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Trafficked Yes, Victim No

An analysis of public perceptions versus embodied experiences of trafficking in women from Colombia

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APPENDIX I

APPENDIX II

1. INTRODUCTION

While there may be consensus that much needs to be done to protect the human rights of women involved in trafficking for prostitution, the best way to go about this is still a controversial topic for politicians, activists and feminist scholars (Limoncelli, 2009).

While it is obvious that trafficking is not limited to women nor is it solely for the purpose of exploitation, it is trafficking in women and children for the purposes of sexual exploitation (hereinafter referred to as sex trafficking) which is of most interest for empirical study given the polemical debates surrounding its links to prostitution and gender inequalities as well as the stigma associated with the victims of sex trafficking specifically and the social construction of the “ideal victim of trafficking”. Although I appreciate that by focusing on sex trafficking I am falling into the trap of being attracted to what is a “sexy” topic today rather than focusing on the under-investigated side of trafficking, it is precisely the excessive attention lavished on sex trafficking to the detriment of other forms of trafficking that is of interest here.

While empirical research into the participants in the phenomenon, be they victims or perpetrators or be it focused on the relationships between the two, is necessary for an improved understanding of trafficking and, in turn, for devising better policies to reduce the scale of the problem, heterogeneous narratives tend to be riddled with contradictions (Aradau, 2008) regardless of whether they are structured by the discourse of migration, organised crime or prostitution. This thesis will address whether the empirical research undertaken thus far has failed or succeeded in presenting trafficking as an object of knowledge and whether there is a disconnect, a gap, between the self-representations provided by victims of trafficking and the interventionist representations of them in mainstream media. It will provide an overview of the opposing feminist factions in regards to the prostitution debate, an assessment of the various “problematisations” of trafficking as problems of migration, crime, prostitution or human rights abuses, followed by an analysis of data obtained from research undertaken in Colombia on public perceptions and from interviews with transmigrant sex workers of Colombian nationality. The purpose of these investigations is to ascertain whether there is a disconnect between global discourse, public perceptions in Colombia

and the embodied experiences of Colombian women in order to provide an account for some of the factors leading to prejudice and bias evident in criminal proceedings in Colombia.

2. CHAPTER 2 METHODOLOGY

Studying trafficking is not without methodological contentions (Musto, 2009). First of all, there is a lack of consensus on how many people are trafficked each year (Kelly, 2005) due to the unavoidable fact that collecting data on trafficking is inherently problematic given that it is underground in nature. Research carried out on what Tyldum & Brunovskis (2005) refers to as the “hidden population” is especially problematic due to the stigma surrounding trafficking and sex work. This does not mean, however, that we do not know anything, nor is it a waste of time to attempt to advance empirical understanding of the issue based on the data that is available. The positive impact of the studies undertaken so far, are numerous: scholars from a variety of disciplines have come together to provide a more comprehensive understanding of the phenomenon establishing global trends, push and pull factors, and more reliable estimations of its scale. What must be taken into account is the tendency in scholarship to regard certain theories and assumptions as knowledge (Aradau, 2008)

Despite these methodological challenges of ambiguity and “lack of specificity” (Constable, 2003) surrounding the definition of trafficking, scholars from a wide range of disciplines have actually agreed on certain issues and have made headway in understanding the phenomenon (Musto, 2009). There is agreement, for example, on the “push and pull” or *economic* factors of trafficking (Wheaton *et al.*, 2009; Kligman and Limoncelli, 2005; Reid, 2012, among others). Kligman and Limoncelli (2005), for example, find that class, poverty and urbanisation are all factors, while Reid (2012) finds that childhood sexual abuse is also a major factor leading to both prostitution and trafficking. The same cannot be said, however, for law enforcement officers or jurists who are by no means, experts in the field. Musto (2009) explains that despite the established irrelevance of the notion of consent in the Palermo Protocol, in order for law enforcement officer in the United States to perceive an adequate level of exploitation, the women must refrain from exhibiting complicity in their respective border crossings and hide all evidence of their

agency in order to closely align themselves with the “Ideal Victim” characterisation publicised by the like of the Los Angeles Metro Task Force on Human Trafficking of a crime akin to “Modern Slavery”¹.

In line with the philosophy of epistemology, Skilbrei and Tveit (2008) and Aradu (2008) both stress the importance of avoiding the assumption that we “know” what trafficking *is*, regardless of the extent of the empirical research we have undertaken. The importance of this school of thought is stressed by Kay B. Warren by warning that the court room “also operates in a world of representational strategies, socially mediate knowledge production and truth claims” (Warren, 2012:119). Furthermore, while the complexity of the relationship between the representation of a phenomenon and the respective method for intervention is taken into account here, both in terms of the categorisation of subject identities and what can be done about these subjects, and while it is accepted that it is impossible to distinguish between insightful knowledge and practice-orientated knowledge (Aradau, 2008), these methodological problems are of little importance here for various reasons: (1) this is a Master thesis and will not be read by any policymakers or the general public, (2) the “choice” of subjects selected for interviews was not actually a “choice” as they came into contact with me long before I decided to write about trafficking and (3) I do not have a personal stance on the prostitution question.

While it is obvious that trafficking is not limited to women nor is it solely for the purpose of exploitation, it is trafficking in women and children for the purposes of sexual exploitation (hereinafter referred to as sex trafficking) which is of most interest for empirical study given the polemical debates surrounding its links to prostitution and gender inequalities as well as the stigma associated with the victims of sex trafficking specifically and the social construction of the “ideal victim of trafficking”. Although I appreciate that by focusing on sex trafficking I am falling into the trap of being attracted to what is one of today’s “sexy” topics rather than focusing on the under-investigated side of trafficking, it is precisely the excessive attention lavished on sex trafficking to the detriment of other forms of trafficking that is of interest here, among other things.

¹ See http://assets.lapdonline.org/assets/pdf/feb_07_beat_3.pdf

To date, limited research, especially empirical research, has been focused on Latin America (Sumner *et al.*, 2004). This was on the one hand problematic as it limited my analysis of the region and Colombia in particular, but on the other hand made investigative research in this area of the world all the more intriguing and reduced the risk of bias dependent on other author's analyses.

3. CHAPTER 3 DEFINITIONS

This thesis identifies and models human trafficking in accordance with Article 3, paragraph (a) of the United Nations *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children* (hereinafter referred to as the UN Palermo Protocol) of 2000 and its definition of trafficking as:

“the recruitment, transportation, transfer, harbouring 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

The issue of “agency” is at play in the language of the UN Palermo Protocol and the TVPA in phrases such as “having control over another person” (UN Protocol, 2000:3) and “induced to perform” (TVPA, 2000: 5) which has been said to make way for the construction of the “ideal victim” as being passive and unassuming. Economists such as Wheaton *et al.* (2010) and Chuang (2006) assess trafficking from a supply and demand point of view, referring to trafficking as an “opportunistic response” to the juxtaposition of the need/desire to migrate and migration restrictions.

The lack of importance donated to the notion of consent here is in part due to what Hurtado & Pereira-Villa (2012) describe as “asymmetric information in decision-making” (translated).

Given the positions of vulnerability and desperation many trafficked women as well as the use of fraudulent claims made in regards to the working conditions upon arrival, the authors of the UN Palermo Protocol chose to render the traditional notion of consent irrelevant in determining the constitution of the crime of trafficking.

As consent is considered unimportant or even irrelevant, the evidence of exploitation becomes the most important element in determining the crime of trafficking. For the purpose of this thesis, however, the definition of exploitation is taken from Colombian Law 985 of 2005 on Trafficking in Persons, exploitation is considered as “the procurement of economic gain or any other type of benefit for oneself or another person through the exploitation of the prostitution of others or any other form of sexual exploitation, forced labour or the forced provision of services, slavery or slavery-like practices, servitude, the exploitation of the act of begging of others, forced marriage, the extraction of organs, sexualised tourism or other forms of exploitation” (Article 188A of the Code of Criminal Procedure, Law 985 of 2005).

3.1. Definitional Problems

As Aradau affirms that “victims of trafficking are and are not illegal migrants (2008). They are and are not prostitutes”. It is at this juxtaposition where the women interviewed in Chapter 10 identify themselves, “criminal no, pero victima tampoco”. How could the UN Palermo Protocol have succeeded in defining a phenomenon that in essence already exists in terms of the sum of its parts.

Apap *et al.* (2002) suggest that trafficking and smuggling should be part of a continuum and the UN Palermo Protocol allows for this interpretation whereby trafficking consists of the worst kind of exploitative migration. This raises certain difficulties in establishing where the line is. Kelly (2003) explains that a narrow-definition of trafficking would leave many migrant women in situations of exploitation without any access to justice and an over-inclusive definition would be detrimental to willing migrants and be exploited by states who wish to toughen up their migration policies and prostitution policies. Hurtado & Pereira-Villa (2012) draw attention to the lim-

ited scholarship in which the “double condition” of victims as subject-objects is taken into consideration. Skilbrei & Tveit (2009) come to mind as having addressed this double-condition in their analysis of the “blurred lines” between smuggling and trafficking.

Other scholars, however, prefer to differentiate clearly between trafficking and smuggling by emphasising the exploitative element of trafficking (Salt, 2000). In order to do this, though, smuggling would need to be represented in an un-exploitative and fair manner, which we all know is not the case. The issue of exploitation is described as an “intruder” into the debate on the differences between trafficking and smuggling (Aradau, 2008). Migrant labourers, illegal migrant labourers and trafficked persons all experience certain degrees of exploitation (Aradau, 2008). The distinction must then lie in the use of fraud or force.

Although definitions in themselves are absolutely necessary for states to attempt to deal with the phenomenon of trafficking in persons, they are by no means perfect. Many scholars have noted the “ambiguous” nature of the definition provided in the UN Palermo Protocol and other definitional flaws, which will be addressed in the following chapter. In regards to Skilbrei & Tveit’s “blurred lines”, it is the women who live on these “blurred lines” who are affected by legal definitions of trafficking and are thus impacted by the “ambiguity” of this definition as it allows for states to interpret the definition in a way which best suits their political goals, whether they be in relation to migration, prostitution, crime or human rights. The fruits of the lobbying² from opposing feminist camps leading up to the passing of the UN Palermo Protocol are said to be evident in the compromising language it contains.

Exploitation in particular is difficult to define as there is not standardised international definition (Andrees & Van der Linden, 2005) and the Protocol does little to provide any clarity on that matter (Warren, 2007). Exploitation is, however, of paramount importance given that consent is rendered irrelevant in the UN Palermo Protocol definition.

² For further analysis of the lobbying see chapter 5.3.1.

