

Zasha Russell

*States' Roles in Sex Trafficking: Complicity and Promotion or Peace?*

According to the International Labor Organization, a United Nations Agency, an estimated 1.39 million people are currently victims of sex trafficking (US Department of State 2009:8). The very secrecy and silence involved with the sex trade, however, obscures these numbers. Most likely there exist many more not included in these statistics. Sex trafficking is a prevalent, dangerous, ever-growing issue that is putting people's lives at risk. Not only have many individuals and organizations taken a stand against sex trafficking, but a multitude of governments are also working to help those who have been sold into modern day slavery. Countries have sought to achieve peace by endeavoring to eradicate sex trafficking and ameliorate its aftermath. In accordance with these efforts, many nation-states have signed the United Nations' Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Yet, despite this public statement in opposition to sex trafficking and commitment to efforts for peace, a number of governments act in ways that say otherwise. States have demonstrated both complicity in and promotion of sex trafficking through weak reactions to offenders, personal involvement, legalized prostitution, militarization, and criminalization of victims. While countries may outwardly express a desire to fight against sex trafficking and move towards attaining peace, government actions create a contradictory situation in which it becomes difficult to determine whether states are truly dedicated to eliminating sex trafficking and working to deal with its consequences. Through an exploration of case studies of a variety of countries, I will demonstrate that states need to take further action and show a greater commitment to ending this grave problem.

The United Nations defines trafficking in persons as,

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the 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. (UNODC 2009)

Thus, more specifically, sex trafficking is composed of three main parts: act, means, and purpose. The first, which consists of what is done, is the facilitated or arranged movement of bodies both within and across borders. The second, which consists of how it is done, indicates that the means of this process involves force or coercion. The third, which consists of why it is done, involves subjecting the trafficked individual to involuntary participation in sexual acts (UNODC 2009). These three factors are essential in defining sex trafficking and articulate its distinction from other activities such as prostitution or illegal migration.

In response to sex trafficking, the United Nations in 2000 produced the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. This is the first agreed upon worldwide definition of trafficking in persons. Prior to this, there was no unified notion of human trafficking. The purposes of this document is both to facilitate convergence in national approaches to dealing with human trafficking, including sex trafficking, and protect and assist victims of trafficked persons with considerations to their human rights (UNODC 2009). The invention and recognition of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children have helped to elucidate the problem of sex trafficking and bring attention to this crucial issue. As a result, sex trafficking is now officially seen as unethical and in many cases an illegal process

As of date, more than 110 countries have signed on to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children as a way of expressing their opposition to sex trafficking and intention to work to end it to attain peace. In doing so,

governments are expected to focus on the prevention of victimization, prosecution of offenders, and protection of survivors as efforts for achieving peace (American Society of International Law 2001:408). Nevertheless, despite many countries acceptance of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, many nation-states also clearly undermine their own efforts.

Numerous government actions illustrate weak responses to sex trafficking offenders. For instance, they carry out very few prosecutions against sex traffickers. Prosecutions that do occur often result in minor consequences (Elabor-Idemudia 2003:116). For example, in Nigeria, throughout 2009, officials investigated two hundred nine trafficking cases but only prosecuted thirty-seven of them. Out of those thirty-seven, nineteen sex traffickers and four labor traffickers were convicted. One sex trafficking offender was given a sentence of forty years' imprisonment while two were given twenty-four years each and others received two, five, and seven year sentences. Furthermore, six of these people received prison sentences of one year or less, and two others had the option of imprisonment for one to two years or simply paying fines of \$65 and \$600 (US Department of State 2009:226). As can be seen, these penalties hardly deter those who take part in this business and many more slip away free from any punishment whatsoever. Therefore, countries such as Nigeria must strengthen their laws, indict criminals, and push for stronger sentencing.

Additionally, corruption is a significant problem within several countries that have adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Government employees and local police have been known to exhibit both complicity and participation in sex trafficking. In Bosnia, such individuals have employed sex trafficked victims and paid for sex acts. Others have accepted bribes from offenders and even

worked to protect them by informing them of upcoming raids. Bosnian officials have even been known to provide falsified papers or turn a blind eye to the presence of undocumented migrants (Haynes 2004:257). Considering the significant involvement of the Bosnian state in sex trafficking, it must hold its workforce more accountable and punish those who choose to comply with sex trafficking.

Legalized prostitution also perpetuates the problem of sex trafficking. It increases the demand for sex and sex workers and allows criminal perpetrators of sex trafficking to hide behind the veil of legalization (U.S. Department of State Bureau of Public Affairs 2005:99-101). Additionally, the mere foundation of prostitution itself maintains this issue. Prostitution indicates that bodies are allowed to be sold and purchased. This then directly affects sex trafficking by promoting the sale and purchase of human beings. If people continue to be seen as commodities, then sex trafficking will continue to exist. That is not to say that the criminalization of prostitution will bring an end to sex trafficking as the problem is not that simple. Rather, part of the solution to ending sex trafficking involves a cultural and societal change in attitudes. While countries like The Netherlands have attempted to use legalized prostitution as a way to combat sex trafficking, they are actually working to contribute to the problem. Illegalizing of prostitution will help to end the notion that bodies can and should be bought and sold, and countries like The Netherlands should work towards this goal (The Monitor 2006:1-4).

