploitation of a human being in exchange for goods or money. (Note 4)

Some sex trafficking is highly visible, such as street prostitution. But many trafficking victims remain unseen, operating out of unmarked brothels in unsuspecting—and sometimes suburban—neighbourhoods. Sex traffickers may also operate out of a variety of public and private locations, such as massage parlours, spas and strip clubs. (Note 5)

Adult women make up the largest group of sex trafficking victims, followed by girl children, although a small percentage of men and boys are trafficked into the sex industry as well. (Note 6)

Four parties are identified as being involved in a transaction in the child sex market: the perpetrator, the vendor, the facilitator, and the child. Perpetrators are those who partake in sex tourism and trafficking. The perpetrators are most often men who try to "rationalize their sexual involvement with children. (Note 7) The vendors are the procurers and pimps of the children. Under their reign profit is maximized and trafficking itself is made possible. The facilitators are those who allow for child sex trafficking to occur. Parents who sell their daughters and other vendors fall into this category. The child is the most essential figure in this process. The term child, however, poses problems. Due to varying definitions across the globe it is difficult to differentiate between sexual abuse of a child and child prostitution. Also, every country and culture



has its own way of determining when a child is no longer considered a minor. (Note 8)

Many of the poorest and most unstable countries have the highest incidences of human trafficking, and extreme poverty is a common bond among trafficking victims. Where economic alternatives do not exist, women and girls are more vulnerable to being tricked and coerced into sexual servitude. Increased unemployment and the loss of job security have undermined women's incomes and economic position. A stalled gender wage gap, as well as an increase in women's part-time and informal sector work, push women into poorly-paid jobs and long-term and hidden unemployment, which leaves women vulnerable to sex traffickers. (Note 9)

Sexual trafficking is an aspect of human trafficking. It is a transnational crime undertaken by highly organized and powerful syndicates.

Many believe that sex trafficking is something that occurs "somewhere else." However, many of the biggest trafficking consumers are developed nations, and men from all sectors of society support the trafficking industry. There is no one profile that encapsulates the "typical" client. Rather, men who purchase trafficked women are both rich and poor, Eastern and Western. Many are married and have children, and in some cases, as was reported in one New York Times article, men have sex with trafficked girls in lieu of abusing their own young children. (Note 10)

Sex trafficking promotes societal breakdown by removing women and girls from their families and communities. Trafficking fuels organized crime groups that usually participate in many other illegal activities, including drug and weapons trafficking and money laundering. It negatively impacts local and national labour markets, due to the loss of human resources. Sex trafficking also burdens public health systems. And trafficking erodes government authority, encourages widespread corruption, and threatens the security of vulnerable populations. (Note 11)

Crime groups involved in the sex trafficking of women and girls are also often involved in the transnational trafficking of drugs and firearms, and frequently use violence as a means of carrying out their activities. (Note 12)

According to a report by the UNODC (Note 13), internationally, the most common destinations for victims of human trafficking are Thailand, Japan, Israel, Belgium, the Netherlands, Germany, Italy, Turkey and the United States. The major sources of trafficked persons are Thailand, China, Nigeria, Albania, Bulgaria, Belarus, Moldova, and Ukraine. (Note 14) Even in the face of legal instruments, the act has gone on unabated in many places.

Although it can occur at local levels, human trafficking has transnational implications, as recognized by the United Nations in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also referred to as the *Trafficking Protocol*).

Various works in the sex industry include prostitution, dancing in strip clubs, performing in pornographic films and pornography, and forms of involuntary servitude. Sexual trafficking includes coercing a migrant into a sexual act as a condition of allowing or arranging the migration. (Note 15)

Human trafficking does not require travel or transport from one location to another, but one form of sex trafficking involves international agents and brokers who arrange travel and job placements for women from one country. Women are lured to accompany traffickers based on promises of lucrative opportunities unachievable in their native country. However, once they reach their destination, the women discover that they have been deceived and learn the true nature of the work that they will be expected to do. Most have been told false information regarding the financial arrangements and



conditions of their employment and find themselves in coercive or abusive situations from which escape is both difficult and dangerous. (Note 16)

Sexual trafficking involves involuntary servitude. It thrives and goes on with impunity because several countries do not have tough anti-trafficking legislation in place and even where there are legislations in place, such laws are often not enforced due mainly to very influential people involved in the disgraceful act. (Note 17)

Globalization has created an enabling environment facilitating the activities of traffickers to transport victims between countries with relative ease. The menace of sexual trafficking is a widespread global problem of monumental scope, implicating nearly every country in the world. (Note 18)

Because of the huge profit made from the act, sex trafficking has become one of the most profitable forms of trafficking.

