

# Sex as Slavery? Understanding Private Wrongs

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Published online: 25 November 2010

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**Abstract** The era of globalization has been accompanied by an increased awareness of private wrongs as well as acceleration of many forms of cross-border labor exploitation. The essay explores how refined distinctions between forced and free sex work could improve anti-trafficking policies. It addresses the understudied linkages between other forms of migration and sexual exploitation and suggests a triage approach to all forms of labor exploitation—based on harms rather than type of labor or victim. A better understanding of freedom, sex, and development will allow us to expand a human rights approach to these private wrongs. The best anti-trafficking policy is one of universal, indivisible human rights. Victims of sexual exploitation need the same things as all migrants and all workers—recognition, monitoring, resources, access to justice, and organization.

**Keywords** Human trafficking · Private wrongs · Sex · Slavery

## Introduction

Prevailing constructions of international commercial sex as slavery have brought attention to a tragic underside of globalization but generate incomplete responses to abuse and obscure linked forms of exploitation. Anti-trafficking policies are systematically distorted by uninformed or biased analyses of sex work and the wider spectrum of forced labor. This paper will examine these distortions and propose a more integrated theory of reproductive labor coercion. The essay will explore how anti-trafficking policies could be improved by better distinctions between forced and free sex work, the understudied linkages between other forms of migration and sexual exploitation, and a triage approach to all forms of labor exploitation—based on harms rather than type of labor or victim.

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Anti-trafficking policies depart from an assumption of free individual women or parents on behalf of children, who are coerced or egregiously misled to be smuggled across borders, and then continuously pressured and abused to engage in sex work. It is assumed that such women were not and would not engage voluntarily in sex work, that other employment options do not exist or are not exploitive, and that trafficking is uniquely harmful due to its nature. Each of these assumptions is sometimes true, but to the extent they are not always or usually true, policy is distorted in the following ways.

First, anti-trafficking policies framed to protect “innocent” women from sexual slavery ignore or slight prior sex workers or other women who migrate voluntarily to engage in sex work but are subsequently exploited. Second, international policy and especially American policy focuses disproportionately on east–west traffic, culturally recognizable European victims, and youth, when the vast majority of victims are interregional in the global south. Third, policies often aim to stop commercial sex rather than the violence, exploitation, and other harms associated with it and with other forms of labor and migration. Policies based on these assumptions do not serve even the preponderance of their intended beneficiaries, victims of transnational sexual exploitation.

The disproportionate emphasis on trafficking within the migration policy also slights the wider set of persons exploited and abused across borders. The individualistic emphasis and sexual focus of anti-trafficking efforts fails to address the wider issue of structural violence and economic determinants of all forms of trafficking, labor abuse, and exploitive smuggling. Such policies also fail to recognize the much broader sexual abuse of women integral to many forms of exploitive globalized labor, such as sexual harassment and rape in sweatshops and the “maid trade.” Finally, by putting sexual exploitation first and assuming that women are uniquely degraded by sex, anti-trafficking policy diverts attention from equally harmful and widespread forms of labor exploitation that affect equally “innocent” men and children, as well as women toiling in dangerous and debilitating non-sexual jobs.

### Sex, Lies, and Globalization

Over the last decade, international humanitarian campaigns and policy have begun to address the horrific and increasing transnational sexual exploitation of women and children. While this is a welcome development, it is too often based on a distorted understanding of trafficking, violence, and globalization. Sexualized, individualistic myths regarding trafficking limit appropriate attention and response to victims of a wide range of globalized exploitation and coercion, including the intended beneficiaries of anti-trafficking efforts.

Many advocacy groups cite figures of more than 27 million people worldwide exploited in contemporary forms of slavery, with several million of those forced or tricked across borders (based on Bales 2004). The U.S. State Department estimates that up to 820,000 men, women, and children (are) trafficked internationally each year while the International Organization for Migration cites a rough figure of 800,000 (U.S. Department of State 2009; International Organization for Migration, <http://www.iom.int>). The International Labor Organization (ILO) estimates that at

least 1.39 million people are victims of commercial sexual servitude worldwide, though this includes both transnational and domestic trafficking. The U.S. data suggest that about two thirds are women and girls. Much of this traffic is from east to west (Europe) or south to north (Latin America–U.S., Southeast Asia–Europe, and the U.S.) (The United States Department of Justice 2008).

