To Address Human Trafficking, the United States Must Take a New Approach

by Melissa Ditmore [1], Independent consultant, and Juhu Thukral [2]

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This article is part of a two-part series [24] commissioned by RH Reality Check analyzing U.S. trafficking policy as outlined by President Obama at the Clinton Global Initiative.

Last week, on Tuesday, September 25th, President Obama gave a major speech [27] on trafficking in persons at the Clinton Global Initiative. The timing is important: Obama referenced the 150th anniversary [28] of the Emancipation Proclamation and noted its connection to human trafficking, which is often called a form of modern-day slavery. In his speech, he said:

Now, I do not use that word, ‘slavery’ lightly. It evokes obviously one of the most painful chapters in our nation’s history. But around the world, there’s no denying the awful reality. When a man, desperate for work, finds himself in a factory or on a fishing boat or in a field, working, toiling, for little or no pay, and beaten if he tries to escape—that is slavery. When a woman is locked in a sweatshop, or trapped in a home as a domestic servant, alone and abused and incapable of leaving—that’s slavery.

On its face, the President’s speech appears to reflect a real understanding of what trafficking is [29]—a situation in which force, fraud, or coercion at work create a climate of fear and keep enslaved and in dangerous working conditions out of fear rather than as a voluntary decision. Obama also gave detailed examples of instances where men and boys are most frequently victims of trafficking. This is powerful, since most of U.S. rhetoric on trafficking has focused on sex work and women, including erroneously, voluntary sex work; trafficking of men and boys was almost completely absent from the rhetoric of President Bush, for example. Obama also specifically addressed the horrors experienced by child soldiers, an issue that has not yet caught the public’s imagination as a key concern in the fight against human trafficking. We are hopeful this speech suggests a welcome change in the scope of U.S. anti-trafficking efforts.

But when it came to the specifics of the Obama administration’s actual priorities, the president was not so clear [30]. As president, Obama can lead the way on anti-trafficking and anti-violence efforts, but his speech was coded in many ways to reflect that he will follow the lead of his
predecessor in prioritizing relationships with anti-prostitution organizations who use anti-trafficking rhetoric [31] to further an agenda that violates the human rights of sex workers.

Confusing all sex work with trafficking trivializes the abuses experienced by the trafficked persons [32] and ignores the agency of women who turn to sex work as their best among limited options. Sex workers do not want to be victimized by labels they don't choose; they want to be agents of change in their own lives and exercise their human rights based on their own priorities. Law enforcement efforts to address trafficking in the United States, however, have to date focused on “vice raids,” leading to arrests of women, mostly poor women and women of color, many of them U.S. nationals and people who have not been trafficked, and many of whom make a living via sex work. It is a thinly veiled anti-prostitution effort. It is no wonder that this model, echoing the use of other legislation purported to protect women, has not led to better identification of trafficked women. Indeed, a report from the Sex Workers Project [33] at the Urban Justice Center found that women trafficked into sex work in New York City had experienced frequent arrests—up to ten arrests!—without being identified as trafficked [34].

Obama specifically praised faith-based organizations for their work and the White House fact sheet [35] mentions an expanded role for faith-based groups. This is highly problematic, given that most of these groups focus only on trafficking into one labor sector—forced prostitution—and are not stalwarts on many issues of women’s rights. In addition, President Obama specifically praised the International Justice Mission (IJM), an organization that has engaged in raids on brothels. (See Melissa Gira Grant’s analysis of IJM here.)

Such “rescues” are meant to be the acts of well-meaning Good Samaritans [36], but they more often than not cause severe human rights abuses [37]. These efforts tend to help a very few while causing harm to many, and distract attention and resources from the less sexy issue of abuse in other labor sectors. The United States has encouraged other governments to adopt anti-trafficking laws, and some nations have done so. Cambodia is one example, enacting a law on "the Suppression of Human Trafficking and Sexual Exploitation" in 2008. This was implemented in such a way that sex workers around the country were arrested and sent to former Khmer Rouge prison camps. Human Rights Watch has documented [38]egregious abuses in arrests and while imprisoned, including denying access to life saving medicines, beatings, rape and even deaths in custody. Furthermore, these arrests have not assisted people in situations of forced labor in other sectors.

In his speech and in the fact sheet [35], Obama mentioned increased resources, tools, and trainings, much of it targeted to law enforcement. But he did not say how this is any different from current federal efforts that are largely focused on law enforcement efforts to prosecute trafficking. Furthermore, the fact that in the United States, most trafficking survivors will need to help law enforcement in order to be recognized as victims of trafficking [32] has not lead to greater cooperation. And despite funding for law enforcement task forces that have relied on vice arrests, victims have come forward in small numbers, fewer have been recognized by the U.S. government, and there are even fewer prosecutions and convictions. A better alternative would be to focus on ensuring labor rights in all sectors and on making services accessible for trafficked persons with less reliance on workplace arrests or cooperation with law enforcement.
To his credit, the president mentioned new efforts focused on getting businesses to examine supply chains for trafficking in their own industries. But one industry he mentions is the travel industry—again, without specifics, language around the “travel industry” is usually coded to mean that activities will focus on squelching sex work, as opposed to abusive practices against maids and other low-wage staff who work in hotels.

As part of this package, the White House released an executive order strengthening protections against trafficking in persons in federal contracts [39]. Many elements of executive order appear to relate to all industries where trafficking happens. But the document regularly addresses “trafficking in persons, the procurement of commercial sex acts, or the use of forced labor”—equating commercial sex acts with trafficking and forced labor. So it is not clear at all—does the president know what trafficking in persons is, or is he still learning? Or is he walking a fine and dangerous political line? The implications here are important, for workers’ rights as well as for the sex workers described above. Corporations have been major users of trafficked labor [40] and their practices often go right up to the line of being considered trafficking, by using agents to outsource contracts and claiming ignorance about conditions for the workers, even when the amounts for hours billed do not meet minimum wage.

At least by focusing on federal contracts, this administration is addressing in an important way the realities of abuses of labor in all sectors. There are important precedents that lead to this order. While it may be hard to believe, there have been federal contractors embroiled in trafficking scandals. During U.S. interventions in the former Yugoslavia, DynCorps, a military contractor, was involved in trafficking young women [41] into what the women thought would be jobs in hotels, only to be raped and suffer other abuses. A book [42] written by one of the women fired when she exposed trafficking by DynCorps was made into the movie “The Whistleblower [43].” Today, foreign workers on U.S. military bases abroad [44] have endured conditions that meet the definition of human trafficking.

We commend the president for acknowledging the breadth of trafficking and human rights violations across sectors and the associated labor abuses that frequently occur, and for recognizing that trafficking occurs even in federal contracts, which have many layers of supervision and reporting. But advocates and people who provide services to trafficked persons continue to push him and demand that he recognize trafficking for what it is [45] and not get mixed up in the politics of advocates who are not as focused on addressing the climate of fear endured by so many workers around the world. Enforcement of fair and equitable working conditions in all sectors, with a focus on economic opportunity for all, would go a long way toward ending trafficking in persons.

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