

Introduction

We have all seen films that portray the dark and lurid world of human trafficking, depictions that seem sensationalized and exaggerated for cinematic effect. The victims are usually young women forced into an underground sex-trafficking ring, kept on a permanent drug high, and forced to prostitute. Although the plot is horrifying, it is just a story to us—or perhaps it is something that happens in some other part of the world but surely would never occur where we live. Yet the reality is that wherever we may live, regardless of city or nation, some form of human trafficking exists. As of 2005 this global phenomenon reaped an annual worldwide profit of \$44.3 billion and affected more than 12.3 million persons. The International Labour Organization (ILO) estimated that 43 percent of victims were trafficked for commercial sexual exploitation, 32 percent were trafficked for forced labor, and the remaining 25 percent were trafficked for a mixture of both or for undetermined reasons (Belser, 2005, p. 4; ILO, 2006). We believed the percentage of forced labor to be higher, and recent ILO global estimates concur. The International Labour Organization now estimates that 20.9 million are victims of forced labor. Within that number it is estimated that 14.2 million people (68 percent) are victims of forced labor exploitation and 4.5 million (22 percent) are victims of forced sexual exploitation. The remainder of victims—2.2 million (10 percent)—are in state-imposed forms of forced labor such as that imposed by rebel armed forces, state militaries, and prisons with conditions that conflict with ILO standards (ILO, 2012, p. 13).

The term *human trafficking* triggers preconceived notions. Sex trafficking has received more coverage in the media than forced labor, so people generally think of it. But it is the element of movement that seems to confuse most, even legislators. The verb *traffic*, according to Merriam-Webster, means to trade or barter. Yet trade in humans does not necessarily involve movement, and international definitions of human trafficking are evolving to include this fact. The crux of human trafficking is its exploitative purpose. Persons of all ages and genders are vulnerable. Women and girls make up 56 percent of persons trafficked for forced labor, while men and boys make up 44 percent. Of those trafficked for forced commercial sexual exploitation, women and girls make up 98 percent; men and boys make up 2 percent. Children constitute 40 to 50 percent of the overall forced labor population (Belser, 2005). While trafficking for forced labor is more prevalent than sex trafficking, many nations are just beginning to include forced labor in their anti-trafficking legislation and statistics. Although we perceive all forms of indentured servitude to be forced labor, a division is often created in legal definitions and anti-trafficking legislation. As a result, throughout the book trafficking for forced labor and for commercial sexual exploitation are presented as two different categories. Other forms of trafficking will also be discussed, such as organ trafficking and Muti murders, which involve killing a person and removing the body parts and organs that are allegedly used for traditional healing purposes. Child sexual tourism, adoption, and marriage for the purpose of sexual exploitation are also examined.

Human trafficking varies not only by type but also by current, that is, by the flow of victims. These currents are categorized in terms of source nation, transit nation, and destination nation. Many nations qualify for all these groupings, but one category is often more prevalent than the others. Another current of trafficking, one that is often ignored, is purely internal or domestic, involving indentured servitude within a nation. Because the anti-trafficking focus has been chiefly on victims of international trafficking, internal trafficking is often absent from the calculus, both in legislation and in practice.

There are common methods used by traffickers, regardless of the type of trafficking, such as false job offers that lure potential victims and exorbitant fees charged for recruitment, visas, travel, housing, food, and the use of tools. These practices keep victims in an endless cycle of debt.

Along these same lines, traffickers often charge victims fines for alleged poor behavior or not meeting certain work quotas. As debts rise exponentially, victims often go unpaid or are underpaid. In order to control and limit the movement of victims, traffickers frequently withhold victims' visas and other identifying documentation, isolate the victims, threaten deportation, threaten to harm the victims or their families, and physically harm the victims. At the beginning of the process, exorbitant recruiting fees, sometimes as high as \$40,000, can place victims in a position of debt bondage. In order to pay these fees workers sell their land or that of family members and take out loans with astronomical interest rates. Earning low wages or none and paying high fees for housing, food, and even the use of work tools, the workers can never catch up to their debt, putting them in a position of debt bondage. In cases where the employer paid the costs, the worker is told that before they can receive their wages they have to work off the fees.

