

Sexual Trafficking: Breaking the Crisis of Silence Summary and Charge

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I have a confession to make. I usually hate conferences. Too often they feel like the same old people saying the same old things. Too often nothing unexpected or creative happens. And I end up feeling as though I could have gotten more done back in my office or in court.

This was not such a conference. I guess I should have realized that when the epiphany cards were handed out. I had some idea that this conference might be different when I first read the program and saw the extraordinary range and depth of expertise of the speakers and organizers. But I didn't imagine that there would be so many times when something someone said made me think about something I thought I understood in an entirely different way.

For example, I've thought a lot about the difficulty of coming up with accurate statistics when we try to estimate the incidence of trafficking and the numbers of victims. But when Norma Hotaling described what in Macedonia they call "the black number"—the number of trafficked women and children who are lost forever—the devastating reality that the statistics only partially communicate really hit home. And while, like others in this room, I've long bemoaned the situation of health care providers and educators who believe that the extent of their duty to trafficking victims is to hand them a condom or give them a shot of penicillin, it took Laura Lederer, comparing them to firefighters who treat the victim's burns while ignoring the flames engulfing them, to underscore the futility and folly of this kind of limited response.

I think that because sexual trafficking was the focus of this conference a number of important issues emerged, and were explored with thoughtfulness and in depth, that are often skirted over in conferences that address human trafficking generally and minimize its gendered dimensions. In fact, I would go further than that and say that one major reason that so many conferences address "human trafficking," and ignore or gloss over sexual trafficking is to avoid the issues that come to the fore when sexual trafficking is the topic: unsettling, scary, and "divisive" issues like the pervasiveness and influence of the global sex industry, the relationship of trafficking to prostitution, and the role of men's demand for prostitution in the trafficking enterprise. (We tend to think of the fundamentalists as the ones who are pro-censorship, but in this area of advocacy, we've learned, free speech liberals can censor too.) But while most clearly are progressives, the organizers, speakers, and participants at this conference tackled these tough issues, broke the crisis of silence surrounding them, and found, as we often do, that squarely confronting a painful reality is far more productive—and unifying—than denying or avoiding it.

An issue that surfaced over and over was the relationship of sex trafficking, prostitution, and domestic violence. One of our speakers—a law enforcement professional—pointed out that while “human trafficking has traveled under the collective radar screen of law enforcement,” until the last two decades the same was true of domestic violence. He stressed that what we’ve learned in our close to three decades of work against domestic violence can provide us with “a roadmap to success” in our efforts to combat sexual trafficking. In both types of crime, he stressed, victims are often reluctant to come forward and communities insulate perpetrators from apprehension. Tackling trafficking and domestic violence, he pointed out, requires overcoming indifference and ignorance on the part of law enforcement and the public alike. He explained that combating both trafficking and “DV” requires an interdisciplinary and coordinated community response.

I think that making the connection between trafficking and domestic violence is very useful—and confidence inspiring. While law enforcement and service providers may currently lack the resources we need to address the needs of trafficking victims, thanks to our work against domestic violence we know a lot about what those needs are: confidential shelter, counseling, legal services, confidential health care and mental health services, especially those addressing trauma. In fact, the Justice Department has said that domestic violence service providers are uniquely equipped to address the needs of trafficking victims. And domestic violence service providers’ increasing expertise serving immigrant battered women has equipped us with linguistic and cultural competencies that enhance our ability to serve international trafficking victims.

Our experience with the dynamics of domestic violence will also help us deal with trafficking. As Melissa Farley put it in her presentation yesterday, “Prostitution is like domestic violence taken to the extreme. Pimps and customers use the same techniques of power and control that batterers use.”

The reality is that much trafficking and prostitution is domestic violence. Cross-culturally, recruiters often court and seduce their victims; they act like, and often are, boyfriends. Pimps are a category of batterer—they’re like batterers on speed! And as an assistant district attorney in the audience yesterday explained, traffickers have been known to marry their victims in order to conceal their operations and cement control. While taking on the issue of sexual trafficking may feel daunting, we’re not the novices that we sometimes think we are.