4.1. Taking Issue.

The term “trafficking” has emerged as an umbrella signifying different phenomena with inflated and conflated connotations, namely in relation to the “prostitution question”. The legal ambiguity observed in the language of the Protocol has been criticised for encouraging signatory states to launch an attack on commercial sex on the one hand and to toughen up policies on illegal migration on the other (Musto, 2009; Weitzer, 2013 and Munro, 2005). As Musto (2009) points out, this has led to a situation where law enforcement officers are responsible for determining whether or not a person is an illegal migrant or a victim of trafficking based on any evidence of real or perceived agency. The difficulty is measuring consent, deception and/or coercion is highlighted in the analysis of the interviews provided in this thesis as well as in empirical work such as that of May-Len Skilbrei and Marianne Tveit (2008). If experts on the issue are able to admit the difficulty in establishing a workable definition of trafficking and underline the existence of an “overlap” (Kelly, 2003 and Musto, 2009) of victims of trafficking and smuggled migrants, how can we expect law enforcement officials to “get it right”? Aronowitz (2001) refers to both smuggled migrants and trafficked persons as a reflection of “irregular forms of migration”, demonstrative of the rhetorical rather than real nature of the differences supposedly established between the two groups. Furthermore, Chapkis (2005) has pointed out the seemingly oblivious conflict of interest inherent in deploying law enforcement officials to simultaneously find and deport illegal migrants and protect and assist trafficking victims.

When it comes to transmigrant prostitution, however, these opposing arguments are difficult to apply. Take the ILO conventions on labour standards for example. As explained by Limoncelli (2009), there are three basic criteria for considering a particular form of labour as legitimate, even under the terms of the neoliberal view, which are: consent, reciprocity in the arrangement and a non-perpetual time limit. Compliance with these three criteria in reference to transmigrant prostitution is denied by Hernández-Truyol and Larson (2005) given the routine practice of debt-bondage. The issue of debt-bondage as a constitutive factor of the crime of trafficking is made evident in examples provided by Skilbrei and Tveit (2008) and in the interviews undertaken for

this thesis with women of Colombian nationality involved in the transnational sex industry (See chapter 10 for further analysis).

The UN Palermo Protocol is, to date, the most widely circulated definition of trafficking. The protocol pinpoints trafficking along a continuum of movement where trafficking constitutes the most exploitative form of migration, thus recognising the exploitative nature of human smuggling. Despite this definitional structure, illegal migrants and victims of trafficking are placed in two polarised categories whereby one is a criminal subject to deportation and the other is a bearer of rights and due support, rehabilitation and residence permits.

Munro (2005) ascertains that the Protocol has privileged those who wish to highlight the link between prostitution and trafficking by referring to trafficking in women and children as the most pressing issue.

4.2. How did this happen?

‘Some 2.5 million people throughout the world are at any given time recruited, entrapped, transported and exploited – a process called human trafficking’, repeated a press release by the United Nations Office on Drugs and Crime (UNODC, 2007). Given that trafficking in humans is indeed a process consisting of various individual steps or actions, the strict definition of the phenomenon was “fuzzy and slippery” prior to 2000 and needed pinning down and differentiating from other social problems to which it was similar and for which “knowledge” was already established (Aradau, 2008).

In an attempt to address the issue of discerning consent, the UN Protocol has rendered it completely irrelevant. The intention of providing a broad definition of trafficking in the Palermo Protocol was most probably to provide human rights protection to as many vulnerable migrants as possible and to foster a sympathy and understanding for illegal migrants who end up exploited in their journey towards a better life. This objective has failed and has been criticised by many scholars for doing very little to diffuse the confusion surrounding the issue of differentiating between trafficking and illegal migration (Musto, 2009). Separating the two groups has grave con-

sequences on the life of the individual in question (Skilbrei and Tveit, 2008) but it is a necessary task of government in balancing their obligations to protect their borders and comply with human rights duties towards victims of trafficking. For those states who still “repatriate” victims of trafficking to their home countries, the ambiguous definition of the Palermo Protocol has been said to legitimise “heavy-handed” law enforcement campaigns leading to mass “repatriations” (Kelly, 2003) while other states are accused of having exploited the definitional ambiguity by establishing their own interpretations based on prejudice against voluntary sex workers (Aradau, 2008 and Abadía, 2011).

The warring lobby groups and their respective conceptualisations are abolitionist on the one hand and sex work orientated on the other. The abolitionist movement has been described as a “gendered critique of prostitution” (Limoncelli, 2009), which analyses prostitution as an inherently exploitative patriarchal industry in which trafficking constitutes the *worst form* of said sexual exploitation of women. The “pro-rights”³ group, drawing from post-modernism and neoliberal feminism, defends the agency and empowerment of women through prostitution and calls for an end to the stigma and a deconstruction of the “ideal-victim” aligned representations of trafficking. While both factions of feminism are concerned about the economic security and psychosocial wellbeing of women in a globalised capitalist world, neither approach adequately addresses these issues (Limoncelli, 2009), either ignoring or blindly reproducing claims of the benefits to women of globalisation (Limoncelli, 2009).

The fact remained, however, that the attention surrounding the passing of the UN Palermo Protocol was deeply divided into two camps which inevitably led to a “compromise” between the two and an “ambiguous” definition, accused by both camps of privileging the other.

5. CHAPTER 5 WHAT IS YOUR PROBLEM?

³ This group has favourably labelled themselves as being “pro-rights”. For the sake of easy differentiation, I will also use this label to describe this school of thought but without any intended connotations as to its legitimacy over the opposing schools of thought. Other labels used by scholars are “post-modernists” (Farley, 2009) and “sex work activists” (Limoncelli, 2009)

Aradau (2008) states that the two supposedly opposing categories of trafficking victims and illegal migrants are “artificially delimited” as they overlap and interlink. Explaining that it is within the process of illegal migration where women are vulnerable to abuse and exploitation, Aradau confirms what Sharma refers to as a “global system of apartheid” (2005) by highlighting that it is through the very practices of security imposed on migrants that the phenomenon of trafficking emerges. In this sense, “contradictions appear as non-contradictory through the structuring that practices of security entail upon the phenomenon of human trafficking”, or in other words, the securitisation of the phenomenon of human trafficking has allowed for the segregation of “friends” and “enemies” to the exclusion of those who are both. The clearest example of this contradiction, provided by Aradau (2008) is that of a group of women “rescued” from a brothel in Birmingham (UK) who, when interviewed agreed that “nobody is happy there” in reference to the appalling working conditions and the exploitative nature of the work and yet refused to utter the phrase “I am a victim of trafficking”. While it must be pointed out that at this time (2005) the UK policy regarding victims of trafficking was to “repatriate” them, given that the woman would have been deported anyway, it is still interesting to see her adamant refusal to play the passive, submissive, victim role, preferring to take on a more active agent role. This is similar to the way in which Natalia expresses her feelings towards her time in Japan. The difference, then, between trafficking and illegal migration/sex work has very little to do with happiness or wellbeing, rather the extent to which a woman is able to exercise her “decision making ability” or agency (Wheaton *et al.*, 2009).

Some scholars have tackled the trafficking phenomenon from a market-based point of view (Hurtado & Pereira-Villa, 2012), that being from the point of view of the economic agents that participate in any given market. This line of study is not popular among scholars as it is criticised for “victim-blaming” (Hurtado & Pereira-Villa, 2012). Among others, Williams (2008) analyses trafficking in relation to the supply and demand and the dimension of victims as an object or “primary material” while Wheaton *et al.* (2009) focus on the agency of the actors involved (both victims and perpetrators) in their monopolistic competence model and Salt & Stein (1997) regard trafficking as a global business based on intermediaries.

According to Jennifer Musto (2009) “trafficking thus serves as a conceptual blueprint upon which pressing state issues and dominant ideologies are mapped and contested”.

Trafficking in persons has taken centre stage in international, regional and national interventionist policies in the Global North since before the turn of the century (Dagistanli & Milivojevic, 2013). Since its revival as a major cause for concern in the 1990’s, it has mostly been linked to women and mostly in relation to work in the sex industry (Lee, 2011). While it is true that the ILO holds that 55% of victims of trafficking are women and girls and that 98% of sex trafficking victims are women and girls (USDOS, 2012), it is still curious as to why sex trafficking is the most commonly explored form of trafficking and yet not the most common form. Other forms of trafficking include domestic servitude, forced manual labour and other forms of modern day slavery. The question asked by many scholars (Weitzer, 2013 and Ditmore, 2005, for example) is not whether or not this “exaggerated level of attention” is justified but whether or not it is actually beneficial to the fulfilment of victim’s rights. Dagistanli & Milivojevic, (2013) name but a few examples of the harmful outcomes of what Weitzer and Ditmore (2010) describe as a “moral crusade” against sex trafficking by defining it as an “unqualified evil”: the first being the abolition of prostitution as a legitimate form of labour. Aradau (2008) refers to such interventions as a “securitisation of victim’s rights resulting in the in-securitisation of sex worker’s rights”. The second is that of forced punitive solutions whereby a victim’s residency permit is conditional upon their willingness to cooperate with the authorities by acting as a witness against their traffickers, referred to as a “secondary victimisation”. The third being the setbacks to women’s freedom of movement⁴. The most concerning harmful effect of the “moral crusade” is described most accurately by Dagistanli & Milivojevic (2013) here:

“Representing trafficking as a moral drama for popular appeal, immobilises more complex and gritty narratives that characterise the banalities of sexual violence. Fetishising and

⁴ Evident in cases brought before the ECJ (Netherlands restricting a women’s right to be a self-employed sex worker) as well as additional screening for women travelling from countries with high levels of trafficking. In the Lords Debate on Human Trafficking on 14th October, 2010, Lord Sheikh stated “I support the increased efforts, announced by the Government, to detect and rescue victims of trafficking by allowing border officials to conduct separate interviews at all airports for women and children travelling with an adult who is not a parent, guardian or husband”. This has been described as protectionist, securitised and paternalistic (Aradau, 2008).

commodifying experiences of victimhood and suffering symbolically reproduce the objectification inherent in the very acts of sexual violation.”

Although Kelly (2003) takes on a more understanding stance regarding the use of the extreme examples to represent trafficking, she also points out that, just as with child sexual abuse and domestic violence, “trafficking is more mundane, involving everyday routine power and control relationships”

The term “problematism”⁵ (Aradau, 2008) is in reference to the various representations of the phenomenon as a problem of prostitution, migration, organised crime or human rights abuse. Each representation, according to Aradau (2008), has its own agenda and limits other representations and their respective interventions. Even the problematisation of sex trafficking as an issue of human rights abuses is still only possible in conjunction with these categories of migration, prostitution and organised crime. The attempt to categorise sex trafficking as an issue of human rights abuses may be welcomed in regards to the approach with which states should deal with victims and be helpful in uniting scholars and policymakers from various disciplines to view these victims as human beings with rights and states as duty bearers towards said victims regardless of their nationality. It does very little, however, in regards to the prevention aspect of dealing with sex trafficking. The human rights discourse is criticised by Aradau (2008) for failing to address the rhetoric of danger and “insecurity”, and for going as far as to render the “securitisation” of sex trafficking an invisible and un-interrogated presence. When human rights activists call for action, what is it they are calling for? What action would they like to see happen? They tend to be careful to avoid distinguishing their stance on the prostitution question, migration question

⁵ It must be pointed out that, in Aradau’s own words, a “problematism” of a social phenomenon is “not a representation of a pre-existent object nor the creation through discourse of an object that did not exist”, but “the ensemble of discursive and non-discursive practices that make something enter into the play of true and false and constitute it as an object of knowledge”. The “problematism” of sex trafficking is thus an attempt to define it, analyse it, and present what we have learnt about it. Many scholars (Musto, 2009; Aradau, 2008, Skilbrei and Tveit) and the Chief of UNODC’s Anti-Human Trafficking Unit have questioned whether this is even possible due to its intimate and hidden nature: “How do you count something that is all underground?” (Kangaspunta, Kristina, see: <https://www.unodc.org/unodc/en/press/releases/2007-03-26.html>)

and crime question and yet fail to understand that these are already doctored in the discourse of danger and thus implicate the production of security practices (Aradau, 2008).