Women now comprise almost half of international migrants. Women are trafficked within and across borders for various forms of female-typed labor, from “nimble-fingered” sweatshops to the “maid trade,” from mail order brides to prostitution. Women are highly vulnerable to sexual harassment and exploitation in *all* of these forms of labor, but the level of coercion is usually highest in transnational prostitution. While regional patterns of female factory and domestic labor mirror those of males, the export of female sexual services follows distinct geographic patterns, east–west and south–north.

The numerical preponderance of people trafficked *domestically* are men indentured for debt slavery in rural areas of developing countries or forced labor in dictatorial regimes and war zones. Significant numbers of male and female children are also enslaved on plantations, in informal factories, as domestic servants, as beggars, and as child soldiers. The largest flows of domestic labor trafficking are within the poorest countries and regions, Africa, South Asia, and the Middle East.

Although international sex trafficking is an especially egregious violation of almost every fundamental freedom enacted on especially vulnerable populations, other forms of labor exploitation and abuse are even more widespread and affect greater numbers of people. For example, the ILO estimates there are nearly 700,000 child domestic workers in Indonesia alone, and Human Rights Watch has identified that country as one in which a large number of such workers face “slave-like conditions,” including frequent physical and sexual abuse (“Swept Under the Rug: Abuses Against Domestic Workers Worldwide,” 2006) This is a far larger and more vulnerable affected population *in one country* than the maximal estimates of Eastern European women trafficked to the West for sexual exploitation. Similarly, the International Organization for Migration estimates that in 2007 alone, there were 26 million internally displaced persons as a result of political conflict or natural disaster (along with 11 million refugees)—and these vulnerable groups face very similar threats to their rights and well-being as trafficking victims (<http://www.iom.int>). Although women trafficked for sexual exploitation are especially at risk of abuse due to displacement, the number of women coerced or pressured into prostitution *within* their countries far exceeds trafficking victims, with little international attention or pressure. For example, some sources estimate that Iran, a closed society where migration is not a major factor, hosts 200,000 to a million women working as prostitutes under degrading, repressive, and exploitive conditions—and increasingly threatened by HIV infection (see <http://www.salamworldwide.com/issues11th.html>).

Inappropriate or disproportionate policies may result from these ill-founded or incomplete understandings. The good news is that U.N. standards, U.S. aid conditionality, and human rights network campaigns have inspired dozens of countries to prohibit trafficking in persons. There are educational, law enforcement, and victim assistance efforts in sending and receiving countries, via regional programs in North America, Europe, and Southeast Asia, and through global bodies such as the International Organization for Migration, the ILO, and UNICEF. The bad

news is that almost a decade of anti-trafficking programs have done little to reduce the incidence or the harm of the phenomenon, and may even have diverted attention from root causes of trafficking itself and equally harmful practices of labor exploitation affecting greater numbers.

The United States should be the best case for anti-trafficking efforts, since it has a willing and relatively effective state, legislation in place since 2001 and an attentive civil society coalition of religious, feminist, and human rights advocates for trafficking victims. Yet, with an estimated incidence of “as many as 17,500 people” per year, the U.S. limits special protective visas for trafficking victims to 5,000 per year and actually grants only several hundred (CRS Report for Congress 2010). According to the State Department’s mandated annual Trafficking In Persons report for 2008, in 2008 the Department of Justice’s Civil Rights Division and U.S. Attorneys’ Offices initiated 183 investigations, charged 82 individuals, and obtained 77 convictions in 40 human trafficking cases (13 labor trafficking, 27 sex trafficking). On the victim assistance side, the Department of Health and Human Services certified 286 foreign adult victims in FY 2008, and issued eligibility letters to 31 foreign minors, which enabled them to receive special protective visas and social services. At the same time, one of the few genuine preventive measures that indicates both responsiveness and unmet need, the National Human Trafficking Resource Hotline, received a total of 4,147 calls, including more than 550 tips on possible human trafficking cases and nearly 400 requests for victim care referrals (<http://www.state.gov/g/tip/rls/tiprpt/2009/123133.htm>). Completing the picture, U.S. sources report that in 2007 only 3,427 traffickers were convicted worldwide (CRS Report for Congress 2010), keeping in mind the rough estimates of 800,000 victims annually.