There are many definitions of human trafficking, but the Palermo Protocol, otherwise known as the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, is the worldwide standard for anti-trafficking law and the template on which many nations model their domestic laws. The protocol, which supplements the 2000 United Nations Convention against Transnational Organized Crime, contains three elements that define trafficking of persons. The first element is the act of trafficking, which is the recruitment, transportation, transfer, harboring, or receipt of persons. The second, the means of trafficking, is the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim. The third, the purpose of trafficking, is exploitation. This includes, at a minimum, sexual exploitation, including the exploitation of the prostitution of others, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs (UNODC, 2004, p. 42). Of the 24 nations we examined, 21 have ratified the protocol, in whole or in part: Australia, Brazil, Canada, Chile, China, Colombia, France, Germany, India, Iraq, Israel, Italy, Mexico, Niger, Poland, Russia, South Africa, Syria, the United Arab Emirates, the United Kingdom, and the United States. Iran, Japan, and Thailand have not yet ratified the protocol (UNTC, 2011). Ratification of the protocol alone is not a

sufficient anti-trafficking measure for a nation. The Palermo Protocol, according to Joy Ngozi Ezeilo, United Nations special rapporteur on trafficking in persons, is not a self-executing provision (OHCHR, 2009); that is, by itself the protocol is not sufficient to bridge the gap between domestic and international law. Those nations that ratify the protocol must also adopt domestic anti-trafficking law, or an additional act of legislation, to harmonize internal legislation to that of the protocol and ensure that the protocol is entirely implemented. Consequently, gauging a nation's anti-trafficking efforts solely on whether they have ratified the protocol is not adequate.

The most prevalent tool used globally to help determine the anti-trafficking status of a nation is the annual U.S. State Department *Trafficking in Persons Report*. The report ranks nations' compliance with the minimum standards of the Victims of Trafficking and Violence Protection Act of 2000 (TVPA). The report gives a breakdown, per country, on the severe forms of human trafficking prevalent in that nation. These forms of human trafficking involve the use of force, fraud, or coercion for the purpose of sex trafficking, involuntary servitude, peonage, debt bondage, or slavery, or, in terms of sex trafficking, the act involves a person less than 18 years of age. The minimum standards for the elimination of trafficking apply to governments of nations of origin, transit, or destination with a significant number of severe-form-of-trafficking victims. Under the TVPA minimum standards, such governments should prohibit severe forms of human trafficking and punish offenders with sentences that are sufficiently stringent and reflect the severity of the crime. Those offenders involved in severe forms of sex trafficking should be prescribed a punishment akin to other grave crimes such as forcible sexual assault. Also, under the standards, the government should make real and continual efforts to eliminate severe forms of human trafficking. Where a nation stands in the report is not without consequence as those nations rated Tier 3, the worst tier, face possible U.S. sanctions. The report has been extremely significant to the global anti-trafficking movement. Not only can nations face U.S. sanctions, but the stigma associated with poor anti-trafficking efforts can create pressure on a nation to improve measures. For instance, according to James Farrer, former director of the Institute of Comparative Culture (ICC) at Sophia University in Tokyo, the U.S. State Department *Trafficking in Persons Report* had a critical impact

on the Japanese Ministry of Justice that propelled the nation to adopt the National Action Plan of Measures to Combat Trafficking in Persons in 2004.¹ Despite the importance and significance of the U.S. *Trafficking in Persons Report*, it is impossible to escape that the report is prepared by an agency within the U.S. government. Quite obviously, the data the U.S. government is able to collect can be scarce in nations where it is not on the best of terms with the governments. This indicates that the report alone is not a sufficient guide to determine an accurate picture of the trafficking scenario in nations.

