



## Human Trafficking Fueling Modern Day Slavery A Talk with R. Evon Idahosa

### I. Human Trafficking and Sex Trafficking

#### A. What is human trafficking?

1. Human trafficking, which can be labor trafficking and sex trafficking, is defined as the illegal movement or harboring of people for forced labor.
2. The UN defines human trafficking 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.”<sup>1</sup> In the case of sex trafficking, the exploitation would be sexual in nature.
3. Human trafficking continues to be a major problem because of the ceaseless demand.

#### B. Sex trafficking

1. Around 36 million people around the world are sold for human trafficking, and about 20.9 million adults and children are bought and sold into commercial sex servitude.<sup>2</sup>
2. Over half of identified trafficking survivors are trafficked for sexual exploitation.<sup>3</sup>
3. Women and girls make up 98% of sex trafficking victims.<sup>4</sup>

#### C. International sex trafficking operations

1. Typically, international sex trafficking operations are run by organized crime.
2. Not all trafficking is done under the threat of violence or coercion.
  - a. The majority of sex trafficking victims worldwide come from impoverished backgrounds.
  - b. For those women, their dire economic insecurity makes them more inclined to take great risks for the promise of any form of income. Sex traffickers prey on this insecurity by deceiving them with promises of legitimate work in other countries.

#### D. Sex trafficking in Nigeria

1. Nigeria is a hub for human trafficking, with victims trafficked domestically and internationally.
2. Edo State in particular, located in south central part of Nigeria, is rife with sex trafficking.
3. Sex trafficking can involve coercion and deception, but some women will willingly subject themselves to be trafficked
4. For many women in Edo, prostitution in foreign countries seems like a glamorous and relatively easy way to make a lot of money. Hearing success stories of other young women who have returned home wealthy encourages them.

#### E. Factors fueling sex trafficking

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<sup>1</sup> <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

<sup>2</sup> "Global Sex Trafficking Fact Sheet." *Global Sex Trafficking Fact Sheet*. Equality Now, n.d. Web. 29 July 2015. <<http://www.equalitynow.org/node/1010>>.

<sup>3</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, 2012, p. 7

<sup>4</sup> International Labour Organization, *Minimum Estimate of Forced Labour in the World* (April 2005) p. 6



1. Economic circumstances of trafficked women
  - a. Many women who are trafficked are from poverty-stricken areas.
  - b. Trafficked women are either unemployed or earn no money.
2. Social factors such as a lack of education or illiteracy remains key obstacles to curbing sex trafficking in many regions.
3. Violent conflicts and war zones
  - a. Women and young girls often bear the burden of violent conflict.
  - b. According to UN research, this is because wars often rely on and reinforce hierarchical notions of gender.<sup>5</sup>
  - c. Men are often killed or recruited to become soldiers, whereas women are victims of sexual violence
  - d. For example, in 2014, Boko Haram, the Nigerian jihadist group, kidnapped 276 schoolgirls from the Government Secondary School in Chibok, Nigeria, and announced its intention to sell the students into slavery. The Islamic terrorist group has between 7,000 and 10,000 fighters supporting their fundamentalist, anti-female education ideologies. Some members broke into the school under the guise of guards and told the girls to come out with them. The fate of the girls is still unknown, but many were likely sold in neighboring countries such as Chad and Sudan.
4. Government corruption
  - a. Although many countries have laws on the books criminalizing sex trafficking, corruption, particularly in war-torn countries, contributes to a lack of enforcement.
  - b. Nigeria enacted the Trafficking in Persons Law Enforcement and Administration Act in 2003.
5. The demand for such services is so high such that for traffickers, it remains a lucrative business with relatively low risks. In many of the countries that trafficked women are from, enforcement of regulations is lacking. Some countries are attempting to combat sex trafficking by criminalizing demand.

## II. Laws Protecting Trafficked Persons

### A. International laws

1. United Nations Convention against Transnational Organized Crime (UNTOC)
  - a. Adopted by the General Assembly in 2000, UNTOC is the main instrument to fight transnational organized crime.
  - b. UNTOC is supplemented by three protocols, one of which is the Protocol to Prevent, Suppress and Punish Trafficking in Persons.<sup>6</sup>
  - c. The Protocol is a legally binding instrument. It is unique from other treaties because it was created as a law enforcement instrument. It outlines a number of regulations to prevent and combat trafficking and to protect the victims of trafficking from repeated victimization. Parties must take action to penalize trafficking, protect

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<sup>5</sup> Wölte, Sonja. *Armed Conflict and Trafficking in Women: Desk Study*.