2. How it all begins

Women and girls are ensnared in sex trafficking in a variety of ways. Some are lured with offers of legitimate and legal work as shop assistants or waitresses. Others are promised marriage, educational opportunities and a better life. Still others are sold into trafficking by boyfriends, friends, neighbours or even parents. (Note 19) Typically, once in the custody of traffickers, a victim's passport and official papers are confiscated and held. Victims are told they are in the destination country illegally, which increases victims' dependence on their traffickers. Victims are often kept in captivity and also trapped into debt bondage, whereby they are obliged to pay back large recruitment and transportation fees before being released from their traffickers. Many victims report being charged additional fines or fees while under bondage, requiring them to work longer to pay off their

Traffickers of young girls into prostitution in India are often women who have been trafficked themselves. As adults they use personal relationships and trust in their villages of origin to recruit additional girls. (Note 21) Moreover, in family controlled trafficking situations, the trafficker can often be a child's mother or grandma, who tells the youth, "we all make money together, we're in this household and you have to contribute", according to Tina Frundt. (Note 22)

According to the Polaris Project, an organization against human trafficking, children who are sex trafficked generally do not self-identify as victims of a crime and thus do not immediately seek help due to a number of factors such as lack of trust, self-blame and the habitual instructions by the trafficker coaxing the child on how to behave around law enforcement. In addition, traffickers chronically condition the child to believe that he/she is engaging in sex work out of true love to pay off a debt - "you would do this if you loved me". (Note 23)

Pornography is often used as a gateway into the sex trade industry. Many pimps force children into pornography as a way of conditioning them to believe that what they are doing is acceptable. (Note 24)

3. Some facts about sexual trafficking

- 1. Sex trafficking funds and resources are often misappropriated. While the United States, for example, has spent almost \$1.2 billion fighting sex trafficking globally, much of those funds have been misallocated on advertising and anti-trafficking campaigns rather than spent on actual evidence-based research and rescue operations. (Note 25)
- 2. The average age a teen enters the sex trade in the U.S. is 12 to 14 years old. Many victims are runaway girls who were sexually abused as children. (Note 26)
- 3. Human trafficking is the third largest international crime industry (behind illegal drugs and arms trafficking). It reportedly generates a profit of \$32 billion every year. Of that number, \$15.5 billion is made in industrialized countries. (Note 27)
- 4. Women and girls make up 98% of victims of trafficking for sexual exploitation. (Note 28)
- 5. Sex trafficking whether within a country or across national borders violates basic human rights, including the rights to bodily integrity, equality, dignity, health, security, and freedom from violence and torture. Key international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), consider sex trafficking a form of sex discrimination and a human rights violation.



(Note 29)

4. The Trafficked

According to the United Nations Commission on the Status of Women Oral Statement on Eradicating Commercial Sexual Exploitation, commercial sexual exploitation of women and girls of all ages, including prostitution, pornography, the internet bride industry and sex tourism is one of the most devastating and escalating practices of gender based violence assaulting the human rights and dignity of women and girls. No society that purports to uphold gender equality should tolerate and accept the sexual commoditization of girls. (Note 30)

Sex trafficking victims are generally found in dire circumstances and easily targeted by traffickers. Individuals, circumstances, and situations vulnerable to traffickers include homeless individuals, runaway teens, displaced homemakers, refugees, job seekers, tourists, kidnap victims and drug addicts. While it may seem like trafficked people are the most vulnerable and powerless minorities in a region, victims are consistently exploited from any ethnic and social background. (Note 31) Survivors of sex trafficking tell stories of daily degradation of mind and body. (Note 32)

They are often isolated, intimidated, sold into debt bondage and subject to physical and sexual assault by their traffickers. Most live under constant mental and physical threat. Many suffer severe emotional trauma, including symptoms of post-traumatic stress disorder and disassociation. They are at greater risk of contracting sexually transmissible infections, including HIV/AIDS. Many become pregnant and are forced to undergo often unsafe abortions.