There are other significant sources for human trafficking data, such as the International Organization for Migration and Human Rights Watch, which have both published reports on labor exploitation and immigration issues related to human trafficking, and the United Nations Office on Drugs and Crime, which published its own *Global Report on Trafficking in Persons* in 2009. These reports are helpful, but it is essential to gain an understanding on what is happening on the ground in each nation. In most nations there is a current shift in the perception on what defines human trafficking. This will eventually help shape legislation and, consequently, enforcement of that legislation; but for now, in many nations, there is still a narrow view on what defines human trafficking. For some nations this includes a broad legal definition but narrow enforcement and an even narrower collection of statistics. In other nations there is not even an adequate legal definition. Consequently, government statistics are often innately flawed. We note frequently throughout the book that government statistics are defined by the parameters of what that nation's government determines by law or in practice to be human trafficking. This means that if forced labor or internal trafficking is not included in law or goes unenforced or under-enforced then the estimates of how many victims are affected are simply not accurate. Also, in many nations human trafficking is prosecuted under a variety of laws. In fact, traffickers are often charged under lesser offenses instead of the anti-trafficking articles of the nation's Criminal Code. The result is not just that traffickers' face lesser sentencing but also that the offense is miscategorized and is not included in the nation's trafficking statistics. This does not mean that these statistics should be disregarded but that this flaw needs to be stated throughout. We do so and furthermore we include numbers gathered by nongovernmental

organizations (NGOs) and newspapers to supplement and illustrate gaps in government statistical collection. For the U.S. chapter we spoke with attorneys working on Gulf Coast trafficking cases and thoroughly compiled post-Hurricanes Katrina and Rita trafficking data, which, to our knowledge, has not been done by any other source to date.

We turn to these sources—case documents, trafficking reports, newspaper articles, and interviews with experts, federal employees, and documentarians—not only for statistical purposes but also to gain a more rounded view of specific cases. For example, in the U.S. chapter we talk about the Cass 23 case, where U.S. Immigration and Customs Enforcement (ICE) knowingly targeted alleged trafficking victims. In order to give a holistic view on the case we used multiple sources: the related case of which the Cass 23 are alleged victims, *David et al. v. Signal International LLC et al.*; our interview with Barry Nelson, executive director of the Metro Youth Partnership, who aided the workers; the New Orleans Workers' Center for Racial Justice (NOWCRJ) as the Signal case had contact with the New Orleans/Gulf Coast area; and stories by journalist Patrick Springer at *The Forum* newspaper. Springer wrote about the support the workers received and the trial date that was set for the workers. Springer also spoke with Drew Wrigley, U.S. Attorney for the District of North Dakota (this is where the Cass 23 workers were held), and later corresponded with us regarding their conversation. Collectively these sources provided a complete look at the case and the issues that arose. Of course, not every subject has as many layers of sources, but in nations where access to case files is at a minimum or where the government is less than open or simply does not adequately collect data, newspaper articles are essential. For instance, in the Iran chapter, a person who paid to be smuggled from Afghanistan to Iran tells a reporter for *Dawn* about his experience. This gives the victim dimensionality and allows the reader a window into the victim's experience.

There is a dearth when it comes to comprehensive literature on human trafficking, particularly when it comes to forced labor and internal trafficking. In order to gain further clarity on the trafficking status of a nation, we have interviewed experts such as anti-trafficking program coordinators, NGO directors, university researchers and directors, counsel attorneys of landmark trafficking cases, government em-

ployees, and even documentarians who have been able to shed light on the victim experience in a respectful and moving way. These experts give us a window into the inner workings of not only the trafficking experience, but what happens afterward. For instance, Helen Duffy, co-counsel for Hadijatou Mani Koraou, the victim in a landmark traditional slavery case in Niger, reveals that even once Mani was released from slavery, a court still ruled, improperly, that a freed slave girl is the *de facto* wife of her master. This illustrates the strength of customary practices, which often prevails over law, as is seen in this instance. Culture and custom also play a significant role in what is permitted, or ignored, in the sex industry. For instance in Japan, a ¥ 2.3 trillion a-year sex industry is accepted as part of the urban landscape, but talking about sex is not deemed appropriate, creating what Michiko Yokoyama, Public Outreach of the Polaris Project, Japan Office, calls a societal ignorance on the issue of sex trafficking.