Another way in which states exacerbate sex trafficking is through militarization, the process by which military culture is passed on to and adopted by soldiers (Tambiah 2005:244). Part of this military socialization involves transforming boys into men, encouraging a sense of hypermasculinity. This development, in turn, tends to generate ideologies deeply embedded with patriarchy. Patriarchal notions view women as being of a lower status and as a result strongly

discriminate against them. In fact, military folk rhymes are filled with images of women and sex, many of which focus on a soldier's sexual prowess (Trnka 1995:232). Thus, to no surprise, the use of prostitutes proliferates within the military. Rest and recreation prostitution is even often organized by the military. Historically, the United States has demonstrated such practices time and again, especially during World War II, when it instituted rest and recreation prostitution for soldiers in Liberia, Japan, the Philippines, and even in its own country, in Hawaii. This type of military culture and associated actions continue even today. In Korea, for example, United States military camp towns can be found flourishing with sex workers, most of whom are victims of trafficking. United States soldiers serve as the main customers and often take on trafficked individuals as sex slaves in these particular areas of Korea (Seol 2004:7). These establishments then create the push factors necessary for sex trafficking. The military breeds a demand for sex workers, and others use this opportunity to take advantage of individuals by selling them into sexual slavery (Farr 2005:163-218). While this increase in sex trafficking usually takes place during war and post-war situations, sex trafficking often becomes normalized and continues past these events into peacetime (Nikolic-Ristanovic 2003:16). Recent efforts have sought to sanction and punish soldiers who participate in these activities, yet such behavior continues nevertheless (Jowers 2006:30). Thus, solutions to this problem must also require a cultural change in attitudes and norms within the military. The United States, along with other countries, need to be more conscious of the principles the military communicates to its soldiers, and re-evaluate the values of hypermasculinity and patriarchy it diffuses into military culture.

Finally, many governments are failing to achieve peace for survivors by criminalizing victims rather than protecting them. Often times, those who are rescued from sex trafficking are seen as criminals rather than victims, usually because of their participation in illegal migration or

prostitution. As a result, survivors are sometimes prosecuted themselves for prostitution, or quickly deported back to their own country (Haynes 2004:238-239). The dilemma is that returning individuals to their countries of origin puts them at a high risk of being sex trafficked again. Furthermore, those who return are also likely to be sanctioned by laws and ostracized by their communities and families (Haynes 2004:227). In countries like Serbia, more often than not, survivors find themselves stateless and lacking rights, vulnerable to re-trafficking, and tainted by societal shame. Instead, governments like Serbia's need to recognize that sex trafficked individuals are not criminals, but instead victims of serious violations of human rights. Thus, the state should work to give them the help and security needed for their healing and rehabilitation. Current processes set in place simply re-victimize individuals rather than working to achieve peace for them.

Countries such as Nigeria, Bosnia, The Netherlands, The United States, and Serbia have all publicly claimed a desire to addressing the problem of sex trafficking and working to achieve peace in signing the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Yet, their other actions indicate that they are not fully committed to eliminating sex trafficking and ameliorating its aftermath in an effort to create peace. Through weak reactions to offenders, personal involvement, legalized prostitution, militarization, and criminalization of victims, these countries have exhibited both complicity in and promotion of sex trafficking. Therefore, governments ought to hold all individuals accountable, strengthen punishments, illegalize prostitution, redefine military culture, curtail sex tourism, and recognize people's victimization and provide better support for survivors. In doing so, governments will no longer impede their own progress towards eradicating sex trafficking and increase the efficacy of

their efforts for attaining peace. States play a critical role in dealing with this problem and must step up and provide the example for others working to end this modern day slavery.

## *Bibliography*

Amnesty of International Law.

2001 International Trafficking in Persons, Especially Women and Children. *The American Journal of International Law*. 95(2):407-410.

Betz, Diana.

2009 Human Trafficking in Southeast Asia: Causes and Policy Implications. Master's Thesis. Naval Postgraduate School.

Davis, Kathleen.

2006 Brides, Bruises, and the Border: The Trafficking of North Korean Women Into China. *SAIS Review* 26(1):131-141.

Elabor-Idemudia, Patience.

2003 Race and Gender Analyses of Trafficking: A Case Study of Nigeria. *Canadian Women Studies* 22(3/4):116.

Haynes, Dina Francesca.

2004 Used, Abused, Arrested, and Deported: Extending Immigration Benefits to Protect the Victims of Trafficking and to Secure the Prosecution of Traffickers. *Human Rights Quarterly* 26:221-272.

Jowers, Karen.

2006 Lawmakers Aim to Reduce Sex Trafficking Near Bases. *Marine Corps Times*, July 3.

Kozhouharova, Nadya and Milena Stateva.

2004 Trafficking in Women in Bulgaria: A New Stage. *Feminist Review* 76:110-116.

Kristoff, Nicholas D.

2009 If This Isn't Slavery, What Is? *The New York Times*, January 4.

Farr, Kathryn.

2005 *Sex Trafficking: The Global Market in Women and Children*. New York: Worth Publishers.

Nikolic-Ristanovic, Vesna.

2003 Sex Trafficking: The Impact of War, Militarism, and Globalization in Eastern Europe. *Michigan Feminist Studies* 17:1-26.

Seol, Dong-Hoon.

2004 International Sex Trafficking in Women in Korea: Its Causes, Consequences, and Countermeasures. *Asian Journal of Women's Studies*. 10(2):7.

Tambiah, Yasmin.



2005 Turncoat Bodies: Sexuality and Sex Work Under Militarization in Sri Lanka. *Gender and Society* 19(2):243-261.

Trnka, Susanna.

1995 Living a Life of Sex and Danger: Women, Warfare, and Sex in Military Folk Rhymes. *Western Folklore* 54(2):232-241.

The Monitor.

2006 Uganda: Don't Legalize Prostitution. *Africa News*, August 20.

UNODC

2009 United Nations Office on Drugs and Crime. <<http://www.unodc.org/unodc/index.html>>

US Department of State.

2009 Trafficking in Persons Report.

US Department of State Bureau of Public Affairs.

2005 The Reference Shelf: Women's Rights. Jennifer Curry, ed. Pp. 99-101. United States: H. W. Wilson.