5.1. Problematisation of Trafficking as an Issue of Migration

The most harmful effect of a problematisation of trafficking as an issue of migration is what Kelly (2003) refers to as a “narrow definition” of trafficking whereby women who are in need of protection are placed in the “smuggling” category, denied access to justice and deported following a series of “heavy-handed” law enforcement “clean ups” to rid any given country of the ills of illegal migration.

Half of women in prostitution in countries which have legalised it (the Netherlands and Germany, for example) are illegal/undocumented migrant women (Monzini, 2005). The human rights protections sought after by sex worker activists would only be accessible by state citizens or documented workers. These have been described by Aradau (2008) as “excessive subjects”.

In accordance with definition provided by the UN Palermo Protocol, Apap *et al.* (2002) suggest that trafficking and smuggling should be part of a continuum. Other scholars, however, prefer to differentiate clearly between trafficking and smuggling by emphasising the exploitative element of trafficking (Salt, 2000). In order to do this, though, smuggling would need to be represented in an un-exploitative and fair manner, which we all know is not the case. The issue of exploitation is described as an “intruder” into the debate on the differences between trafficking and smuggling (Aradau, 2008). Migrant labourers, illegal migrant labourers and trafficked persons all experience certain degrees of exploitation (Aradau, 2008). The distinction must then lie in the use of fraud or force.

Wijers and van Doornick conceptualise the distinction between smuggling and trafficking in regards to the subject of the abuse, with smuggling being an abuse committed against the state and trafficking being an abuse committed against the human rights of the victims (2002).

5.2. Problematisation of Trafficking as an Issue of Organised Crime

In literature on trafficking has been problematized as an issue of migration, as an issue of prostitution (Farley, 2009) or as an issue of organised crime (UNODC, 2002), or even as an issue of human rights (Aradau, 2008). Scholars have thus far seemed unable to engage in what Campbell (1998) describes as the “problematisation of the problematisation”. Their respective problematisations are “poised against each other” (Aradau, 2008) and, as Limoncelli points out most acutely, (rhetoric rather than actions).

Smith (2011) criticises the UN Palermo Protocol for having prosecution of traffickers as its main focus rather than creating specific obligations in the way of assisting victims and addressing contributory socio-economical factors leading to trafficking cases. She regards the Palermo Protocol as a “blunt tool” (Smith, 2011:282), due to the intimate nature of sex trafficking and states that, in her opinion, a focus on prevention would be more useful, thus attributing the blame for the continued rise in trafficking cases to the punitive approach of the protocol.

Such a criminal approach has been criticised for exposing women to secondary victimisation, the risk of retaliation from traffickers, or by exposure to stigma in their home communities (Wijers and van Doorninck, 2002).

The emphasis on punitive action is at risk of resulting in a secondary victimisation of women due to the fact that such a securitised discourse, alleged victims of trafficking are always under suspicion of playing the system or not being genuine. In cases where women are forced/coerced into becoming traffickers themselves (in order to shorten their debt-bondage and reduce the risk of them going to the authorities), punitive action can do more harm than good.

5.3. Problematisation of Trafficking as an Issue of Prostitution

The “conflation” of trafficking and prostitution as exploitative forms labour and as a violation of a woman’s human rights has a long history in feminist discourse⁶. This school of thought is based on two main political claims. The first being that prostitution is inherently harmful to women and therefore the issue of consent is practically irrelevant against the “life-course theory”⁷ of root causes leading to a life in prostitution and the second being that the sex industry facilitates trafficking and that legalisation results in an increase of trafficking incidences. They are opposed to the institutionalisation and normalisation of sex work⁸. Criticised for denying women’s agency and decision-making ability as well as condemning what is at times a woman’s only tool with which to exercise her self-determination to escape poverty. Weitzer (2013) described migrant sex workers as women who “refuse to be poor”, drawing attention to the fact that protectionist and even rehabilitation/repatriation orientated assistance can be harmful to women wishing to exercise their socioeconomic rights to development. Limoncelli (2009) has condemned this school of thought for being overly gender-orientated and for representing the problems of prostitution and trafficking in women as patriarchal alone; distracting from other equally relevant factors such as race, sexuality and class.

The problematisation of trafficking as an issue of prostitution has historical inheritance (Aradau, 2008) which is still the main focus of attention today despite the rising concern for other forms of trafficking. The predecessor to the Palermo Protocol, the 1949 UN Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others establishes that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of human persons” (UN, 1949), blatantly conflates the issue of prostitution with the phenomenon of trafficking. This attitude is said to remain in the Palermo Protocol, though not stated, due to the expressed irrelevance of the notion of consent in determining the crime of trafficking (Doezema, 2002).

⁶ See Barry, 1995 and Jeffreys, 1997.

⁷ See Reid, 2012

⁸ See Aghatise, 2004; Jeffreys, 2004 and Raymond, 2002.

5.3.1. Introduction to the Prostitution Debate

Radical feminists have been accused of tending to ignore the economic context in which millions of women find themselves around the world and offer no alternative to prostitution in the way of providing an escape from poverty while the sex work approach both de-genders and individualises sexual/ised labour (Limoncelli, 2009). In the language of human rights, the radical feminist or abolitionist caucus favours the right to dignity; freedom from degrading treatment and freedom from discrimination which they claim are denied to women in the sex industry while the sex work caucus favours economic rights and basic notions of freedom.

The question of whether a woman's participation in commercial sex is inherently exploitative (Outshoorn, 2005; Pateman, 1988; Barry, 1979 and Hughes, 2000) or whether voluntary participation should always be regarded as entirely distinct from forced prostitution and other forms of trafficking (Kempadoo and Doezema, 1998 and Alexander, 1996) is still under fierce debate by contemporary feminists and policymakers around the world. There is no "global trend" towards the legalisation of prostitution as claimed by Limoncelli (2009) and Weitzer (2013) but evident confusion where historically similar countries such as Sweden and Denmark, France and Germany have gone in complete opposite directions (Farley, 2009). These two opposing feminist factions are analysed in more detail below:

5.3.2. The Abolitionist Approach

The first being that prostitution is inherently harmful to women and therefore the issue of consent is practically irrelevant against the "life-course theory"⁹ of root causes leading to a life in prostitution and the second being that the sex industry facilitates trafficking and that legalisation results in an increase of trafficking incidences. They are opposed to the institutionalisation and

⁹ See Reid, 2012

normalisation of sex work¹⁰. Criticised for denying women's agency and decision-making ability as well as condemning what is at times a woman's only tool with which to exercise her self-determination to escape poverty. Limoncelli (2009) has condemned this school of thought for being overly gender-orientated and for representing the problems of prostitution and trafficking in women as patriarchal alone; distracting from other equally relevant factors such as race, sexuality and class.

Munro (2005) ascertains that the Protocol has privileged those who wish to highlight the link between prostitution and trafficking by referring to trafficking in women and children as the most pressing issue.

Despite what is described by Farley (2009) as "overwhelming evidence" that the criminalisation of those who buy sex leads to a significant decrease in trafficking (Ekberg, 2004, Cho *et al.*, 2012), it is also the case that anti-trafficking interventions such as abolition have harmful effects on voluntary sex workers (Aradau, 2008; Weitzer, 2013; Dagistanli & Milivojevic, 2013; Musto, 2009 and Hughes, 2000).

The UN International Convention for the Suppression of the Traffic in Persons from 1949 astutely called for states to abolish prostitution (Outshoorn, 2005)

5.3.3. The Liberal/"Pro-Rights" Approach

In the opposing camp we have a more liberal model of what human agency is whereby anti-trafficking discourses are deconstructed to provide space for a more positive approach to sex work as potentially empowering¹¹. It draws on the recognition of prostitution as a legitimate form of work contained in a report by the United Nations Special Rapporteur on Violence against Women (2000). Its basis on a claim of a global trend of an institutionalisation of prostitu-

¹⁰ See Aghatise, 2004; Jeffreys, 2004 and Raymond, 2002.

¹¹ See Kempadoo and Doezema, 1998 and Sharma, 2005.

tion as formal work has, however, by examples of reversals in prostitution law undertaken by countries such as Sweden and France as well as the passing, signing and ratification by 169 countries of the UN Protocol to Prevent Suppress and Punish Trafficking in Persons (hereinafter the Palermo Protocol).

Pro-rights feminists view prostitution as a legitimate labour option or a “strategy of survival for women” (Outshoorn, 2005). In their attempt to dismantle the prostitution-sex trafficking-sex slavery nexus, these pro-rights feminists (Agustín, 2003; Soderlund, 2005 and Kempadoo & Doezema, 1998) have been accused of falling into the trap referred to by Aradau (2008) as the problematisation of the problematisation of trafficking.

Sex-activists are adamant that trafficking is not prostitution, but forced or bonded labour, in the domestic, sex or any other industry (Adams, 2003: 138). While this is not directly denied by Colombia or the US or any other nation state for that matter, the higher proportion of trafficking prosecutions being in relation to sex trafficking rather than other kinds of forced labour, despite sex trafficking accounting for only 60% of all incidents (UNODC, 2012) highlights this underlying consensus in the political arena that trafficking really is a problem of prostitution.

6. CHAPTER 6 THE IDEAL VICTIM

Even the term “victim” has been criticised for being too belittling, and for implying a certain degree of weakness and even passivity (Jägervi, 2014). Holstein and Miller (1990) referred to the categorisation of victim and perpetrator as the “dramatisation of innocence and evil”. Nils Christie’s (1986) abstract characterisation of the ideal victim of an innocent who is unsuspecting and in the wrong time and the wrong place by complete chance has been paralleled to the construction of the “Ideal Victim” of sexual/ised violence which emerged in the international human rights framework of the 1990’s (Dagistanli and Milivojevic, 2013)

By embracing the term victim of trafficking, the women are able to/must dis-identify from categories of illegal migrants and sex workers. What is evident in these interviews, however, is that

this process of identification/dis-identification is unstable, as illegal migration, sex work and organised crime intersect at this point (Aradau, 2008).