The web site <http://www.bayswan.org/traffick/>, run jointly by Global Alliance Against Traffic in Women, Network of Sex Work Projects, the International Human Rights Law Group, and Human Rights Watch, monitors the effects and shortfalls of anti-trafficking initiatives. Part of the problem is an overestimation and concentration on coercion rather than more complex “structural violence” as a determinant of sexual exploitation. A single but suggestive 2009 London Metropolitan University survey of migrants in sex work in the UK concludes that, “Interviews with 100 migrant women, men and transgender people working in all of the main jobs available within the sex industry, and from the most relevant areas of origin (South America, Eastern Europe, EU and South East Asia), suggest that although some migrants are subject to coercion and exploitation, a majority are not... approximately 13% of female interviewees felt that they had been subject to different perceptions and experiences of exploitation, ranging from extreme cases of trafficking to relatively more consensual arrangements. Only a minority, amounting approximately to 6% of female interviewees, felt that they had been deceived and forced into selling sex in circumstances within which they had no share of control or consent.”

Moreover, a report by the Global Alliance Against Trafficking shows that anti-trafficking programs too often impinge the rights of the people they are supposed to help. Based on research, in a range of sending and receiving countries—Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, the United Kingdom, and the United States—the report shows that women who are “rescued” from trafficking may be indefinitely detained against their will in police facilities or shelters, involuntarily deported, forced to provide evidence which puts them and their

families at risk, or even abused or harassed by law enforcement officials. In other cases, young female migrants and potential border crossers are profiled and subjected to preemptive scrutiny and interdiction that impinges their freedom of movement in the name of protecting them from trafficking (Global Alliance, “Collateral Damage,” 2009). Thus, some argue more broadly that a “rescue industry” undercuts the rights of migrant sex workers when it types them as “innocent victims” in need of humanitarian protection rather than displaced agents in need of migration rights (Agustin 2007).

The United States has the most comprehensive policy and has devoted the most bureaucratic and financial resources to the issue of any single receiving country—averaging around US \$80 million/year over the past decade. Yet, its record under the Bush administration clearly shows the limitations of traditional concepts of trafficking to address the problem (we will consider below how such concepts may be changing under the new administration). In the U.S. Trafficking Victims Protection Act, perhaps the central single piece of legislation, trafficking is defined as “a commercial sex act is induced by force, fraud, or coercion”; under the Bush administration, the U.S. ignored the broader U.N. definition which encompasses sexual exploitation of voluntary migrants and other forms of non-sexual contemporary slavery. While the U.S. program is oriented around the “three Ps” of prevention, protection, and prosecution, prevention efforts are limited to a few education programs, and protection focuses more on training and subsidizing service providers than direct victim assistance. The bulk of the funding and effort is law enforcement, both in the U.S. and abroad. Under the terms of 2003 legislation, renewed in 2005, U.S. policy has even gone so far as to deny funding to health, migration, and sex worker assistance organizations for anti-trafficking and HIV prevention programs if such NGOs tolerate or advocate decriminalization of commercial sex work, unless the agencies explicitly condemn prostitution. Similarly at the global level, some health workers and scholars believe that an overemphasis on trafficking hinders HIV prevention and empowerment of sex workers to protect themselves, as well as stigmatizing prostitutes on the basis of religiously based ideology (Pisani 2008).

Worldwide, programs concentrate disproportionately on women trafficked from Eastern Europe and Southeast Asia to Western Europe and the U.S., when the vast majority of exploitation occurs in South Asia, Africa, and the Middle East, either intraregionally or domestically. Moreover, trafficking in Africa and the Middle East is more likely to involve children, and to mix sexual exploitation with other forms of forced labor and even institutionalized slavery (United Nations Office on Drugs and Crime 2006), but both positive aid and legal assistance and negative U.S. sanctions have been focused by cultural construction and geopolitics, not need. For example, almost half of U.S. anti-trafficking funding went to East Asia or the Western Hemisphere and only 14% to Africa (CRS Report for Congress 2010). U.S.-sponsored Tier 3 sanctions have only been imposed on a handful of countries that overlap with pariah regimes sanctioned by the U.S. for other reasons, such as North Korea, where severe strictures on migration suggest that high levels of trafficking are unlikely.

