



## US SENATE II

### Human Trafficking Update

By Ariel Stoddard

#### Introduction

**Human trafficking** is a prevalent worldwide issue that is often overlooked by the public and policymakers alike. It is the fastest growing and third largest criminal industry in the world, generating an estimated \$32 billion per year throughout the world. It is a multi-dimensional crime that deprives people of their human rights and their natural freedoms. Trafficking in persons is a modern day version of slavery, as the victims are forced or coerced into labor or sexual exploitation. They can experience permanent physical and psychological harm, separation from their families and communities, and dramatic and sometimes absolute declines in personal opportunities.

**Human trafficking**—*recruitment, transportation, harboring, or receipt of people from one place to another, usually for the purposes of slavery, forced labor, and servitude.*

#### Summary of the Problem

Humans have been sold and used as commodities since the beginning of history, with virtually every stratified society having some sort of slave class. In the West, slaves were almost exclusively traded from Africa, which had well-established slave markets well before the arrival of Europeans. In America, the slave trade did not end until 1808, when the importation of slaves became illegal, a year after Great Britain completely abolished slavery. Slavery itself existed in America until the passage of the 13<sup>th</sup> Amendment to the Constitution in 1865.

The debate surrounding sex trafficking in the United States dates back to at least the 19<sup>th</sup> century, with two groups of people – the "**regulationists**" and the "abolitionists" – at the crux of the debate. The regulationists supported the legal regulation of prostitution with a system of licensed brothels, while the abolitionists worked to make prostitution illegal, finally succeeding in Britain and the United States. In the US, anti-prostitution legislation was passed by almost every state between 1910 and 1915, though it remains legal in a handful of Nevada counties and is effectively illegal in Rhode Island, though not technically. Since the initial success of the abolitionist movement, many significant domestic and international acts and treaties regarding human trafficking have been adopted by the United States, including the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and the 2000 Palermo Trafficking **Protocol**.

**Regulationist**—*19<sup>th</sup> century individuals who believed that prostitution was a necessary evil.*

**Protocol**—*an international agreement, often regarding diplomatic formality, precedence, and etiquette.*

## Recent Developments

### *Napolitano Appointed Head of Homeland Security*

In an interview with National Public Radio on February 16, 2009, Secretary of Homeland Security Janet Napolitano stated aspirations of focusing on human traffickers, as part of a larger strategy of reducing illegal immigration. She noted specific goals of targeting criminals who benefit from worldwide trafficking, specifically by more stringently enforcing punishments.

### *Italy and Nigeria Sign Bilateral Agreement*

On February 18, 2009, Italy and Nigeria signed a **bilateral** agreement to cooperate in combating human trafficking. The agreement was facilitated by INTERPOL, and specified that Nigerian police would be trained by the Italian government in Italy to combat organized crime, human trafficking, and illegal immigration. Under a two-year pilot program, Nigerian police officers will be deployed with their Italian counterparts at Italian border checkpoints, international airports and harbors to help identify and dismantle human trafficking rings between the two countries. This program is an example of the type of agreement countries can use to help make the fight against human trafficking easier and more comprehensive.

**Bilateral**—agreed upon by both sides and produced through collaborative effort.

## Focus of Debate

Debate over human trafficking domestically and abroad focuses around key issues such as its link to prostitution and the distinction between coercion and consent. Legalizing the prostitution industry and implementing government regulation of it is a policy with strong pros and cons that are heavily debated in some quarters, but doing so would be an extremely unpopular policy; hence it has thus far received very little serious consideration in Congress. The question of what constitutes slavery versus what constitutes works is also a matter of contention, and an integral determinant of where exactly to implement boundaries. For example, indentured servants, or people that temporarily sold themselves into slavery in exchange for money or other compensation, were a common fixture in the early history of the United States, with many immigrants trading a few years of their freedom for passage to the New World. While some today would call this a form of slavery, indentured servants freely chose to accept these deals despite the potential risks of legally submitting most of your rights. Though illegal in most every nation on Earth, it is unclear whether policymakers should or should not limit arrangements of this sort, which are still legally used in places like the United Arab Emirates and illegally used in many parts of

the globe.

### *Abolitionist Perspective*

**Abolitionists** believe that human trafficking and prostitution are inextricably linked and exploit women; they call for the prosecution of those who fuel the industry including pimps and even customers in order to fight against sex slavery. To abolitionists, a distinction between forced and voluntary prostitution is not made, so even females who are paid for their services are considered to be exploited. Rationale for this perspective stems from the belief that if there were no market for prostitution, there would be no sex trafficking, thus dramatically reducing the overall incidence of human trafficking that occurs around the world. A growing trend in government perspective around the world is the need to address the "demand side" of sexual trafficking; in other words, punish prostitute's clients as well. Policymakers reason that if the potential legal risks of soliciting a prostitute are prohibitively high, there will be less demand for prostitutes, and hence less sex trafficking as the trade becomes less profitable.

**Abolitionist**—*person who believes that prostitution exploits women and calls for the prosecution of the pimps and even customers as a measure against sex slavery and trafficking in human beings.*

### *Libertarian Perspective*

Those who support this perspective maintain that sex is a commodity and deserves to be recognized and regulated like any other commodity. If a woman freely chooses to sell sex, why should that be illegal? **Libertarians** argue that the problem is not with prostitution itself, but that the fact that it is illegal and unregulated means that human traffickers can take advantage of the system and force women into prostitution. Libertarians maintain that a regulated sex trade with government oversight could provide sex to those that desire it while ensuring that only women who wish to participate in prostitution do so. They argue that this would be better for consumers seeking sex and women who are exploited in the current system and a major blow to those that wish to traffic humans for personal gain. It is important to note that this view held by a small minority of both the public and government officials, though it is also fair to point out that a lack of public dialogue on this topic has prevented libertarians from seriously campaigning on this issue.

**Libertarian**—*political belief that government is best when it limits its involvement into its citizens' lives.*

### *Presidential Perspective*

President Obama has stated that human trafficking must be made a top priority of US foreign and domestic policy. He acknowledges the bipartisan agreement on this issue and supports having more effective prosecution as a way to combat the problem. Essential to this is ensuring that prosecutors, lawmakers, and law enforcement officials have the tools to properly combat human trafficking. President Obama also supports new international initiatives to help tackle this issue, declaring that

human trafficking is "a **debasement** of our common humanity."

**Debasement**—a *lowering*.

## Questions for Policymakers

In drafting legislation on such a complicated issue, it will be necessary to break it down into smaller sections. First, policymakers may want to consider remedial policy; that is, programs that try to help current and past victims of human trafficking restore their lives. Second, policymakers may want to consider preventative policies that stop human trafficking from happening in the future. Would it be fruitful to tackle the demand side of human trafficking, and if so, what is the most effective way to curb the demand? How severe should penalties for human traffickers be? Lastly, policymakers must consider how to most effectively enforce these policies, considering what agencies should be used and whether international cooperation is desirable as well as workable.

## Conclusion

Currently, the United States is involved in partnerships with other countries, international and non-governmental organizations in an effort to combat trafficking. Since 2001, we have contributed more than \$528 million to anti-trafficking programs worldwide, and though efforts are clearly being made to address this issue, the problem is far from being rectified. There are still clear divisions in opinion on how human trafficking should be addressed, and a simple right answer simply does not exist. It is your duty as congressmen of the United States to come up with a solution that will further aid in the fight against human trafficking.

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