In relation to sexual/ised violence, the credibility of complainants has traditionally been assessed by referring to her reputation and sexual history (Dagistanli and Milivojevic, 2013), as well as her responses to an attack (Jägervi, 2014). These traditional gendered norms still prevail today when sexual/ised violence is discussed, whether that discussion take place in the pub or the courtroom. The “Ideal Victim” of sexual/ised victim is someone who does absolutely nothing to “invite” the violence, in her past or at the time of the attack, and who does absolutely everything to defend herself¹². The “hegemonic victim subject”, used, sometimes in good faith, to raise awareness of women’s suffering and to foster public sympathy, fails to accommodate the multi-layered experience (Kapur, 2002).

Although Kelly (2003) takes on a more understanding stance regarding the use of the extreme examples to represent trafficking, she also points out that, just as with child sexual abuse and domestic violence, “trafficking is more mundane, involving everyday routine power and control relationships”

Aradau describes such a representation as follows:

“Representation is simultaneously a form of intervention, both by conferring specific identities to categories of people and by limiting and steering what can be done about these people. Interventions are inseparable from representations of the problem to be governed.” (Aradau, 2008)

Of course, the difference between forced and voluntary migration becomes ever more complicated with structural causes are taken into consideration. Are women who choose to “take a risk” and migrate in order to escape poverty or help their family escape poverty making a rational vol-

¹² Although this is not the case with the Palermo Protocol, it is the case with public perceptions and the ambiguity of the protocol allows for interpretation and, in turn, the continuation of prejudice against “problematic victims”.

untary choice? Do they have what Wheaton *et al.* (2009) describes as “decision-making ability” or agency as is more commonly used?

6.1. Moral Panic.

Musto (2009) has identified a tendency among scholars, politicians, awareness campaigns and popular culture to equate trafficking with “modern day slavery” and/or “sexual slavery”. Arguably the most famous case of such a conflation was voiced by the former President of the US George W. Bush who held that “trafficking is nothing less than a modern form of slavery, an unspeakable and unforgiveable crime against the most vulnerable members of the global society” (US Department of Justice, 2003). Scholars such as Venkatraman (2003) have also drawn comparisons between trafficking and slavery based on a denial of dignity to victims. While Kelly (2003) astutely professes that these horror stories do indeed exist, she, like Musto, is critical of the use of what she refers to as the “emotive ace in the pack” in complicated arguments such as the link between prostitution and trafficking. Dagistanli and Milivojevic (2013) have provided a more thorough critique of such a use of the aforementioned “emotive ace in the pack” in what they call the social construction of an ideal victim.

Another misuse of the “modern day slavery” term underlined by Musto (2009) is that of distracting from economic, immigration and prostitution policies which may exacerbate slavery practices by shifting the blame from socioeconomic structures of low-wage exploited workers who support the global economy to individualised, organised and criminal “culprits” that are the “ideal perpetrators” of trafficking in persons.

Both Dagistanli & Milivojevic (2013) and Musto (2009) accept the “mostly” good intentions behind the use of the “ideal victim” construct and emotion-driven conflation of terminologies but also both highlight the potential harm caused by what Andrijasevic (2003) refers to as a impregnable disconnect between representations of the phenomenon and actual embodied experiences of trafficked women (Skilbrei and Tveit, 2008).

Feminist scholars have long been expressing preoccupation regarding interventions made by Nation States for the alleged purpose of pursuing women's rights and protection (Davies, 2002; Ditmore, 2005; Young, 2003; Soderlund, 2005). Historically speaking, efforts to curtail and reduce sexual/ised violence have been stalled by public perceptions. Empirical research undertaken thus far dictates that responsibility is attributed to the victims/survivors of gendered and/or sexual/ised violence (Menaker, 2015). This is particularly the case for female victims of sexualised violence (Grubb *et al.*, 2008). Paradoxically, efforts to raise public awareness and to foster public sympathy for victims have fallen short of their aim and, in certain cases, caused more harm than good in regards combating gender stereotypes and gendered discrimination (Dagistanli, S. *et al.*, 2013). While heightened public awareness of such crimes is undoubtedly welcomed by all, there must always be a critique of the effects of the various campaigns and publicity material aimed at discouraging potential customers and/or perpetrators from indirectly or directly committing violence against women.

6.2. "Problematic Victims" as Excessive Subjects

Given that trafficking can occur at various points of a woman's involvement in the sex industry: before entry or during involvement (Limoncelli, 2009; Skilbrei and Tveit, 2008 and Jacobsen and Skilbrei, 2010), it is of great interest and warrants further analysis as to why a specific category of trafficking victims, namely illegal migrant sex workers, are unfavourably represented in debates and restricted from accessing justice. It is in the stories of these women or girls¹³ who are already working in prostitution where the feminist debates emerge.

What is of most concern here is the inadequate or insufficient visibility, identification and, in turn, protection of trafficked women who fall outside of dominant discourse (Musto, 2009 and Aradau, 2008).

¹³ This is a less-grey area as girls under the age of 18 are automatically considered to be victims of trafficking and/or sexual exploitation given their lack of agency under international customary law. This is beyond the scope of this thesis, which focuses on the problematisation of trafficking in *adult* women.

Turned into innocent passive victims, trafficked women are to be protected at the expense of ‘dirty whores’ who are to be policed and punished. This denial of the prostitutes’ human rights and the false divisions that representations of trafficking create among sex workers creates a polarisation of categories whereby no single woman can possibly fall into both, rendering it all the more difficult for sex workers who find themselves in an exploitative situation to exercise the same rights granted to the “innocent” victims. This will be addressed in more detail further on and will be a point of interest in the analysis of the survey results undertaken in Colombia.

This is Aradau’s (2008) defence of what she refers to as “excessive subjects” that are not seen as or allowed to be part of the situation and are thus not represented. Illegal migrant sex workers are this “anomaly” who cannot belong to the problematisation of trafficking. These “excessive subjects” are named as such due to the fact that the securitisation of trafficking or the politics of security prevents this group from making what is believed to be “excessive claims to liberty and equality”. Aradau (2008) believes that a way to reconfigure the situation from their point of view is through the predicate of work.

The illegal migrant sex worker with experiences legally definable as trafficking who wishes to continue in the sex work industry is without doubt the anomaly that should not be there. Following on from the particularity of sex trafficking established in the UN Protocol, victims of trafficking and their neighbouring categories (illegal migrant sex workers, exploited nationals) have been the subject of scrutiny unlike their male counterparts. The word “especially” (referring to women and children) particularises sex trafficking as significantly worse than other forms of trafficking. This has 3 effects: it places willing illegal migrant sex workers in the “anomaly” category, leads to restrictive policies that limit certain categories of women from enjoying equality in relation to the freedom of movement and distracts attention from other forms of trafficking. However, the alternative would be to claim that forced prostitution is no worse than other forms of forced labour, thus denouncing claims made that prostitution is “harmful to a woman’s physical and mental integrity”. How can we ensure that in those instances where trafficking includes the crime of rape, extra support, compensation and retributive justice is given while simultaneously ensuring that we avoid creating categories of “anomaly” women, limiting the freedom of women, and distracting from the plight of male victims of trafficking?

7. CHAPTER 7 THE HUMAN RIGHTS BASED APPROACH

Human rights agencies tend to avoid picking a side in the prostitution as legitimate labour debate, simplifying their position to a call for protection for already trafficked persons through reforms to migration policies. Strangely, human rights agencies do not extend their critique to a State's obligations in regards to economic, cultural or social rights as causal factors of trafficking (Roth, 2004 and Rubenstein, 2004).

At times hailed for uniting those who are historically located on opposing sides of the political spectrum, forming coalitions between left and right, radical feminists and near-misogynists, even the "human rights based" discourse regarding victims of sex trafficking is criticised for its potential to be "paternalistic, disempowering and harmful as it obscures the realities of women's victimisation while romanticising women's struggles for disingenuous ends" (Dagistanli & Milivojevic, 2013).

Musto perfectly summarises how the assumed good intentions behind the efforts to define trafficking as a human rights issue can do more harm than good as they have "proven limited in translating modes of suffering, be they structural, systemic, interpersonal or otherwise, into theoretical and political strategies that prevent their emergence" (Musto, 2009).

Aradau (2008) provides an accurate definition of what the constitutes the human rights based approach to trafficking:

"A human rights approach simply replaces the question of what kind of migrants, prostitutes or criminals these women are by the unquestionable answer: 'they are suffering human beings'. The main purpose of these accounts is to promote identification with victims of trafficking in a way that crosses the divisions preserved by other approaches. The focus is no longer on the specificity of trafficking as a form of migration, organized crime or prostitution, but on the commonality of potential suffering."

7.1. Problematisation of Trafficking as a Human Rights Issue

As feminist research has pointed out, the notion of universal rights has been particularised by way of excluding the rights of sex workers and migrants. Not only does the so-called human rights based approach distract from the already sparse rights of sex workers and migrants, it has in many cases led to a dismantling of these established rights (Urban Justice Centre, 2007).

“If the universality of human rights and the subjects it fosters have been intensely criticized for silencing the particularity of cultural subjects, dismissing other forms of political resistance and being intrinsically connected with ideologies of imperialism, there is a different aspect that is most startling in relation to human trafficking. The human rights of one category are counted and assessed against the human rights of another category.” (Aradau, 2008)

Due to the harmful effects of such a “forced rehabilitation” including forced repatriation, forced punitive justice and a denial of the right to work as a sex worker, Aradau (2008) has called for a “figure of work” whereby exploitation in the form of trafficking is formulated as a “wrong of equality” rather than a “psychological vulnerability leading to victimhood”. In this sense, victims are able to exercise agency and access justice without having to take on the role of the passive victim. This “figure of work”, Aradau explains, is not a denial of the stories of abuse and violence that do of course exist and it does not deny the unwillingness or lack of consent to work as prostitutes of illegal migrants. Instead, it opposes rhetorical and political boundaries in which voluntary illegal sex workers cannot exist and where exploited workers are only allowed to exist as “victims” subject to supposed “voluntary” repatriation and rehabilitation.

7.2. Limitations of the Human Rights Based Approach

Although the progress brought on by the international community’s fostering of the human rights based approach, many drawback of this approach have been noted. Soderlund (2005) for example, has noted that forced rehabilitation for women victims of trafficking can do more harm than good.

Many scholars have attempted to debunk the “sex slave” narrative used in awareness campaigns used by governmental and non-governmental agencies to present the crime of trafficking as a violation of human rights in an effort to give voice to the vast majority of trafficking victims who, falling outside of the stereotype, are denied their rights and unlawfully deported to their country of origin (Segrave *et al.*, 2009). As stipulated by Dagistanli and Milivojevic and shown by Abadia in her review of the Colombian criminal justice system, successful prosecution in trafficking trials is dependent upon the successful portrayal of the naive and innocent victim and the evil mastermind perpetrator, in contrast to the reality of most women’s lived experiences (Skilbrei and Tveit, 2008) where a complex and varying mixture of victimisation, survival and agency are at play (Segrave *et al.*, 2009).