Economic factors are also significant in the trafficking status of a nation. For instance, South Africa has four times the GDP of its neighbors. This makes it attractive to both migrants and traffickers. When combined with poor border control, it is easy to see how it became a popular destination for human trafficking in the region. Other nations, such as Russia and the United Arab Emirates, have experienced quick economic growth that resulted in an urgent demand for affordable labor, making them destinations for human trafficking. Political climates and civil unrest further exacerbate the issue. In Colombia, the decades of civil unrest have resulted in a high number of internally displaced persons. Displacement creates vulnerability to a variety of exploitations, including human trafficking. Guerrilla and rebel forces also force and lure children to join their groups. Child soldiers can be found in Colombia and Iraq.

Geographic location is also essential to the trafficking scenario. Yet, it isn't just location, *per se*, but also grouping that is a factor, at least when it comes to the European Union (EU). For instance, Poland joined the European Union and became part of the Schengen area, where signatory nations are, in essence, a single country for the purpose of travel. As a result, Poland went from primarily a source nation to also a destination and transit country. Porous borders in countries that are surrounded by many other nations, such as Iran, which is bordered by seven other nations, are ideal for cross-border and transnational trafficking. Immi-

gration and border control have become hot button issues worldwide, resulting in a slew of new legislation that often conflicts with these nations' own anti-trafficking laws. For instance, in the United States, when it comes to trafficking victim visa applicants, there is often a race against the clock as to what will happen first—deportation or protection. In France, the government began a controversial deportation of the Roma, a marginalized ethnic group, until the European Parliament put a stop to it. The issue isn't just what nations have done to prevent entry of and deportation of potential trafficking victims, but also national work visa programs that allow an easy means for trafficking to occur. Under-enforced and unenforced work visa programs create loopholes for governments to bring in affordable labor and create an ideal opportunity for unscrupulous employers to exploit and traffic workers. These programs exist in nations such as the United States, Japan, and the United Arab Emirates.

Gender bias is also a factor in the trafficking calculus. In nations where women are not on equal footing with men, they are particularly vulnerable to exploitation, including human trafficking. Not surprisingly, in the post-trafficking experience women often continue to face unequal treatment. This occurs in Iran where, under the government's interpretation of Islamic law, a woman's testimony is worth half of that of a man. Of course this is in direct conflict with Article 3 of the constitution of Iran, but in cases of conflict between the constitution and Islamic law, the principles of Islamic law prevail. Yet, it is not just bias against women that is an issue. Men too face discrimination, particularly in the post-trafficking experience, and in many nations they are simply not acknowledged as victims. The governments of other nations, such as Poland and Japan, recognize that men can be victims, but the lack of shelters specifically designated for men illustrates that they are not yet a priority. (This was also the case in Israel, where male victims were rarely given shelter, but the situation has changed with the inclusion of the Atlas shelter, which is specifically designated for victims of male trafficking.) Part of this distinction is not just based on gender but on the form of trafficking that is deemed more offensive. In many nations sex trafficking is perceived as worse. This is reflected in their anti-trafficking laws, both at national and local levels. For example, the New York State Anti-Trafficking Law treats sex traffickers and labor traffickers

differently: sex trafficking is a class B felony with a maximum sentence of twenty-five years' imprisonment, while labor trafficking is a class D felony with a maximum sentence of seven years.

Disparate perceptions of labor trafficking and sex trafficking are a global phenomenon. In many nations, neither the government nor the general population acknowledges forced labor as human trafficking. Sex trafficking has been discussed in the media as human trafficking for far longer, making it more familiar. Even large-budget films have done their part to bring attention to the issue. Labor trafficking is not as "sexy" of a topic, which makes it less attractive to the media. Also, there is an innate response that humans understandably have to the subject of forced sex. Yet forced labor, and the abuse that goes along with it, is no less of an offense. For instance, in Brazil traffickers take forced laborers to desolate locations surrounded by armed guards. One such victim was forced to burn the documentation of fellow workers that had supposedly left the camp of their own free will. The victim soon found heaps of bones nearby in the jungle. In China, a 16-year-old victim was forced to work at an illegal brick factory where he faced beatings and threats of death. Just like the victim in Brazil, the worker was forced to work long hours, often from 4 a.m. to midnight. He was forced to sleep in a dark kiln, and his food consisted of mashed vegetable soup and moldy bread. In order to scare the victim, the kiln boss took him to another kiln to witness the murder of a worker who was deemed to be inefficient. The worker was knocked unconscious and then tossed into a mixing machine where, according to the victim, the worker's body was chopped into tiny pieces within seconds.