In a parallel distortion, the large number of women trafficked south to north to sexually service migrant co-ethnics, a significant proportion of the Mexico–U.S. flow, receive much less attention and assistance than the east–west or Southeast

Asian prostitution and sex tourism. The harms of this form of trafficking are reported to be especially high, with extremely harsh living and working conditions and frequent physical abuse. While there are problems of receiving country law enforcement and social service access to this population of at-risk or trafficked women within diasporas, a conceptual barrier to greater enforcement is the implicit assumption that these women are in some sense governed (or even literally owned) by their communities rather than the authorities of the receiving country. At the U.S.–Mexico border, the problem is exacerbated by a failure on both sides to distinguish smuggling from trafficking, resulting in U.S. smuggling suppression policies that drive migrants further underground into the arms of traffickers. Conversely, Mexico’s practical toleration and legislative confusion regarding smuggling fails to protect its own most vulnerable citizens from exploitation (Cicero-Dominguez 2005). The Bilateral Safety Corridor Coalition, an inter-American coalition of 60 NGOs and government agencies, has begun to raise awareness and deliver services to this population and has received funding and provided training to U.S. border enforcement, justice, and social service agencies (<http://www.bsccoalition.org/index.html>).

Burgeoning recognition of some of the structural determinants of trafficking has not yet registered in appropriate policies or a deeper reorientation. Overall, anti-trafficking programs devote far more attention and resources to prosecution than protection, and still less to prevention. For example, a best-case receiving country sensitive to social context—Australia—has committed almost US \$7 million/year to combating trafficking in Australia through improving detection and *prosecution* while a counterpart sending country program financed by the ILO in Thailand for *prevention* through education and job creation provides only around US \$1 million/year ([http://www.ag.gov.au/www/ministers/RWPAttach.nsf/VAP/\(966BB47E522E848021A38A20280E2386\)~056+June+17+Human+Trafficking+Fact+Sheet.pdf/\\$file/056+June+17+Human+Trafficking+Fact+Sheet.pdf](http://www.ag.gov.au/www/ministers/RWPAttach.nsf/VAP/(966BB47E522E848021A38A20280E2386)~056+June+17+Human+Trafficking+Fact+Sheet.pdf/$file/056+June+17+Human+Trafficking+Fact+Sheet.pdf)) (<http://www.humantrafficking.org/updates/165>). Similarly, the vast majority of policy seeks source suppression rather than demand control, with the sole exception of extraterritorial criminalization of child sex tourism by many developed countries.

Sex work is not always slavery; sometimes it is “freely” chosen as the best of a terrible range of options available to poorly educated young women in patriarchal developing countries. Some of the distorted typing of trafficking as uniquely coercive and harmful obscures the pressures and violations of both alternative forms of migration and alternative domestic employment, as well as the sexual exploitation of “normal” practices in many sending countries. The “maid trade” is the main migration alternative beyond sex work for many young women from sending regions. For example, Saudi Arabian households employ an estimated 1.5 million domestic workers, mainly from Indonesia, Sri Lanka, the Philippines, and Nepal. Many of these migrants suffer egregious exploitation, “slavery-like conditions,” and even sexual abuse (<http://www.hrw.org/en/reports/2008/07/07/if-i-am-not-human-0>). In parts of Latin America and Asia, young women who gain employment at home are likely to be employed in informal or low wage export-oriented production, i.e., sweatshops, with extremely high rates of sexual harassment and abuse. As fieldwork in the Dominican Republic shows, for example, it is perfectly rational for a woman in this situation to conclude that if she is going to be coerced into providing sexual services, she might as

well get paid for it, and possibly escape some draining physical toil (Cabezas in Brysk 2000). In sending regions of South Asia and Africa, some young women naively but knowingly enter the sex trade fleeing “normal” customary domestic practices such as forced marriage, bonded domestic labor, and routine domestic violence.