The failure of the humanitarian approach is most acutely evident in the various impositions of “arbitrary” limitations to equality and freedom through alleged risk assessment (Aradau, 2008). Most recently are the changes to prostitution law in Sweden and France. This supposed “humanitarian approach” or “human rights-based approach” is based on what Aradau refers to as the “specificity of victims” as being outside political boundaries in which claims to liberty and freedom could be exercised. She goes as far as to claim that rights and benefits accorded to women in this regard are never in terms of freedom but protectionist. Temporary residence, food and shelter are granted in exchange for promises not to continue working as sex workers in what can only be described as “forced rehabilitation”¹⁴.

¹⁴ See Skilbrei and Tveit (2008) for the story of a Nigerian woman who had been trafficked to Italy and whose residence permit for Italy was conditional upon her agreement to stop working as a prostitute and who has thus decided to migrate to Norway in order to exercise her right to work as a sex worker. While it is understandable that public support for the temporary residences granted to victims of trafficking would potentially diminish if there was no evidence of an “improvement” to the “public health, public order and community morality” (Aradau, 2008) and “success stories” of women being reintegrated into society with new skills, so necessary for the rhetoric of the problematisation of trafficking as a problem of prostitution, it cannot be denied that policies such as these are indeed “arbitrary limitations” to liberty enjoyed by Italian citizens. Is the woman in question not able to exercise her agency or her “decision-making ability” (Wheaton *et al.*, 2009) in establishing what form of labour is best for her and her family? From interviews with Colombian women, another factor to this type of decision-making that has not been addressed in scholarship thus far. Angelica, when asked why she would not choose to find another job, money was not the *only* issue, “it’s already done, I’m already different, I may as well take advantage of that fact. It’s not just that I earn more money this way, it is that people want me to become “pure” but you cannot undo the past, what’s done is done. The thing about prostitution that bothers you and bothered me in the begin-

Warren (2012) expresses concern in regards to the human rights approach to trafficking as “migrant women’s subjectivity risks being reduced to the logic of coercion and violence, without meaningful agency or room for manoeuvre”. A reason for which, she claims, it is so difficult to convict human traffickers on the basis of victim testimony in Colombia¹⁵. The victim/trafficker dichotomy which has been created in the country is contrary to the “complex world of business” in which trafficking in persons currently flourishes. Many of the “trafficking rings” reviewed in the case files were found to be “small family businesses”. This is not to say, that their crimes are not grave, or that the world of trafficking is in any way rosy but that the imagery projected in mainstream media is a portrayal of a minority of cases and that this disconnect makes accessing justice for victims ever more difficult.

7.2.1. Securitisation and (In)-Securitisation

Aradau (2008) notes that the human rights based approach ignores the inherent securitisation of trafficking and its effects by distracting from previous discourses on trafficking which clearly present trafficking as problems of migration, crime and prostitution. Given that the securitisation of trafficking in the human rights based approach is avoided, what, then, are the effects of the unacknowledged work of this “securitisation of trafficking”?

ning, no longer bothers me. To change, to want to change, I would have to let it bother me, and that’s not good for my mind”. Her reluctance to let go of her stance on prostitution appears to be based on a fear of becoming “bothered” about her past. She went on to compare herself to obese people to get her point across, “for obese people to become thin like society wants them to be, they have to get motivation from somewhere, and this usually comes from looking at themselves with disgust. I understand why people want me to want to change my way of life, it’s not healthy, it’s not happy, I admit that... but first I would have to learn to hate it and I’m scared of how I will live with myself when I get to that point. I will feel raped”. Her connection between with rape is incredibly interesting. Many abolitionist scholars have made the same connection and it is evident that such statements are well-intended, but what are the effects of such a rhetoric on the “victims”? In a similar line of thought and in regards to the moral panic surrounding the trafficking question, Dagistanli & Milivojevic (2013) ask, “how much victims have really benefitted, and if not, who has gained instead?”.

¹⁵ Warren (2012) tells of the tendency in court proceedings to make the shift from victim-focused to business-focused questioning to provide enough evidence for a conviction (even if the conviction is for money laundering rather than trafficking). She also notes that with Colombian hearings being open to the public, intimidation by organised crime enforcers could be said to play a large part in the refusal of witnesses to present themselves as victims. (Warren, 2012:118).

It has already been noted that women's bodies and supposedly "feminist" agendas have been exploited to foster support for conservative prerogatives in relation to criminal justice proceedings and exclusionary immigration policies. These "conservative appropriations of feminist agendas" (Dagistanli & Milivojevic, 2013) have been known to jeopardise the advancement of women's rights and human rights, namely their socioeconomic rights. Dagistanli & Milivojevic (2013) claim that the harmful effects of such interventions, namely the construction of the "ideal victim" nexus, outweigh the potential benefits of a raised awareness of the victimisation of women. Aradau (2008) notes that not only has the human rights based approach failed to tackle this, it has further exacerbated these "conservative appropriations of feminist agendas" by disallowing analysis and thus improvement of the same in an attempt to unite activists and policymakers' concerns of the "human suffering". The use of emotive literature regarding the violation of trafficked women's human rights has therefore led to a vicious circle of problematisations and securitisations only in a more subtle manner.

The effects of a securitisation of the problematisation of trafficking needs to be analysed from the governmentality point of view, whereby states present the phenomenon first as problematic and then as an issue of insecurity and then call for approval in their attempts to reorder reality in order to solve the problem (Aradau, 2008). Scholars participate in this process by trying to grasp and present their understanding of the "real nature" of sex trafficking and of course, that is partly what this thesis is about. These "understandings" are always accompanied (although not always explicitly) with a set of recommendations for how to deal with the problem. For example, the presentation of trafficking as a purely economical problem (Wheaton *et al.*, 2009) is a call for an economics-based approach to dealing with the problem and the problematisation of trafficking as an organised crime problem is a call for tougher law enforcement. The problematisation of trafficking as a human rights issue is slightly more complex as most human rights agencies refrain from making direct or subtle recommendations as to how to *prevent* the phenomenon and focus on how states should help already discovered victims. The emotive discourse inherent in the human rights-based approach does, however, include a rhetoric of danger and threat and human misery at the hands of unnamed and unidentified evil violators of said rights. This rhetoric, is not dissimilar from the criminology discourse and plays a huge role in the securitisation of the issue. Going back to the creation of the "object of knowledge" of trafficking, What are the causes of

the phenomenon established in contemporary scholarship? Are these causes which can be realistically tackled by any one government or even by all member states of the United Nations working together? Have the practices implemented thus far made a difference to the numbers? Has the discourse employed thus far benefitted victims? Most scholarship is sceptical and pessimistic in this regard.

7.2.2. Who Said Universality?

In a rush to provide trafficking victims with adequate assistance, those who have embraced the human rights based approach to trafficking, be they activists, human rights agencies, or governments, have fallen into the same old trap of the “ideal victim” discourse. The emotive material used in educational material and awareness campaigns has allowed for governments to reverse liberal laws on prostitution and to present “forced rehabilitation” (by making residency permits conditional upon a victims promise to leave the sex industry, for example) as being human rights orientated.

Turned into innocent passive victims, trafficked women are to be protected at the expense of ‘dirty whores’ who are to be policed and punished (Aradau, 2008). The categories of women has therefore been further polarised. The denial of the *prostitutes*’ human rights and the false divisions that representations of trafficking create among sex workers creates a polarisation of categories whereby no single woman can possibly fall into both, rendering it all the more difficult for sex workers who find themselves in an exploitative situation to exercise the same rights granted to the “innocent” victims so well protected in policies compliant with the human rights based approach. This will be addressed in more detail further on and will be a point of interest in the analysis of the survey results undertaken in Colombia.

7.3. A Vicious Circle: The Problematisation of the Problematisation of Trafficking

Limoncelli's "gendered political economy approach to trafficking" (2009) is a critique of this individualised view of economic rights referred to as the simplified "right to labour", calling for a unification of both sides of the debate to work together on gender, poverty and economic justice to formulate a more comprehensive and integrated approach to the prevention of the crime of trafficking.

Universalising criminal law means standardising its reach and use. This one size fits all strategy has led to the ambiguous definition of the Palermo Protocol which fails to be implemented properly in countries where criminal justice systems and public perceptions are entrenched in prejudice and bias against Aradau's "excessive subjects" (2008) who have been identified as being illegal migrant sex workers in situations of exploitation.

While some scholars have attempted to provide a critique of the human rights based approach by debunking the myths of the "sex slave" narrative used in emotive awareness campaigns and to draw attention to the illiberal policies of criminalising prostitution in order to "protect the human rights of victims of trafficking", they have thus far failed to provide anything of real substance on the matter. Their attack has been mainly rhetorical (Limoncelli, 2009) and principled rather than rational. For example, in *Appropriating the rights of women: Moral panics, victims and exclusionary agendas in domestic and cross-borders sex crimes* (Dagistanli and Milivojevic, 2013), the central issue to be addressed is the *notion* of an ideal victim, rather than the real stories of victims utilised in political discourse.

Identity politics and a focus on discourse in post-modern feminism calls into question all attempts at naming exploitation of women and attributes the stigma of prostitution to "radical" feminists, deliberately undermining all projects aim at helping women escape from or avoid exploitative forms of sex work in what Aradau refers to as a "problematization of the problematisation of trafficking as a prostitution issue" (Aradau, 2008). The battleground over which trafficking debates take place has become the ideas themselves rather than actual practices (Limoncelli, 2009); the idea that sex work is related to trafficking, on any level, is what is addressed rather than the established links between prostitution and trafficking.

8. CHAPTER 8 COLOMBIA: CASE STUDY

8.1. Contextual Overview

Colombia has been regarded as a historical breeding ground for victims and traffickers due to the long-standing internal conflict (Akee *et al.*, 2010). Rutvica Andrijasevic has also remarked that EU visa regimes and restrictive immigration regulation work in favour of the third-party organizers of trafficking as a supplementary migration system or an alternative to the EU system (Andrijasevic, 2003). A reason for which a country such as Colombia with one of the worst visa restrictions applied to its citizens is a flourishing market for attracting young ambitious people desperate to explore the world, improve their economic situations, escape from conflict or to simply gain freedom.

Kay B. Warren (2012), in her analysis of the victim paradigm employed by NGO and governmental agencies in Colombia in reference to trafficking, found that many Colombian women trafficked abroad reject the victim narrative. In her review of court cases from the period 2007-2011, she discovered that alternative renderings of women's subjectivity were evident but that a more limited variety of accounts of trafficking led to a prosecution.

Warren (2012) notes the lack of a collective mobilisation of "transnational sex workers" or "trafficking survivors" to press for a realisation of their rights or to break down the "ideal victim" narrative is due to the continued stigma surrounding sex work in Latin American countries.