Families who sell their daughters to brothels tend to repeat the pattern with their younger daughters. The younger daughters, however, are more willing to go. This is because their older sisters tell them stories of their extravagant times in the city. The girls admire their sister's western clothes and money. The younger girls then enter into prostitution with little notion of what they are getting themselves into. (Note 33)

Outside physical and psychological dangers lies fear of the law. Many girls and women are illegally trafficked across borders. If they manage to escape from the brothel or pimp the women and children quickly come to the attention of the authorities. Because they do not have proper documentation they are detained by the authorities. If they are held in local jails, the women and children often suffer further abuse and exploitation by the police. (Note 34) Occasionally, though, women and girls who have been forced into prostitution are rescued from the traffickers and receive support, care and compassion. (Note 35)

Human trafficking victims experience various stages of degradation and physical and psychological torture. Victims are often deprived of food and sleep, are unable to move about freely, and are physically tortured. In order to keep women captive, victims are told their families and their children will be harmed or murdered if they (the women) try to escape or tell anyone about their situation. Because victims rarely understand the culture and language of the country into which they have been trafficked, they experience another layer of psychological stress and frustration. (Note 36)

Further, few realize the explicit connection between the commercial sex trade, and the trafficking of women and girls and the illegal slave trade. In western society in particular, there is a commonly held perception that women choose to enter into the commercial sex trade. However, for the majority of women in the sex trade, and specifically in the case of trafficked women and girls who are coerced or forced into servitude, this is simply not the case. (Note 37)

5. Factors that give rise/contribute to sexual trafficking

Organized crime is largely responsible for the spread of international human trafficking. Sex trafficking—along



with its correlative elements, kidnapping, rape, prostitution and physical abuse—is illegal in nearly every country in the world. However, widespread corruption and greed make it possible for sex trafficking to quickly and easily proliferate. (Note 38) Other root causes of sexual trafficking include poverty, unemployment, social norms that discriminate against women, demand for commercial sex, institutional challenges, and globalization. One overriding factor in the proliferation of trafficking is the fundamental belief that the lives of women and girls are expendable. In societies where women and girls are undervalued or not valued at all, women are at greater risk of being abused, trafficked, and coerced into sex slavery. If women experienced improved economic and social status, trafficking would in large part be eradicated. (Note 39)

Again, in many parts of the world there is little to no perceived stigma to purchasing sexual favours for money, and prostitution is viewed as a victimless crime. Because women are culturally and socially devalued in so many societies, there is little conflict with the purchasing of women and girls for sexual services. (Note 40)

Sex tourism and sex trafficking both generate revenue for a country. (Note 41) "The Deputy Prime Minister of Thailand is quoted as asking provincial governors 'to consider the jobs that will be created." This encouragement from the government explains why some countries have low fines for engaging in the sex trade. Many travel agencies offer information and guides on exotic entertainment further encouraging men to travel for sexual purposes. (Note 42) Sex tourists bring money to underdeveloped economies that rely on the exploitation of their women and children for revenue. (Note 43)

Studies have identified the internet as the single biggest facilitator of commercial sex trade, although it is difficult to ascertain which women advertised are sex trafficking victims. (Note 44) Traffickers and pimps use the internet to recruit minors, since internet and social networking sites usage have significantly increased especially among children. (Note 45)

Globalization and the rise of internet technology has also facilitated sex trafficking. Organized criminals can generate up to several thousand dollars per day from one trafficked girl, and the internet has further increased profitability of sex trafficking and child trafficking. With faster access to a wider clientele, more sexual encounters can be scheduled. (Note 46) Victims and clients, according to a New York City report on sex trafficking in minors, increasingly use the internet to meet customers. (Note 47) Online classified sites and social networks such as Craigslist have been under intense scrutiny for being used by johns and traffickers in facilitating sex trafficking and sex work in general. Traffickers use explicit sites and underground sites (e.g. Craigslist, Backpage, MySpace) to market, recruit, sell, and exploit females. Facebook, Twitter, and other social networking sites are suspected for similar uses. (Note 48) Sex trafficking victims rarely get a share of the money that they make through coerced sex work, which further keeps them oppressed. (Note 49)

The economic impact of globalization further pushes people to make conscious decisions to migrate and be vulnerable to trafficking. Gender inequalities that hinder women from participating in the formal sector also push women into informal sectors. (Note 50) Stereotypes that women belong at home in the private sphere and that women are less valuable because they do not and are not allowed to contribute to formal employment and monetary gains the same way men do further marginalize women's status relative to men. (Note 51)