Finally, the narrowed emphasis on transnational sexual exploitation sometimes deflects attention from equally harmful forms of non-sexual exploitation, transnational and domestic, enacted upon equally vulnerable populations. While there has been ample attention to child labor in export-oriented industrial sweatshops, for example, there has been much less coverage of routine domestic and intraregional child labor on plantations and in mines. As the recent U.S. State Department report on trafficking notes such non-sexual labor abuse, without offering a policy response parallel to anti-trafficking efforts:

Some 20 to 30% of the world’s gold comes from artisanal mines throughout Africa, South America, and Asia...of the two million children who work in goldmines worldwide, many are forced, often through debt bondage, to do back-breaking work in hazardous conditions. Child laborers in gold mines face a number of dangers: In West Africa, children rub mercury into their hands before sifting soil through their fingers. In South America, children reportedly wash gold while standing in waist-deep water contaminated by mercury. Prolonged mercury exposure causes retardation, blindness, kidney damage, and tremors.... In Bolivia, trafficked boys as young as eight help detonate dynamite in the interior of gold mines. Traffickers in the Democratic Republic of the Congo subject children to debt bondage in gold mines, forcing them to work nine to ten hours daily digging tunnels and open-pit mines. In gold mines in Ethiopia, children are forced to work an average of 14 h a day, six days a week. Children trafficked from Burkina Faso, Guinea, and Mali to gold mines in Côte d’Ivoire are held in slavery-like conditions and forced to work 10 h a day, seven days a week. They receive little food and meager pay. In 2008, a Guinean child told the Associated Press he was promised \$2 a day for his work in a gold mine but received only \$40 after six months of backbreaking, coerced, and hazardous labor. (<http://www.state.gov/g/tip/rls/tiprpt/2009/123128.htm>)

In sum, slavery is wrong, but trafficking is not always slavery—and other forms of migration and labor often are. Sexual violence is wrong, but trafficking is not always violent—and some of the violence comes from its suppression and illegality. Women are not always safe at home, either within their states or families, and empowering them is more effective than rescuing them.

#### Private Wrongs: The Problem is Power, Not Prostitution

A deeper analysis of the differential response to trafficking may permit a more complete understanding and commensurate response to exploitation and abuse. Opposition to trafficking springs from a set of incomplete and even contradictory moral intuitions that can be addressed by a more systematic human rights approach. Yet even a conventional human rights approach must be broadened to comprehend violations by non-state actors and empowerment in the social vs. civic realm, private wrongs.



Why has policy seized so narrowly on trafficking and adopted such a partial perspective on the nature and sources of the phenomenon? The narrative of trafficking has particularly salient features for contemporary Western publics, vis-à-vis other types of human rights abuse. The frame of transnational sexual labor exploitation was initially established as “white slavery” (Kempadoo and Doezema 1998). It thus taps into the moral capital of the anti-slavery campaign, often deemed the first modern human rights movement. In a morally regrettable yet politically powerful semantic move, *white* slavery emphasizes the “unnatural” threat of enslavement to a portion of a population generally exempted from this peril. Differential attention to Eastern European women promotes ready identification by Western publics with the subset of victims who are culturally and racially similar. Talk of slavery taps into Judeo-Christian religious imagery that appears to transcend ideology, avoiding more challenging sociological frames of labor exploitation or the highly contested issue of immigration rights.

The slavery frame garners a special historical resonance from the dominant society most resistant to universal human rights—the United States. As one of the most mainstream American organizations ties trafficking to “American values”:

We tell our children about the slave trade of Africans to the Americas. We speak of the atrocities that were committed. We speak of noble ideals and shun the thought that these things ever occurred in our history. And we pledge that no living thing shall ever be enslaved again to another. And while we recite these words, thousands of women and children across the world are being trafficked as slaves across U.S. borders and abroad. (National Association of the American People, [www.naap.org](http://www.naap.org))

Moreover, the United States has a particular history of Protestant condemnation of prostitution and a quest for social purity through the abolition rather than prevention or regulation of socially harmful activities.