Warren (2012) also expresses concern in regards to the human rights approach to trafficking as "migrant women's subjectivity risks being reduced to the logic of coercion and violence, without meaningful agency or room for manoeuvre". A reason for which, she claims, it is so difficult to

convict human traffickers on the basis of victim testimony in Colombia¹⁶. The victim/trafficker dichotomy which has been created in the country is contrary to the “complex world of business” in which trafficking in persons currently flourishes. Many of the “trafficking rings” reviewed in the case files were found to be “small family businesses”. This is not to say, that their crimes are not grave, or that the world of trafficking is in any way rosy but that the imagery projected in mainstream media is a portrayal of a minority of cases and that this disconnect makes accessing justice for victims ever more difficult.

Based on interviews with police investigators in Colombia, Hurtado & Pereira-Villa established three types of victims: (1) The first being those who are defrauded in regards to the type of activity they will be subjected to upon arrival in the destination country/location such as, for example, those who believe they will work as nannies or domestic servants and are then forced to work in the sex industry. (2) The second being those who know what type of activity they will be carrying out but the conditions upon arrival are different from those agreed to beforehand. (3) The third being those who are aware of both the activity and the conditions under which they will work upon arrival but these conditions are so exploitative that their “consent” is not considered to be legally valid. This analysis is not reflected by the Colombian population at large, however, as will be soon in the assessment of the results of the survey.

In a review of the case files on trafficking in persons in Colombia carried out by Hurtado & Pereira-Villa (2012) it was established that the vast majority of victims had previously worked in the sex industry in Colombia before becoming victims of trafficking and knew that sex work would be involved in their migration, while Abadia (2009) notes that victim testimonies provided by women who have previously worked in the sex industry prior to their alleged experiences of trafficking are thrown out of criminal proceedings and are less likely to result in a conviction.

¹⁶ Warren (2012) tells of the tendency in court proceedings to make the shift from victim-focused to business-focused questioning to provide enough evidence for a conviction (even if the conviction is for money laundering rather than trafficking). She also notes that with Colombian hearings being open to the public, intimidation by organised crime enforcers could be said to play a large part in the refusal of witnesses to present themselves as victims. (Warren, 2012:118).

The human rights agency Human Rights Watch in their 2012 Americas report claimed that weak governmental institutions and an underdeveloped regional legal framework as well as a lack of political will made the continent a breeding ground for trafficking in persons (HRW, 2012). While Pop (2012) argues that the factors associated with sex trafficking in women and girls in Latin America is similar to those established in the rest of the world such as gender discrimination, gender based violence, urbanisation and economic disparities, Colombia is of keen interest due to the exacerbating effect of the armed conflict and the secondary effect of internal displacement and the normalisation of violence against women in regions most affected by the conflict. Villamizar *et al.* (2011) also found that intrafamilial violence and childhood sexual/ised abuse both play a significant role in sex trafficking.

Azoala (2001) found that recruiters are often already known to the victims, be they friends from school, distant relatives or boyfriends. According to Carranza (2015), Latin America is a “distinct” region in that almost have of those prosecuted for the crime of trafficking are women¹⁷.

8.2. Criminalisation of Trafficking in Colombia

Human trafficking is criminalised in Colombia as a form of protection of individual liberty. Since the passing of the Law 747 of 2002, the definition of trafficking has been extended to include labour exploitation, servitude, slavery and the extraction of organs when before this date the crime of trafficking in Colombia was limited to trafficking for the purposes of the exploitation of the prostitution of others (Abadia, 2012).

In 2005 a further amendment was made to the criminal code with the Law 985 of 2005 which incorporated the rights of victims and added the following: “*The consent given by the victim to any form of exploitation defined in this article does not constitute a cause for the exoneration of*

¹⁷ The UNODC 2014 Trafficking in Persons Report found that 45% of those prosecuted in South America were women and that 40% of those convicted in South America were women. The statistics vary slightly for Central and North America where 43% of those prosecuted were women and 33% of those convicted were women. The UNODC report from 2012 stated outright that “women who are prosecuted for trafficking in persons are less likely than men to be convicted in comparison with Eastern Europe and Central Asia”. This stark difference between the numbers of women *prosecuted* versus the number of women *convicted* may be evidence of a gender bias in the judicial system in Latin America which will be address further in the following chapter.

criminal responsibility” (own translation). While these reforms are welcomed and are in compliance with the UN Palermo Protocol, Abadia (2012) expresses concern as to the true motives behind the reforms. She mentioned the United States Trafficking Victims Protection Act, through which the United States government can sanction countries which fail to take satisfactory measures to curtail the crime of trafficking, as a motive for amplifying the definition of trafficking in Colombian law. Similar to what Dagistanli & Milivojevic (2013) refer to as “trying to look like they’re doing something”, Abadia is preoccupied with the “latent” effects of the “laws passed in haste”. Her article is a clear testament to the hypothesis of a disconnect between global discourse, opposing feminist discourse and local practice in implementing the law.

8.2. The Influence of the TVPA

The Trafficking Victims Protection Act, passed in the United States in 2000 is “extraterritorial in scope” (Musto, 2009). Through this act, the government of the United States is able to sanction or withdraw investment from countries who fail to ratify the UN Palermo Protocol. In annual reports, the government of the United States provides a review of actions taken by countries around the world to combat trafficking and gives them a respective ranking. Colombia is currently in the second tier, which means that the country has “made steps to combat trafficking” but areas of concern remain.

In the Trafficking in Persons Report 2014, the State Department considered that

“The Government of Colombia continued to prosecute transnational sex trafficking cases, but carried out limited law enforcement efforts against The Government of Colombia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While Colombian law penalizes all forms of trafficking, governmental structures and law enforcement practices did not reflect this comprehensive approach. The Government of Colombia continued to prosecute transnational sex trafficking cases, but carried out limited law enforcement efforts against internal trafficking”

Given that Colombia is dependent on US aid and investment for the war on drugs and more recently the financing of the peace process, the country is therefore incentivised to incorporate US discourse on trafficking into their criminal proceedings system and to prosecute cases of sex trafficking which best fit the “ideal victim” - “ideal perpetrator” nexus to be seen to be “doing something” (Dagistanli & Milivojevic, 2013). Abadia (2009) has noted that in this attempt, the government of Colombia has selected certain cases for prosecution which would most easily lead to a conviction. In this regard the country has been criticised for abandoning “excessive subjects” and “problematic victims” or simply uninteresting parties such as victims of non-sexual/ised trafficking.

This aim to be seen “doing something” is acutely denounced by the Global Alliance Against Traffic in Women, referring to these strategies as being a “quick, easy way to be seen as doing something about trafficking and being a more socially acceptable guise for prostitution abolitionist agendas and anti-immigration agenda” (2011).

8.3. A Review of Criminal Proceedings in Colombia

In Abadia’s, *Usos y abusos del sistema penal* (Uses and abuses of the criminal justice system) there is clear evidence that the effects of the “Ideal Victim” construction go beyond disingenuous public perceptions and general prejudice and discrimination but are actually mirrored in trial proceedings and legal decisions, namely in countries with severe problems of *Machismo* as it is. Abadia ascertains that the disregard for the notion of consent, established in the UN Palermo Protocol, has led to a situation in Colombia where consent is assumed to be present, severely limiting a woman’s chances for a law enforcement officer, jurist or judge to consider her working conditions or level of exploitation to be a constitution of trafficking with even lower chances for women who previously work in prostitution before the alleged crime of trafficking took place. The table Abadia presented which provides statistics taken from the Office of the Public Prosecutor in Colombia shows that for the year 2008 the crime of trafficking had a prosecution

rate lower than that of abortion and incest¹⁸. According to Abadia, this is due to a “patentisation” of the “Ideal Victim” scenario whereby only cases of women whose experiences fall into the common narrative of the passive, innocent victim and strange (not familiar), evil perpetrator lead to a prosecution while a continuation of the previous logic under which the Colombian criminal justice system operates is preserved, permitting the exploitation of sex workers, regardless of consent. This analysis provides evidence that the “irrelevance” of consent, established by the UN Palermo Protocol and its ambiguous nature and open interpretation has been used to legitimise continued prejudice against sex workers and all other women who are not “Ideal Victims” but “Problematic Victims”.

An investigation carried out by the Universidad del Rosario in Bogotá which consisted of interviews with 38 judicial officers found that there was a misunderstanding of the law on trafficking and that the majority still thought, years after the Law 747 amendment of 2002, that the definition of trafficking was exclusively in relation to commercial sex (Londoño *et al*, 2009). This is reflected in the information provided by the International Organisation for Migration for the period of analysis 2008-2009 presented in the table below:

Type	2008	2009	Total
1. External trafficking (from Colombia abroad)			
Sexual exploitation	31	60	91
Servitude	1	-	1
Exploitative labour	2	12	14
Forced marriage	-	2	2
Total	34	74	108

Source: Abadia (2012)

Type	2008	2009	Total
2. Internal trafficking (within the country)			
Sexual exploitation	13	11	24

¹⁸ Drug trafficking enjoyed had a prosecution rate of 5227 cases, abortion had 19 cases, incest 12 and human trafficking only 5. According to the Inter-institutional Committee for the Fight Against Traffic in Persons of Colombia, trafficking is the third largest criminal economic activity after drug trafficking and arms trafficking.

Exploitative labour	1	1	2
Commercial sexual exploitation	-	1	1
A combination of sexual and labour exploitation	1	-	1
A combination of sexual exploitation and forced begging	1	-	1
Forced begging	2	1	3
Servitude, sexual abuse and illegal adoption	1	-	1
Servitude	-	1	1
Organ extraction	-	1	1
Unidentifiable	-	3	3
Total	19	19	38

Source: Abadia (2012)

While the United Nations Office on Drugs and Crime (2009 Report) noted a similar bias in statistics taken from all over the world and attributed this bias to the fact that trafficking in women for sex or sex trafficking is the most visible form of trafficking as the commodity is the woman's body rather than the products she may produce with her labour, Abadia (2012) takes issue with this "excuse" and expresses deep concern that the recruitment of children by armed groups, for example, has not been addressed and blames the effect of the "global discourse" which attributes more importance to sex trafficking than other forms, a discourse which was legitimated by the UN Palermo Protocol.

Specifically in relation to the prosecutions of sex trafficking in Colombia, Abadia (2012) noted a tendency to prosecute in accordance with the pre-2002 legal definition of sex trafficking as a form of "procurement" or "pimping" and that women who voluntarily choose sex work and find themselves in situations of exploitation abroad or within the country are left outside of the system.

Carranza (2015) concluded that in relation to Latin America, the complex issue of trafficking is not fully understood, very few holistic strategies have been implemented to address the problem, few guarantees ensure the protection of the human rights of those attempting to access justice, traffickers remain invisibilised and rehabilitation options are limited for survivors of trafficking.

