

Broadening the Scope of Human Trafficking Research

Broadening the Scope of Human Trafficking Research

A Reader

Edited by

Erin C. Heil
Andrea J. Nichols



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Preface

Although there is greater awareness of human trafficking both politically and socially, a gap exists in the literature preventing holistic understandings of the different forms of trafficking and victimization. While “human trafficking” is often used as an umbrella term to describe multiple types of human trafficking, generally, the discourse tends to equate human trafficking with sex trafficking or child sex trafficking in its disproportionate focus. As a result, other forms of human trafficking often get lost in this dialogue. Any discussion of labor trafficking is often misconceptualized as human smuggling or discussed as an immigration issue. Servile marriage and organ trafficking similarly get relatively little attention as forms of human trafficking. Conflating all forms of human trafficking without providing nuance is also problematic, as the indicators, effects, and complex contextual dynamics are different, but are ignored and inappropriately homogenized, problematizing identification, legislation, and social responses. Labor trafficking, sex trafficking, organ trafficking, servile marriages, and trafficking involving child soldiering, adoption, and begging and pickpocketing are unquestionably distinct from one another. Further, various forms of human trafficking and exploitation do not always fit neatly into legal definitions. Rather than focusing strictly on a legislative definition of human trafficking, such as that of the *Protocol to Prevent Suppress and Punish Trafficking in Persons* of 2000, or the U.S. *Trafficking Victims Protection Act of 2000*, we focus on definitional issues, debated interpretations of such legislation, and the act of commodifying and exploiting vulnerable populations more broadly. We move beyond the general idea of equating sex trafficking and human trafficking as one, or conflating all forms of human trafficking, and focus on the myriad of forms of human trafficking. Moreover, the role of identity-based oppression is virtually absent from the academic, political, and public discourse examining human trafficking, with perhaps the exception of poverty and the cultural value of women and girls in global context. Populations who experience societal marginalization are at heightened risk of various forms of human trafficking, such as those experiencing race,

ethnicity, class, caste, sex, gender identity or expression, or sexual orientation-based marginalization.

The discussion of human trafficking has evolved as we begin to understand the unique forms and vulnerabilities associated with trafficking incidents, but the literature requires maturation. The discourse needs to move beyond sex trafficking and migrant work, and focus on the various methods and forms of victimization traffickers use to capitalize on the human body. Additionally, we need to pay closer attention to the vulnerable status of individuals both domestically and globally. Any discussion that does not fully address the complexities associated with human trafficking will not only ignore at-risk populations, but will affect the focus of responses to human trafficking, such as legislation, social services, and activism. *Broadening the Scope of Human Trafficking Research* was developed to add to the existing literature examining human trafficking both within the United States and worldwide. Our general thinking in creating this reader was that there are significant limitations to the contemporary discourse, both definitionally and in the way human trafficking is represented in a homogenized way. We emphasize multiple types of human trafficking and exploitation evident worldwide, with a particular emphasis on identity-based vulnerabilities and those otherwise marginalized in the research literature, as well as institutional barriers and facilitators to various forms of trafficking and/or exploitation. By allowing contributors of this volume to express and explain their own definitional analysis of human trafficking and exploitation, we show the varied conceptualizations, perspectives, and language used to examine human trafficking in the contemporary academic and practitioner-based literature. We wanted this reader to be a tool for students, advocates, and practitioners to better understand human trafficking in all of its forms, as well as to provide better understandings of the experiences of vulnerable populations who are less likely to be identified and offered assistance due to societal and institutional marginalization. In the first part of the book, we focus on the various forms human trafficking can take. Chapter One takes a critical look at the American prison system and how the for-profit corrections environment fosters forced labor. Kelli Lyon Johnson and Alana Van Gundy examine prison labor and its convergence with privatized prisons. By legally analyzing the current system of labor within privatized prisons, Johnson and Van Gundy maintain that there currently exists a system of human exploitation for the purpose of financial gain, and this exploitation fits in the realm of forced labor as defined in human trafficking legislation.

Chapter Two examines various forms of organ trafficking. Looking at the individuals who are targeted in the organ trade, Andrea J. Nichols focuses on

the relationship between organ trafficking and poverty. Additionally, she critically examines the recipients, brokers, and those who are exploited in the illegal organ trade, clearly demonstrating the global power dynamics that are at play. Nichols concludes her chapter by discussing the attempts to eliminate the illegal organ trade industry, related debates, and how to strengthen and enforce existing responses.

Chapter Three looks at child labor, specifically focusing on the social and economic system of India that fosters a system of child labor. Suman Kakar notes the structural and cultural dynamics that cause child trafficking to persist despite international and national legislation. The chapter concludes with a critical discussion of child exploitation and its effect on global capital.

Chapter Four is an examination of child soldiers. Roos Haer provides an overview of the existing literature covering the use of children in armed conflict. Besides discussing issues related to the definition of child soldiering, the chapter discusses how child soldiering relates to the Palermo Protocol on human trafficking. In addition, the reason why children are joining armed groups during conflict and why these groups recruit them are discussed. The chapter ends with a section on the consequences of child soldiering and an overview of some of the most important measures undertaken by states to punish the offenders.

Chapter Five discusses the relationship between child trafficking and inter-country adoption. Specifically, Erin Heil examines the abduction, sale, and trafficking of children via fraudulent adoption schemes. Additionally, the chapter describes the problems associated with rehomings and global surrogacy. Finally, the chapter looks at the current legislation aimed at protecting adopted children, but because of loopholes and misinterpretations, the policies fall short in their protective abilities.