Difficult political situations such as civil war and social conflict are push factors for migration and trafficking. A study reported that larger countries, the richest and the poorest countries, and countries with restricted press freedom are likely to engage in more sex trafficking. Specifically, being in a transitional economy made a country nineteen times more likely to be ranked in the highest trafficking category, and gender



inequalities in a country's labor market also correlated with higher trafficking rates. (Note 52)

Part of the success of this business is that it is hidden. Hidden by practically everyone involved in it, including corrupt law enforcement officers and society's shame. In many countries around the world, including India and Cambodia, police officers and government officials contribute to the growth of this industry. They visit brothels as customers and do not enforce anti-trafficking laws. (Note 53)

It is also occasioned by the prevailing economic hardship in a given setting. Poverty combined with in most cases lack of formal education as well as better job opportunities. Fear and shame keep many women and girls from seeking help. In some cases, both parents and children are aware of what they are entering into from the onset but no other choices are available. (Note 54)

6. International legal framework to combat sexual trafficking

Human trafficking is a crime of such magnitude and atrocity that it cannot be dealt with successfully by any government alone. This global problem requires a global, multi-stakeholder strategy that builds on national efforts throughout the world. To pave the way for this strategy, stakeholders must coordinate efforts already underway, increase knowledge and awareness, provide technical assistance, promote effective rights-based responses, build capacity of state andnon-state stakeholders, foster partnerships for joint action, and above all, ensure that everybody takes responsibility for this fight.

Forced prostitution is a crime against the person because of the violation of the victim's rights of movement through coercion and because of their commercial exploitation. (Note 55) Forced prostitution is illegal under customary law in all countries. (Note 56)

In 1949, the UN General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. This Convention supersedes a number of earlier conventions that covered some aspects of forced prostitution, and also deals with other aspects of prostitution. It penalizes the procurement and enticement to prostitution as well as the maintenance of brothels. (Note 57) As at December 2013, the Convention had only been ratified by 82 countries. (Note 58) One of the main reasons it has not been ratified by many countries is because it also applies to voluntary prostitution. (Note 59) For example, in countries such as Germany, (Note 60) the Netherlands, (Note 61) New Zealand, (Note 62) Greece, (Note 63) Turkey and other countries voluntary prostitution is legal and regulated as an occupation. (Note 64)

In 1989 the General Assembly of the United Nations adopted the Convention on the Rights of the Child (CRC). Article 34 thereof states that

"State Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, state parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: a) The inducement or coercion of children to engage in any unlawful sexual activity; b) The exploitative use of children in prostitution or other unlawful sexual practices; c) The exploitative use of children in pornographic performance and materials. (Note 65)

The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography provides added impetus to combat child trafficking.

The United Nations Global Initiative to Fight Trafficking (UN.GIFT) is a multistakeholder initiative providing global access to expertise, knowledge and innovative partnerships to combat human trafficking. It was launched in March 2007 and was conceived to promote the global fight on human trafficking, on the basis of international agreements reached at the United Nations. By encouraging and facilitating cooperation and coordination, UN.GIFT aims to create synergies among the anti-trafficking activities of UN agencies, international organizations and other stakeholders to develop the most efficient and cost-effective tools and good practices. (Note 66) UN.GIFT aims to mobilize state and non-state actors to eradicate human trafficking by reducing both the



vulnerability of potential victims and the demand for exploitation in all its forms, ensuring adequate protection and support to those who fall victim, and supporting the efficient prosecution of the criminals involved, while respecting the fundamental human rights of all persons. In carrying out its mission, UN.GIFT increases knowledge and awareness on human trafficking, promotes effective rights-based responses, builds capacity of state and non-state actors, and fosters partnerships for joint action against human trafficking. (Note 67)

The *Trafficking Protocol* is an international agreement under the UN Convention against Transnational Organized Crime (CTOC) which entered into force on 25 December 2003. It provides the legal and conceptual framework for the work of the United Nations Office on Drugs and Crime in the area of human trafficking. The protocol is one of three which supplement the CTOC. (Note 68)

The *Trafficking Protocol* defines human trafficking as

- (a) [...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) "Child" shall mean any person under eighteen years of age. (Note 69)

The *Trafficking Protocol* focuses on the Criminal Justice system response to human trafficking, and also includes further provisions on victim protection and preventive measures. The *Trafficking Protocol* was adopted by the United Nations in Palermo in 2000 and entered into force on 25 December 2003. As of March 2013 it has been signed by 117 countries and ratified by 154 parties. (Note 70) Significant progress has been made in terms of legislation, as 83 per cent of countries now have a law that criminalizes trafficking in persons in accordance with the Protocol. (Note 71)