9. CHAPTER 9 PUBLIC PERCEPTIONS IN COLOMBIA

The importance of addressing public perceptions is bilateral. Attitudes towards alleged victims of trafficking both inform and are legitimised by media portrayals of victims as well as public education materials used to raise awareness of the phenomenon in a kind of chicken/egg vicious circle. This cyclical reproduction of collective identity ideology is described by Dagistanli and Milivojevic (2013) as a “maintenance of relations of domination”. In what is argued as being the most tragic manifestation of the harms of the “ideal victim” rhetoric (Kapur, 2002), victims themselves are encouraged to uphold these symbols of a collective identity. This will be made evident in this chapter and in the following chapter. This chapter is the result of fieldwork undertaken in Colombia.

Carranza (2015) concluded the complex issue of trafficking is not fully understood in Latin America and that very few holistic strategies have been implemented to address the problem. She also concluded that, perhaps as a result of the lack of understanding of the nature of trafficking and its consequences, few guarantees ensure the protection of the human rights of those attempting to access justice, traffickers and women remain invisibilised while rehabilitation options are limited for survivors of trafficking.

In an attempt to get a grasp of how trafficking is perceived in Colombia, I conducted a survey in Bogotá. The purpose of this survey was to ascertain whether or not the bias noted by Abadia (2012) in her analysis of the criminal justice system in Colombia towards victims of trafficking who had previous involvement in the sex industry was also evident in the perceptions of the general public. A positive result in this regard would suggest that public perceptions do indeed have an effect on criminal proceedings and would further strengthen the claim that the effects of the

social construction of the “ideal victim” are indeed more than just disingenuous (Dagistanli & Milivojevic, 2013).

The decision to choose Colombia as the case study was based on a number of reasons. The first being that Colombia is a major “sending country” for victims of trafficking which made the prospect of analysing people’s perceptions of women who are potentially their friends, family or neighbours all the more interesting. The second was due to the fact that Colombia has issues of *Machismo* and sexism, which have been shown to be factors of high incidences of trafficking. Colombia is also a country which is subject to an extremely high number of visa restrictions for travel, namely due to the high prevalence of drug trafficking from Colombia during the armed conflict. Colombia, sadly, one of the world’s worst countries for disparities between rich and poor, in others it is one of the most socioeconomically divided countries. This was interesting in relation to the survey as I expected to see stark differences in opinions from citizens from the lower strata (1-2) who experience particular vulnerabilities to trafficking in comparison to citizens from the middle and upper strata (3-4 and 5-6).

The main reason for choosing Colombia, however, was because I already had contacts with women who identify as “transmigrant sex workers” which gave me a unique opportunity to compare public perceptions with the embodied experiences of women involved in the transnational sex industry who, as will be shown in the following chapter, had experiences constitutive of the crime of trafficking.

9.1. Methodology

Prior to conducting this survey I established two hypotheses of how I expected the results to be based on the analysis provided above; both of tendencies in criminal proceedings in Colombia and the literature review of the effects of a social construction of an “ideal victim” and the way in which the term “trafficking” or “victim of trafficking” has come to signify multiple phenomena and provoke “moral panic”.

The hypotheses are as follows:

Hypothesis 1: The conceptualisation of the term “trafficked” affects people’s perceptions of women, even if the women’s stories are exactly the same.

Hypothesis 2: Public perceptions of the ideal victim of trafficking are discriminatory towards women who have previously worked in the sex industry.

The first hypothesis is based on the supposed symbolic effects of the criminalisation of trafficking which I believe to be evident in Colombian society. Musto (2009) provided an analysis of how the term trafficking has come to signify various phenomena and has been “inflated and conflated” based on assumptions that what we believe to be the truth about trafficking is actual knowledge. In this regard, I expected to see that people would note more “severity” in a scenario in which the term trafficking was already established, the victims referred to as “victims of trafficking” and the perpetrators “traffickers”. I expected that these terms would influence people’s perceptions of the story.

The second hypothesis is related to the social construction of the “ideal victim”, noted in Dagistanli & Milivojevic’s paper as being the result of the conflation of trafficking with the image presented in emotion-driven awareness campaigns that present the victim as typically passive, vulnerable and without any agency (2013). In this regard I expected to see that people regarded the trafficking of women who had previously been involved in the sex industry as less serious and therefore less worthy of state-provided assistance or public sympathy, regardless of the experiences lived.

For both hypotheses the method was to draw up two almost identical scenarios and to divide these scenarios among the participants and see if there was a significant difference in the responses which would indicate that the slight differences to the stories - the use of the term trafficking or the reference to the woman’s previous involvement in the sex industry – had an effect on people’s perceptions.

For this study I decided to use the Factorial Survey Approach. The survey carried out on a Saturday in Plaza Bolivar, the main square in Bogotá, Colombia. This location was chosen as it is vis-

ited by all members of society: all ages and all strata¹⁹. For both hypotheses, participants were divided in half and each half was presented with 2 stories of women being trafficked, one scenario for each hypothesis²⁰. It was a very successful day: The number of participants was 208 which gave me 104 participants for each scenario.

After reading the scenarios, the participants were asked to answer 6 questions for each scenario and to give their answer on a scale from 1 to 5. The scenarios and corresponding questions are provided in Appendix I and Appendix II

The control variables for this study were

Age 18-25 | 26-40 | 41-55 | 56 or over
 Strata 1-2 | 3-4 | 5-6
 Gender Male | Female |

9.2. Results

Table 1 – Effect of the Term “Victim of Trafficking” on Perceptions of Severity Mean Ratings of the Perceived Severity and Appropriate Measures to be Taken for Two Scenarios of Sex Trafficking by Respondents’ Personal Details and the Variables in the Scenarios.

	Scenario 1			Scenario 2		
	N	Mean	Standard Dev.	N	Mean	Standard Dev.
All Participants	104	4.10	0.91	104	3.98	1.06
Gender						
Male	40	3.98	0.73	42	3.75	1.01

¹⁹ In Colombia, strata is divided by numbers 1 to 6, 1 being the poorest communities and 6 being the richest. A person’s strata is based on their home address and is applied for the purpose of fairly sharing the cost of utilities throughout the country. I decided to use strata as a control variable rather than earnings as it made the N number easier to divide.

²⁰ To see the layout of each survey please see Appendixes I and II

Female	64	4.22	1.07	62	4.21	1.11
Age Group						
18-25	21	4.23	0.93	22	4.01	0.97
26-40	28	4.18	0.99	27	4.02	1.01
41-55	27	4.03	1.02	27	3.96	1.22
Over 55	28	3.96	0.70	29	3.93	1.04
Stratum						
1-2	26	4.06	0.90	23	3.96	1.02
3-4	41	4.17	0.88	43	3.99	1.11
5-6	37	4.07	0.95	38	3.99	1.05

**Table 2 – Previous Involvement in Sex Industry
Mean Ratings of the Perceived Severity and Appropriate Measures to be Taken for Two
Scenarios of Sex Trafficking by Respondents’ Personal Details and the Variables in the
Scenarios.**

	Scenario 1			Scenario 2		
	N	Mean	Standard Dev.	N	Mean	Standard Dev.
All Participants	104	4.13	1.22	104	3.40	1.18
Gender						
Male	40	4.01	1.16	42	3.20	1.17
Female	64	4.25	1.28	62	3.60	1.19
Age Group						
18-25	21	4.12	1.18	22	3.32	1.12
26-40	28	4.20	1.23	27	3.43	1.19
41-55	27	4.14	1.25	27	3.38	1.21
Over 55	28	4.06	1.22	29	3.47	1.20
Stratum						
1-2	26	4.11	1.21	23	3.39	1.16
3-4	41	4.30	1.26	43	3.40	1.20
5-6	37	3.98	1.19	38	3.41	1.18

9.3. Analysis

Upon analysis the results it can be observed that the hypotheses were both correct.

For the first hypothesis we can see that there is a difference in the average score provided by the participants reviewing scenario 1 (4.10) in comparison with those reviewing scenario 2 (3.98). Whether or not this difference is “significant” enough is dubious, however. Unfortunately, I had no means with which to conduct a robustness test using statistical analysis software on these results.

Another interesting finding with the first study is that the mean score was significantly higher for women than for men and also that the standard deviation was much higher for women than for men. As has already been mentioned, Colombia suffers from problems with *machismo* and sexism which would explain these differences.

For the second hypothesis the results are much more acute. The average score provided by participants reviewing scenario 3 was 4.13 and while the average score provided by participants who reviewed scenario 4 was only 3.40. Similarly to the first study, the average scores provided by women were higher than those of their male counterparts for both scenarios. Strata and age did not appear to make any difference to the responses.

So what exactly does this mean? The prejudice and bias directed at women who have previously been involved in the sex industry is evident not only in criminal proceedings in Colombia but also among the general public. This “stigma” surrounding prostitution, which according to many scholars has been exacerbated by conflation made between trafficking and prostitution has been noted as a reason for which many victims choose not to testify. It is also, according to Dagistanli & Milivojevic (2013) tragically the reason for which many women do not identify as victims as they themselves are affected by the social construction of the “ideal victim” and assume the prejudices against themselves.

10. CHAPTER 10 "I'LL HAVE YOU KNOW": STORIES OF FIVE WOMEN

This chapter is based on interviews conducted in March 2016 with Colombian women who identified themselves as working in transnational prostitution. I was put in touch with these women through a friend who used to work in prostitution in Colombia. The women did not wish to give their real names but for ease of differentiation, I have given them other names. They are Angelica, who has given up sex work, is currently living in Israel, has previously worked in prostitution in Colombia, USA and Peru; Mady, who is currently working in prostitution in Bogotá, Colombia; Natalia, who is currently working in prostitution in Australia and has experience working in prostitution in Colombia and Japan and Lina who is currently working in prostitution in Chile and has experience working in prostitution in Colombia; as well as Ruth, Amalia and Catalina who are currently working in prostitution in Bogotá. The women were between 20 and 30 years of age, some had been in prostitution since they were young teenagers, that being under the age of 18 (4) and some had only recently become involved (3).

The women interviewed had been involved in specific situations that fit the legal definition of human trafficking in accordance with Article 118A of the Colombian Penal Code and in compliance with the obligations established by the UN Palermo Protocol. Their accounts of life in the transmigrant sex industry are heterogeneous and wide ranging in terms of severity. Although they all, at certain points, constitute trafficking, not all of the women identify as victims of trafficking. These varying notions of the self, agency and victimhood will be assessed in relation to public perceptions of trafficking in Colombia and criminal proceedings.