The trafficking frame also draws on the most palatable form of feminism, the struggle to end violence against women. Internationally, the humanitarian protection rubric and transnational networks combating violence against women have succeeded in gaining much greater response than equally costly but chronic or contested economic, cultural, or social rights struggles (Keck and Sikkink 1998). Trafficked women, as “people out of place” (Brysk and Shafir 2004), bridge the universal individual claims of displaced persons and the claims of traditional family values as they are uprooted from the ascribed protection of home and family. Moreover, even within the violence against women frame, *sexual* violence receives greater recognition and priority. This is partly a reflection of decades of feminist education regarding the differential vulnerability of women and girls to these forms of abuse, but also articulates with cultural scripts of female sexuality as fascinating yet also dangerous and inherently degrading.

Recognizing slavery and sexual violence are necessary but not sufficient responses to trafficking and the wider spectrum of sexual abuse and transnational labor exploitation, which correspond more to our own cultural norms than the moral equality and self-determination of the victims. Analysts of trafficking policy distinguish human rights vs. law and order vs. migration control vs. moralistic approaches to trafficking, which prioritize different values of national security,



cultural norms, and universal human dignity, but traffickers are not just criminals who can be suppressed by law and order but delegated agents of social control in exploitive systems of labor. Borders are not just demarcations of territory that can be better ordered but violently contested market niches. Commercial sex is not just a transgression of socially approved channels for male sexual appetite but an explicit commodification of female reproductive labor that turns some women into unwilling objects rather than self-determining persons. The common element is that individuals lack agency and control of exploitive social systems, human rights.

What would a human rights approach look like? The struggle for human rights rests in a dual mandate of protection and empowerment, yet the requisites of protection in the first generation of attention to a social problem often obscure broader strategies for empowerment vis-à-vis structural root causes. Furthermore, the liberal underpinnings of human rights predispose liberation from state-based external pressures to exercise free choice without fully understanding the range of constrained choice or non-state social actors that may impede the individual's freedom. More specifically, the coercive model of trafficking dodges a deeper analysis of globalization's structural pressures on decision making in households and social delegation of authority over women to households rather than state authorities in a kind of embedded second-class citizenship (Brysk 2005).

International sex trafficking is properly defined as transborder subjugated commodification of female sexual services. Like other forms of labor migration, sex trafficking follows dual market and organizational logics, supply and demand plus availability of smuggling and receiving networks. A supply of desperate and vulnerable women (and families, in the case of children) is generated by the collapse of local economies due to endemic poverty, political conflict, and/or pressures of globalization. Conversely, demand is highest in areas that have benefitted from globalization, with high flows of tourism and migration. Smuggling and receiving networks often developed around other illicit flows, such as drugs or weapons but flourish in weak states and articulate with local institutions of gender inequity. International abuse of women grows from pre-existing domestic practices of commodification of female reproductive labor, such as prostitution, forced marriage and domestic service, and patriarchal control of women's movement, education, and employment—enforced by gendered violence. Bales' overall predictors of trafficking levels in a given country are corruption, infant mortality, youth population, food production, population density, and conflict (Bales 2004, p 139).

$$\text{Trafficking} = \text{Supply (Globalization + Gender Inequity)} \times \text{Demand (Globalization + Gender Inequity)} \times \text{Networks (Weak States + Smuggling Social Capital + Control of Violence)}$$

This type of analysis is supported by evidence such as a study by La Strada International, a coalition of nine NGOs in Eastern Europe that shows systematically how trafficking is both a cause and a consequence of violations of women's human rights in that region. Patriarchal stereotypes, domestic violence, domestic employment inequity, informalization of female-typed labor in both sending and receiving countries, feminization of poverty in transitional economies, and shortfalls in social support

services that differentially affect women are all linked to higher rates and harms of trafficking ([http://www.humantrafficking.org/uploads/publications/lastrada\\_08\\_rights\\_0708.pdf](http://www.humantrafficking.org/uploads/publications/lastrada_08_rights_0708.pdf)).

The problem is power, not prostitution. If we want to stop subjugated commodification, we must empower its victims. Specifically, we must disable the mechanisms of subjugation by gender—multiplied by race, class, and caste—that enable exploitation, and if we want to diminish the harms of trafficking, we must reduce the violence, stigma, and second-class citizenship of subjugated women and sex workers, not seek to eradicate commercial sex. What kinds of policies would support this deeper approach to trafficking and its associated forms of exploitation?