Chapter Six is an examination of pickpocketing and begging as forms of human trafficking. Iveta Cherneva introduces the problems in the legal and policy dimensions related to pickpocketing/begging as human trafficking. The five elements of trafficking in persons under international law are examined against these activities, establishing the parameters and legal boundaries, looking *inter alia* into familial begging and pickpocketing. A number of policy responses are compared and contrasted, with a discussion of cases of trafficking for begging and pickpocketing including the famous Hamidovic case.

Chapter Seven is an examination of servile/forced marriages as a form of human trafficking. Specifically, Suman Kakar discusses how servile marriages are often a gateway to sex and labor trafficking. Additionally, Kakar discusses the cultural and social dynamics that maintain servile/forced marriages, and how structural factors maintain the practice despite local and international efforts.

In Part Two of the reader, the discussion shifts to cultural, social, and identity-based characteristics that enhance vulnerability to sex trafficking victimization. Cassandra Mary Frances Gonzalez begins this section in Chapter Eight by focusing on the vulnerable status of Black women with regard to sex trafficking. Utilizing the theory of Black Feminist Thought, Gonzalez discusses how Black women have been isolated from being perceived as victims of sex trafficking through historical and stereotypical imagery. Critically examining the assumptions of victim-type, Gonzalez argues that within anti-trafficking efforts, Black women are more likely to be criminalized, and she shows how the criminal justice system reinforces notions of Black criminality.

Chapter Nine is a legal analysis of tribal codes and how historical jurisdiction has heightened the vulnerable status of American Indian women and children with regard to sex trafficking. Erin C. Heil examines the existing tribal codes that address sex trafficking, and recognizes that these codes have relatively no power due to the jurisdictional status that has been put in place by the federal government and various state governments. Heil critically argues that because of overlapping jurisdictions and lack of tribal authority, American Indian women and children are virtually unprotected from sex traffickers.

Chapter Ten is unique in that Lynly Egey provides the reader with her first-hand experiences of working with trafficked people in LGBTQ immigrant communities. She argues that sexual orientation and/or gender identity increases vulnerable status. These vulnerabilities are heightened by family, community, the criminal justice system, and the societal treatment of LGBTQ individuals. Egey provides real life examples to highlight specific vulnerability factors in the social and legal arena, and the relationship to sex trafficking.

Sue Micetic addresses the heightened risk of runaway and homeless youth related to domestic sex trafficking, but moves her focus beyond vulnerability to how the risk may be reduced. In Chapter Eleven, Micetic looks at current legislation and intervention efforts in the U.S., and argues that current systems are not sufficiently protecting runaway and homeless youth from sex trafficking victimization. Micetic focuses on historical and current efforts, and proposes preventative measures aimed at improving the treatment and care of these minors, while at the same time reducing their risk of domestic sex trafficking victimization.

Chapter Twelve focuses on a specific system of vulnerability in which April Houston examines how military conflict creates an environment that allows human trafficking, including sex trafficking and trafficking of child soldiers, to thrive. Using case studies from various conflict zones, Houston provides the reader with recommendations to address conflict-related sex trafficking.

Sarah Hupp Williamson discusses how factors relating to economic and gender based inequalities as well as corruption and globalization act as “push” factors for human trafficking. In Chapter Thirteen, countries affected by the Warsaw Pact are examined specifically because of their political restructuring and geographical location. Using the theoretical framework of institutional anomie theory, Williamson highlights how the transition from a centrally planned economy to a capitalist free market impacts women in a multitude of ways, and is ultimately connected to their victimization through trafficking.

In addition to this volume, there are three additional chapters available on the book’s webpage on the publisher’s website that look specifically at the traffickers and buyers of sex trafficking; an area that is discussed relatively infrequently in the existing literature. In the first chapter, Emily Troshynski and Jennifer Blank present their findings based on interviews with sex traffickers. Specifically, Troshynski and Blank examine how traffickers perceive the international sex trade industry. The purpose of looking at traffickers’ perceptions of sex trafficking is for the reader to better understand sex trafficking in a world that economically thrives on the trafficking of women and girls for sexual exploitation.

Erica Michelson also focuses on the trafficker, but examines the existing domestic violence/interpersonal violence programs in relation to the development of similar programs for boyfriend pimps/traffickers in cases of co-occurring IPV and trafficking. Michelson compares and contrasts the backgrounds and characteristics of batterers and traffickers. Based on a number of similarities, Michelson argues that the current batterer programming could be applied to pimps and could eventually lead to successful intervention efforts.

The final chapter also looks at intervention programs, but rather than focusing on the trafficker, Eleanor Levine focuses on the buyers. Levine specifically looks at John schools and the impact of such programs on recidivism rates. Levine looks beyond the potential of recidivism reduction to the broader impact such schools may have on society and on prostitution. Levine critically examines these programs and argues that such programs may contribute to more dangerous conditions for those who sell sex.

The goal of this edited volume is to add to the ongoing discussion of human trafficking; from types, to victims, to perpetrators. The reader is practical for students, advocates, and practitioners all involved in various anti-trafficking efforts. It was a pleasure to work with the contributing authors, and we hope that *Broadening the Scope of Human Trafficking Research* will highlight the discussion needed to better understand human trafficking and all of its forms.

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