We have selected 24 nations that span the Americas (North and South), Europe (East and West), the Middle East, Africa, Asia (East and South), and Australia. Within those regions we chose nations that help the reader understand a broad spectrum of issues that contribute to a nation's trafficking scenario such as economics, geopolitics, and culture. We did not select nations based on which is "worse" or "better" in terms of human trafficking, but instead we wanted a diverse representation of first, second, and third world nations. This helped illustrate the point that all countries experience human trafficking. Of course, the degree varies and some chapters are less compelling than others. It was essential to maintain all chapters in the book—even those that are less

gripping—so as to give the reader a realistic look into human trafficking and not to contribute to the sensationalism that is often attached to the topic. The organization of the book was originally based on geography, but upon further examination we decided to group countries under a common characteristic or unique feature. Our rationale is that while there is no denying regional similarity in human trafficking, there are more commonalities between nations than those that are distinguished by region alone. By highlighting a unique feature of a nation's trafficking scenario we were able to group nations together based on an underlying issue that significantly contributes to the problem. For example, nations that have work visa programs that create loopholes and opportunity for human trafficking are placed together. Those countries that do not easily fit under a category stand-alone under a title that explains a characteristic unique to that nation; this is intentional as we did not want the organization of the book to pigeonhole or force a nation under a category that is not an appropriate fit. Along that same thought process, just because a country is grouped under a certain category does not preclude it from fitting elsewhere. Also, while countries may be grouped by a common characteristic, the chapters discuss all aspects of trafficking within each nation and by no means solely, or even primarily, focus on the common characteristic.

In examining human trafficking throughout the world, we looked at the forms of trafficking relevant to a particular nation and the factors that contributed to its trafficking status—such as anti-trafficking legislation, enforcement, the existence and treatment of marginalized groups, and cultural and economic factors (e.g., hardships or even a sudden economic boost). What makes identifying each nation's unique anti-trafficking issues and obstacles critical is not only to recognize potential victims, but also to point to common practices or even national objectives that may be in direct conflict with the specific nation's own anti-trafficking efforts. This book describes the precise picture of human trafficking in 24 nations and illustrates that no nation is exempt.

PART I

Work Visa Loopholes for Traffickers

Theoretically, no government actually encourages traffickers to traffic; yet those in need of inexpensive labor often create work visas that do just that. Among them are the United States, Japan, and the United Arab Emirates (UAE).

The U.S. State Department publishes the globally acknowledged annual Trafficking in Persons Report, and as a result some experts regard the United States as a front-runner in the crusade against human trafficking. Yet the country's failure to monitor and enforce its H-2 guestworker visa program has created ample opportunities for traffickers to exploit and enslave legal migrants. Thus in the aftermath of the 2005 natural disasters Hurricanes Katrina and Rita, high demand for cheap labor to rebuild New Orleans resulted in rampant labor exploitation and human trafficking. Legal migrant workers in the Gulf Coast region were forced to live and work in labor camps surrounded by armed guards, and some had to cook with contaminated water and kill and cook pigeons to survive.

Unlike the United States, Japan has not enacted a comprehensive anti-trafficking law. Although the government took a strong step forward in its 2009 Action Plan to Combat Trafficking in Persons by acknowledging that sex trafficking is not the only form of human trafficking, forced-labor victims continue to be marginalized. As a result of ethnocentric policies, the government prohibits foreign unskilled laborers from working in Japan. But the disparity between the nation's immigration posture and its labor needs has created a quandary. With a demand for inexpensive labor but without an adequate low-wage labor force, Japan uses the government-run Industrial Training Program