<sup>6</sup> "Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime." *Organization for Security and Co-operation in Europe*. The United Nations, 2000. Web. 15 July 2015. <<http://www.osce.org/odihr/19223?download=true>>.



victims of trafficking, and grant victims temporary or permanent residence in the countries of destination.

- d. The Protocol maintains that persons do not have the right to choose to be trafficked. This distinction helps to clarify the line between smuggling and

## B. Legalizing prostitution

1. The Nordic Model or the Swedish Model was first introduced in Sweden in 1999. The Swedish Sex Purchase Act criminalizes the buying of sex, while decriminalizes the selling of it.
2. Its main goals are to curb the demand for sex trafficking by focusing on the people who purchase sex and imposing more severe criminal penalties.
3. Since it was introduced, several other countries including Norway and Iceland have followed suit.
4. Proponents argue that such a legal regime makes women feel more empowered about choices they make with regard to their own bodies.

## C. Domestic sex trafficking

1. Sex trafficking is not just an international problem. It occurs inside the U.S. as well. According to the Department of Justice, domestic human trafficking has become the second fastest growing criminal industry in the U.S., behind only drug trafficking.
2. California, Texas, and New York have the highest numbers of people who are sold for sex—in New York state 2,000 people are trafficked a night.
3. Federal laws
  - a. The Trafficking Victims Protection Act of 2002 establishes human trafficking and related offenses as federal crimes and attaches severe penalties to them.
  - b. The Justice for Victims of Trafficking Act of 2015 criminalizes soliciting sex from a trafficking victim, making the crime tantamount to sex trafficking itself.
4. New York State's Trafficking Victims Protection and Justice Act<sup>7</sup>
  - a. Passed in the New York State Assembly in 2015, the Act increases penalties for sex and labor human trafficking and creates a civil right of action for victims to sue their perpetrators.
  - b. The Act creates a new crime of aggravated prostitution of a minor, recognizing prostituting a child as the same as statutory rape.
  - c. The Act increased accountability for buyers and pimps, who were previously charged less severely than a perpetrator of statutory rape. The bill made sex trafficking a B violent Felony in the state, thus charging it as rape in the first degree.
    - i. The act also enhances the protection of sex trafficking victims by decriminalizing their actions, so they are no longer arrested for prostitution. It ensures that the child victims are converted into "Persons in need of Supervision" (PINS) and gives services to them and their adult counterparts.

## D. Helping the survivors

1. Rehabilitation
  - a. Many people are ostracized from society when they return to their countries of origin after having been trafficked against their will. They frequently have diseases, mental health issues, and are considered "damaged goods."

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<sup>7</sup> New York S. 7-2015 (2015) (enacted). <http://open.nysenate.gov/legislation/bill/S7-2015>



- b. Numerous organizations focus on providing the victims of sex trafficking with therapy so they can address the mental damage that results from their experiences and giving them medical assistance if they have contracted an illness or disease.
  - c. It is important that they receive a chance to reacclimatize themselves into society. Many organizations, such as PJI, have skill acquisition training, which help the victims learn a trade and skills for future employment such as computer studies, tailoring, hairdressing, catering, and others.
2. Victims of human trafficking may obtain status in the U.S. by applying for T Nonimmigrant Status (T visa).<sup>8</sup>
- a. To obtain a T visa, the victim must be able to prove that he or she was a victim of trafficking and entered the United States as a victim.
  - b. T visa lasts 4 years and entitles an automatic employment authorization grant.
  - c. After 3 years of continuous residence in the U.S. after obtaining a T visa, the holder may apply for permanent residency.

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<sup>8</sup> "Victims of Human Trafficking: T Nonimmigrant Status." *U.S. Citizenship and Immigration Services*. Department of Homeland Security, 03 Oct. 2011. Web. 15 July 2015. <<http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>>.