The Trafficking Victims Protection Act of 2000 (USA), (Note 72) does not require movement for the offence. The issue becomes contentious when the element of coercion is removed from the definition to incorporate facilitating the willing involvement in prostitution. For example, in the United Kingdom, The Sexual Offenses Act 2003 incorporated trafficking for sexual exploitation but did not require those committing the offence to use coercion, deception or force, so that it also includes any person who enters the UK to carry out sex work with consent as having been trafficked. (Note 73) In addition, any minor involved in a commercial sex act in the United States while under the age of 18 qualifies as a trafficking victim, even if no force, fraud or coercion is involved, under the definition of Severe Forms of Trafficking in Persons, in the U.S. Trafficking Victims Protection Act of 2000. (Note 74)

The mandate of the International Labour Organization is to protect the interests of workers when employed in countries other than their own. The Conventions adopted by ILO that are of most relevance to human trafficking, and by implication, sexual trafficking of women, are those on forced labour, child labour and migrant workers. (Note 75)

The International Organization for Migration (IOM) works to prevent human trafficking, protect the victims through targeted assistance and empower governments and other agencies to combat this severe human rights violation more effectively. IOM's primary aims are to prevent human trafficking and protect victims of the trade through



offering them options of safe and sustainable reintegration and/or return.

7. Practical ways to combat sex trafficking

A holistic and comprehensive strategy is needed to combat sex trafficking effectively. Efforts must include both eliminating gender discrimination and curbing the demand for commercial sex. Gender inequality and discriminatory laws that trap women in poverty and fail to protect them from violence render them vulnerable to prostitution and trafficking. Women who lack access to resources, such as housing, land, property, and inheritance, are at increased risk. (Note 76) Women and girls trafficked for prostitution are caught in cycles of sexual violence and assault. It is critical to implement legal safeguards for women and girls to alleviate poverty and create greater possibilities for non-exploitative options for girls and women. (Note 77)

Demand fuels sex trafficking and the commercial sex industry. Holding "buyers" of commercial sex accountable reduces sex trafficking. Sweden, Norway, and Iceland have effectively addressed the demand for commercial sex and sex trafficking by decriminalizing prostituted persons, and criminalizing those who purchase sex. As a result, street prostitution and sex trafficking have decreased. (Note 78) Countries that neglect to focus on the demand that fuels sex trafficking, or have legalized the commercial sex industry, have witnessed increased prostitution and greater numbers of trafficked women and girls to fulfill an influx of international sex tourists as well as increased demand locally. (Note 79)

Addressing demand also includes eliminating sex tourism. So-called sex tourists are individuals who travel to another country to buy commercial sex or exploit weak legal systems that ignore sexual abuse, especially of girls from poor and marginalized communities. (Note 80) States that are desirous of abolishing sex trafficking within their territories must also abolish sex tourism within their boundaries.

Public education is also a must. Potential victims must be educated about the tactics recruiters often use. Educating the public, especially families, on the dangers of sex tourism and trafficking is very important. (Note 81) General knowledge offered to a child can decrease the likelihood of children being exploited into prostitution or pornography. (Note 82)

Actions taken to combat human trafficking vary from government to government. Some government actions include (Note 83)

- introducing legislation specifically aimed at criminalizing human trafficking
- developing cooperation between law enforcement agencies and non-government organizations (NGOs) of numerous nations
- raising awareness of the issue

Raising awareness can take three forms. First, governments can raise awareness amongst potential victims, particularly in countries where human traffickers are active. Second, they can raise awareness amongst the police, social welfare workers and immigration officers to equip them to deal appropriately with the problem. And finally, in countries where prostitution is legal or semi-legal, they can raise awareness amongst the clients of prostitution so that they can watch for signs of human trafficking victims. Methods to raise general awareness often include television programs, documentary films, internet communications, and posters. (Note 84) (Note 85) While globalization fostered new technologies that may exacerbate sex trafficking, technology can also be used to assist law enforcement and anti-trafficking efforts.

8. Conclusion

In the course of the paper, the author examined the incidence of sexual trafficking. The factors giving rise to it and the plight of the trafficked victims were also considered. The author also examined the major international conventions/laws that make provisions against the ugly trend, while also suggesting practical ways to combat it.

Notes

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