But there are important differences between domestic violence and sexual trafficking that we should not lose sight of as we develop our best practices and strategies. While victims of domestic violence are sometimes pathologized and blamed, victims of the sex industry are systematically stigmatized and, and in this country, criminalized. Too often they are equated with and seen as vectors of all of the dehumanizing and brutal sexual violence that is directed against them.

Another big difference between domestic violence and trafficking is that while some batterers may band together in fathers’ rights groups, sex industry perpetrators have a

huge, multibillion dollar industry behind them—notorious for corrupting law enforcement and buying politicians.

Unlike in other countries, in the United States the movement against violence against women has since its very beginning been splintered and fragmented. Sexual assault and domestic violence service providers often have limited interaction. Advocates for sex industry victims and advocates for immigrants’ rights move in their own separate spheres. To effectively confront the behemoth sex industry and to address the multifaceted needs of trafficked and prostituted women and children—and to radically change the way they are viewed and treated—we need to pool our expertise, and we need to pull together.

Another critical issue that is rarely addressed at conferences on “human trafficking,” but was center stage at this gender sensitive conference, is how the sex industry perpetuates itself not only by recruiting girls and young women as merchandise but by recruiting boys and young men as conscripts in the army of demand. College students walking on the streets of Amsterdam, school boys surfing the web on a break from homework, teenaged soldiers and sailors in North Korea and the Philippines are all being recruited by traffickers and their agents. As Norma Hotaling pointed out, jurisdictions that legalize prostitution are especially aggressive recruiters for demand. If we don’t begin to curtail this form of the socialization of our sons, the sex trafficking industry will continue to grow and multiply, along with the legions of its victims.

This message was underscored by a recent incident in our own backyard: the exploitation (undisputed), gang rape (as yet, “alleged”), and terrorism (undisputed) of a young African American woman by a group of young white men from the ranks of the elite. Where did the young men learn that it was sexy, fun, and okay to buy a woman—and a woman of color at that? How long have they been buying women for sexual entertainment? Were they oblivious to similar exploitation perpetrated against Black women owned by their not-so-distant ancestors—or was that part of the thrill? When will we as a society realize, as Linnea Smith and Dorothy Teer have long pointed out, that sexual objectification paves the way to sexual violence, for isn’t possession and consumption the proper response when you purchase a commodity, when a human being is reduced to a thing.

Norma Hotaling said yesterday, “I hate the word ‘trafficking.’” I understand why. The word “trafficking” has been used, by certain constituencies, to separate out the bad crimes committed against the good women and girls from the treatment meted out to the bad women and girls, which is understood as their choice of career. But I think that this conference demonstrates that the word trafficking can be used in a way that does not ignore its integral and often identical relationship to prostitution and that does not deny the abuse and exploitation of prostituted women and girls.

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Where do we go from here? How do we translate the lessons we’ve learned over the past two days into social change, into action? If we start by looking in our own backyard,

as Marisa Ugarte has urged us to do, we see that trafficking is happening in this State. We don't yet have statistics on the incidence of sexual trafficking into and within North Carolina, but we have learned here that undocumented immigrants are especially vulnerable to trafficking, and North Carolina has one of the largest undocumented immigrant populations in the country, as Agent Kevin Kendrick pointed out yesterday. Agent Kendrick also described the demand for the sex trafficking of migrant women created by the large numbers of male migrant workers planting and harvesting North Carolina's crops. We know from several highly publicized sex trafficking prosecutions that traffickers recruit migrant male workers for the demand, just as they recruit our sons. And we heard yesterday from domestic violence victim advocates in North Carolina like Sherill Thomas that they're already providing services to trafficking victims and their family members, even though they haven't yet received the funding to build the capacity they need to do so.

We've learned at this conference that although it's the federal authorities who have a clear mandate to investigate and prosecute trafficking crimes—a mandate provided by the federal Trafficking Victims Protection Act—it's local law enforcement officials working at the grassroots level, together with communities and service providers, who are most likely to encounter sexual trafficking. Unfortunately, as Major Munday pointed out, they are ill equipped to respond to these cases. According to Major Munday and other law enforcement speakers yesterday, most local law enforcement doesn't know what trafficking is. They've received little if any training on sex trafficking. They don't have the tools to identify victims. The training they have received has taught them to ignore the perpetrators and arrest the victims. Major Munday made it clear what is needed. He said, We need an ideology change. We need to forge partnerships. And, we need a state law on trafficking to provide local law enforcement with the guidance, direction, and mandate they need to fight these crimes.