### Policy Implications

More broadly, how could an enhanced analysis of the roots and nature of trafficking help to design better policies worldwide? First, a human rights approach to trafficking as a private wrong would begin by strengthening protection and reorienting prosecution to serve protection rather than vice versa. A better distinction between forced from free sex work means that protection for victims must be delinked from prosecution of traffickers, and protective services and status must be offered without conditionality. Complementing this, victims of non-coercive sexual exploitation must be offered access to expanded mechanisms of legal and financial accountability for labor abuse.

On the other hand, protection for victims of coercion may be more effective under a broader rubric of refugee status rather than the narrower trafficking niche with expanded status for “well-founded fear of persecution” by non-state and transnational actors. There are some emerging precedents for this in leading states such as Canada’s extension of gender-based asylum and even recent U.S. rulings on protected status for victims of FGM and domestic violence that point in a similar direction.

Attention to prevention means empowerment. Since *all* forms of migration are potentially exploitive, strengthening labor rights and labor organizations of *all* migrants—including sex workers’ organizations—is an anti-trafficking and a human rights strategy. The challenge is to ensure that trafficking is not marginalized from such forms of empowerment and relegated to a humanitarian ghetto, and that undocumented migrants are not legally or socially isolated from state protection and self-defense. Advocacy groups may be needed to bridge the gap on an interim basis, but their goal should be to establish a legal framework and social capital for self-representation by migrant workers.

Since *all* forms of labor are linked to sexual abuse in conditions of gender inequity, the best remedy and prevention for the harms of trafficking and other forms of sexual exploitation is programs and policies to increase women’s incomes, educations, and reproductive freedoms. This power gap is greatest in sending countries, but the private sphere—and especially the commercial sex industry—is the most unequal workplace in developed countries, warranting particular policy focus. The linkages between privatization and the potential for exploitation warrant special scrutiny in debates on the legal status of sex work and migrants in receiving nations.

Finally, anti-trafficking policy should triage prosecution and protection more by level of harm than type of abuse. While this does happen to some extent with the

priority granted to prosecuting sexual exploitation of children, a triage by harms mandates a broader shift in the regional and demographic focus of receiving country and international institution programs. While anti-trafficking funds and programs focus on the most visible and Western-linked populations, more harmful forms of sexual exploitation are usually linked to poorer sending regions, greater gender inequity, servicing of other migrants or domestic indentured labor, and weak states. Developed receiving states can and should increase monitoring and “access to justice” programs for their less visible populations, as well as greater outreach to zones of intensified exploitation. This also means that all forms of exploitive labor in a country or region must be considered and prioritized by harm, rather than automatically focusing first on the sex trade. Even religious and some feminist advocates predisposed to attribute inherent harm to sex work should realize that greater attention to mitigating the harms of non-sexual labor should indirectly decrease sex trafficking by improving the alternatives for a vulnerable population.

## Conclusion

The era of globalization has increased awareness of private wrongs and accelerated some forms of cross-border labor exploitation, but it has also distorted attention and response to a variety of abuses through historical, cultural, and sociological stereotypes. A better understanding of freedom, sex, and development will allow us to expand a human rights approach to these private wrongs.

Under the direction of the Secretary of State Hilary Clinton, the 2009 U.S. State Department Report shows signs of a modest conceptual breakthrough in the understanding of trafficking, along the lines suggested in this essay. The report now begins with a broader discussion of forced labor that frames transnational prostitution as one facet of trafficking, and the 2008 legislation encompasses fraud and exploitation following voluntary migration. The U.S. report explicitly states that prior employment in sex work for adults or parental consent to exploitation of children should not diminish accountability for forced labor. The new report also highlights the emerging U.S. practice of forcing traffickers to pay restitution to victims, which has the potential to increase the effectiveness of enforcement by diminishing the profit motive of traffickers. It is too soon to tell how, or how fast, these new understandings will improve U.S. policy.

What is clear is that the best anti-trafficking policy is universal, indivisible human rights. Human rights mean voice and choice. Victims of sexual exploitation need the same things as all migrants and all workers—recognition, monitoring, resources, access to justice, and organization. When the problem is power, the solution is knowledge, rights, and solidarity.

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