Listening carefully to what has been said here over the past two days, it seems to me that one of the most important things that could come out of this conference is a coalition to push for the passage and implementation of an anti-trafficking law in North Carolina. While there are existing laws that address some aspects of trafficking, like the laws against pimping, they get at only part of the problem and the penalties they impose are not commensurate with the severity and harm of the crime.

But what is needed is not any anti-trafficking law. It has to be a strong and comprehensive law that reflects the lessons learned at this conference. First, it has to have a comprehensive definition of trafficking that identifies the range of means traffickers use to exert power and control over their victims. We've heard that the operative definition of trafficking in the federal anti-trafficking legislation is quite limited, providing many traffickers with a loophole and excluding many victims from protection. But here we have an opportunity to close that loophole and increase the circle of victims accorded protection—if we get the definition right. We need to ask ourselves, is it protecting the women and girls that Sage and Breaking Free and Dignity House every day help move from the category of victim to that of survivor, most of whom are trafficked into prostitution domestically. And please, don't rely on the lawyers alone to

come up with a comprehensive definition of trafficking; it needs to reflect the experience of advocates who have worked with victims and know how traffickers operate.

Second, a strong anti-trafficking law has to address not only the traffickers that exploit victims here but also the traffickers that recruit the demand here and then send it out to prey on women and children in other parts of the country and other parts of the world, especially in countries that are desperately poor. In other words, North Carolina needs an anti-trafficking law that takes on the sex tour operators. We don't know to what extent sex tourism is happening here now, but the internet makes it easy for anyone, anywhere to go into the sex tour business, and as other states clamp down on sex tour operators, it's only a matter of time before they come here.

Third, a strong anti-trafficking law needs to address not only the supply and distribution side of the trafficking enterprise; it needs to take on the demand. As numerous speakers explained at this conference, the buyers not only provide the profit motive for trafficking; they exert power and control over victims and subject them to an experience "tantamount to rape," to quote Sigma Huda, the UN Special Rapporteur on Trafficking. In New York State, to curtail the demand that fuels trafficking, a diverse coalition is advocating for an anti-trafficking law that would increase the penalties for all those who "patronize a prostitute." State laws can also direct funds to educational campaigns that, like Sweden's, warn buyers of their criminal liability and force them to confront their role in the expansion of the trafficking industry and the harm they're doing to victims.

Fourth, an effective anti-trafficking law must eliminate all penalties against trafficked and prostituted children. As Derek Ellerman, Norma Hotaling, Vednita Carter, and other speakers have explained, commercially sexually exploited children are currently treated under most state laws as perpetrators, not as victims of child sexual abuse. This shocking and shameful double victimization of our most oppressed and exploited children must end. Those who buy them for prostitution must be treated like the child rapists that they are.

Fifth, there was much discussion at this conference about the need for capacity building so that community-based organizations and local law enforcement providers are equipped to address the multifaceted needs of trafficking victims. Service providers need funding to increase their cultural and linguistic competence and to train their staff to be able to meet the special needs of women and girls who have been prostituted, especially their need for treatment of trauma. State legislation can direct funding to these areas of need, which are essential to the successful prosecution of traffickers.

Finally, it takes a broad coalition of advocates to get a good law passed and implemented. We need to harness the incredible wealth of expertise in this room. And we need to think about who isn't in this room but could be a strong ally. Last night a woman stood up at dinner and asked where the faith-based organizations were at this conference. While in many respects we had significant diversity here—law enforcement, survivors, academics, and activists—we can and need to cast our net more widely in order to build the kind of coalition we need. As we learned from the passage of the Violence Against Women Act

and the Trafficking Victims Protection Act, the support needs to be bipartisan. If we reach out and effectively communicate what we've learned here, we can build that kind of support.

I'd like to conclude by expressing my immense gratitude to the organizers, sponsors, speakers, and participants for making this conference such an epiphany-rich experience. We've succeeded in breaking the crisis of silence about sexual trafficking at this conference. Now let's turn what we've learned into action—starting in this State.