10.1. Methodology

The drive to “give voice” to otherwise ignored groups is common in feminist methodology (Ardener, 1978). Harding (1991) ascertained that this type of methodology is crucial in establishing conceptual and theoretical categories, although this thesis seeks to establish the category of women who do not fit in any category. Various problems have also been associated with this methodological approach (O’Connell Davidson, 1998). The first is that authors could potentially

be tempted to favour accounts that support their arguments and preconceptions. This is certainly evident in those works which stipulate exactly which side of the debate they support which makes up a vast proportion of scholarship on victimhood in migrant prostitution (Jacobsen *et al.*, 2010). The interviews carried out for this thesis took place before the thesis topic had been finalised and before the literature review, at which point, no particular “side” of the debate had been decided upon as being the “right” one or the one I most identified with, thereby reducing the risk of bias. However, it must be stated that the “authenticity” of the accounts presented here is inherently problematic. It may seem frugal to use personal accounts of experiences in order to critique popular discourse when the two are interrelated. The women interviewed may know how they feel but their descriptions and interpretations of those feelings and memories of real-life situations are still informed by dominant popular representations (Jacobsen *et al.*, 2009). While it is important to be aware of these problems when conducting research, they should not be a reason for disregarding the statements made by those we seek to protect from human rights violations, even when they reject our efforts.

It is of equal importance to recognise the limitations of the anthropological account of the nature of trafficking provided in this thesis as it focuses on the experiences of only 5 women. In this regard, however, the objective of this research was not to give an account of “what trafficking is like” or of the “true nature of trafficking” as this is simply not possible. The purpose of this particular study was merely to give examples of women with real experiences and to analyse their stories against the backdrop of the various conceptualisations provided above, namely the social construction of the ideal victim and the notions of agency and consent which are at the forefront of the debates surrounding the “prostitution question”.

Furthermore, while the complexity of the relationship between the representation of a phenomenon and the respective method for intervention is taken into account here, both in terms of the categorisation of subject identities and what can be done about these subjects, and while it is accepted that it is impossible to distinguish between insightful knowledge and practice-orientated knowledge (Aradau, 2008), these methodological problems are of little importance here for various reasons: (1) this is a Master thesis and will not be read by any policymakers or the general public, (2) the “choice” of subjects selected for interviews was not actually a “choice” but came

into contact with me long before I decided to write about trafficking and (3) I do not have a personal stance on the prostitution question.

10.2. Home.

Their relationships with “home” were multilateral and contradictory; a sense of great nostalgia, pride and defensiveness mixed with frustration, resentment and ambivalence. This same tendency observed among the women to shift dramatically and quickly from one sentiment to another when discussing their life choices and/or the lack thereof is also evident when the question of victimhood arises. This internal conflict is eerily mirrored by similarly contradictory representations of transmigrant sex workers and victims of trafficking presented in the media and in relevant scholarship. The question is: are they conflicted due to the nature of migrant work?²¹ Are they conflicted due to the remaining intolerance of sex work as legitimate labour within society coupled with such high demand for their services from the same society? Or are they influenced by the debate surrounding the term “victim of trafficking” and its roots in various contested notions of victimhood and female agency?

In relation to the factors established in Reid’s empirical study on the “life course theory” (2012) of trafficking and prostitution, some similar accounts were provided here. Reid found that, aside from poverty, neglect, drug abuse and criminal convictions of parents, childhood sexual abuse is also a major factor leading to both prostitution and trafficking. More obvious ethical reasons the interviewees were not directly asked if they had any experience with childhood sexual abuse but

²¹ I have chosen to use the term “migrant” even in regards to women who have remained in the same country and/or city as they all had similar experiences in terms of a breakdown of ties to their respective families and childhood friends and neighbours and all felt the same sense of both “freedom” (having escaped from something) and uprootedness.

when asked what factors she believed led to her being in a situation of trafficking²², Angelica responded explaining that she had never had what was considered to be a healthy relationship with men or sex. She then quickly mentioned that her uncle “took advantage” of her. She then quickly moved on and talked about being kicked out of her grandmother’s house and I choose not to dwell on what she had just said.

All the women in the interviews told stories of poverty in Colombia and they all talked about being jealous of people in their country who had the money to travel and experience life. Interestingly, aside from Angelica whose parents died when she was young, they had all been raised by single mothers and had all lost contact with their fathers from a young age.

All the women had their first experiences in the sex industry while still living in Colombia. According to a survey carried out by the Social Integration Secretariat of Bogotá in 18 of the 20 localities of the capital city, a sex worker generally obtains income close to the national minimum wage²³ (around USD \$240²⁴).

10.3. Migration

The ways in which the women had migrated abroad to work in the sex industry varied greatly. Some were approached by men and women through the sites they used to sell sex who offered them ways to get to other countries and some actively sought this “help” themselves. Interestingly, for two of the participants, Mady and Lina, their migration story began when they were approached by old school “friends” who were working as drug and people smugglers.

While some of the women were angry at their “smugglers” for “getting the better jobs” and for “making so much money out of us” and even “lying about how easy it is to make money abroad”

²² Given that not all of the women identified as being “victims of trafficking” this question was worded differently in the interview. In this case, Angelica was asked if there were any factors which she believed had led to her finding herself in a situation of exploitation in the sex industry abroad.

²³ See <http://www.eltiempo.com/archivo/documento/CMS-7301931>

²⁴ The minimum wage in Colombia for the year 2016 was set at COP \$689,455 pesos.

there was also a kind of kinship evident in their relationships. Stories of them meeting up now for drinks and laughing together about “how far they came from school” is such a stark difference to the ways in which traffickers are presented in the social construction of the “ideal perpetrator” as being evil through and through. This does not mean that these journeys and relationships were not constitutive of the crime of trafficking or that severe exploitation did not take place but that the embodied experiences of these women vary greatly in comparison to the typical story of trafficking used in awareness campaigns.

10.4. Working Conditions

The reason for which I believe the stories presented by these women are constitutive of the crime of trafficking is due to the use of debt bondage²⁵ by their traffickers/smugglers. The women all had to take out “loans” or indebt themselves to those who “helped” them cross borders and get set up in the sex industry upon arrival. The total debt they recalled ranged between COP \$50,000,000.00 and COP \$70,000,000.00 (Around USD \$25,000 - \$30,000). They all agreed that this was extortionate and were incredibly envious of the “*manillas*” (traffickers) or simply the men for “getting the better jobs” while they “did all the dirty work for nothing”. Despite this, however, they all also seemed passively accepting of this debt as the standard rate and explained that if you want to do something so big as to move to a country where Colombians generally can’t go and you want to escape poverty, this is a huge favour to ask of someone and so “of course they make it an expensive leap”.

Another reason for which I believed these stories to be constitutive of the crime of trafficking is because of the prevalence of fraud. All the women admitted to having been “naïve” in believing the *manillas* in relation to the salaries they would supposedly earn once they got settled abroad. The promises made were between \$500 and \$2000 daily and although they didn’t want to tell me exactly what they did earn, they admitted it was “no where near”.

²⁵ Debt bondage is the imposition of substantial debts on migrant workers to cover the costs of transportation, food and housing and other expenses with incredibly high interests. Warren (2012) finds that this type of debt can be easily manipulated and be extremely coercive as it treats humans as commodities.

The possibility of reducing the size of the debt victims are expected to pay is available to victims who are willing to recruit new victims. This was the case of Lina and Angelica, although they described it as “finding a replacement for when you want to leave”.

10.5. Self Identifications

Wheaton *et al.* claim that the difference between smuggling and trafficking lies in the “fact” that: “upon reaching the destination country, the smuggled individual has the agency to move and change jobs as desired and is therefore not considered a victim”. Skilbrei and Tveit point out, however, that due to the debt owed and in many cases the deadlines for paying debts, “smuggled” women find themselves in a situation where the only viable way they can repay their debts is through prostitution. This is also the case with the third interviewee Mady who admits asking her “smugglers” for help in finding work upon arrival after she discovered the wages offered to illegal migrants in the US and explained that they put her in touch with an illegal prostitution ring where she worked alongside trafficked women. When asked if she thought her experience was similar to that of the trafficked women, she said “no, in truth no. Except in that I cannot blame anyone else for the horrible things I lived through in those years. It is like, every step of the way I made a decision towards my own hell and I know that I was misguided and not protected by my government and everything but that doesn’t help in making me feel less like a fool.” When asked if she saw herself as a victim of trafficking she replied, “Of trafficking no, of so many things yes but trafficking no.”

Warren (2012) found that many of the women she interviewed who had been “repatriated” to Colombia after having been trafficked to East Asia did not identify as “victims” and preferred to view themselves as having made bad decisions which led to their exploitative and dangerous working conditions. This is echoed in the interview with Natalia who asked, “How can I make sure it does not happen again if it was not my fault? To say I had no idea of the risk and was completely manipulated is to say that it can happen to anyone at any time and that it may happen to my daughter when she grows up and I don’t accept that”. When asked whether she thought that meant she was not entitled to any compensation or support, however, she explained that “it

is not one or the other, they broke the law, they stole from me, basically, without going into horrific detail about what they “stole”, and I deserve at least some of it back, but why can’t I make a claim without having to pretend to be stupid? It is the same with rape, you get drunk, you trust a stranger, it ends badly... he must go to jail but you can also learn from that.” This “tension between helplessness and responsibility” also came up frequently in the field work undertaken by Warren (2012) in Japan. Warren attributes the blame for this paradigm on the paradoxical world in which we live where human rights discourse presents certain groups of victims as “in need of the help of others to escape slavery” and equally powerful discourses of neoliberal values expect “self-directed individuals to be responsible for themselves” (Warren, 2012:117).

What was most interesting was the interviews with the two women who have now entered into motherhood. Angelica, who has a daughter and Natalia, who is pregnant, presented seemingly contradictory views in regards to the phenomenon of trafficking. On the one hand they defended the industry and presented their stories and those of liberal choices which helped them to realise their goals and on the other hand they state with sheer determination that they will strive to ensure that their children never have to consider prostitution for anything. Angelica proudly explained that “when she is 18 she will discover that I saved for her to go to university like I wanted to”.

From these interviews it appears that self-identification as victims can be harmful in that it doesn’t allow the victim to move on and prevents them from taking on a more positive outlook. This may be in part due to the clear sense of determination and resilience noted in the women interviewed for this study and in Reid’s study of the “life course theory” and trafficking in the US. It may also be because the women are in denial about what they have experienced and that the positive attitude is a method for survival. This is best portrayed in Angelica’s account:

“The thing about prostitution that bothers you and bothered me in the beginning, no longer bothers me. To change, to want to change, I would have to let it bother me, and that’s not good for my mind”. Her reluctance to let go of her stance on prostitution appears to be based on a fear of becoming “bothered” about her past. She went on to compare herself to obese people to get her point across, “for obese people to become thin like society wants them to be, they have to get motivation from somewhere, and this usually comes from looking at themselves with disgust.

I understand why people want me to want to change my way of life, it's not healthy, it's not happy, I admit that... but first I would have to learn to hate it and I'm scared of how I will live with myself when I get to that point. I will feel raped”.

10.6. Analysis

What is clear from the interviews in regards to methods of migration, fraud and the use of debt-bondage, is that trafficked persons are closely connected to smuggled and voluntary economic migrants both in terms of their experiences and epistemologically; what we think we know about them (Musto, 2009).

In line with the philosophy of epistemology, Skilbrei and Tveit (2008) and Aradu (2008) both stress the importance of avoiding the assumption that we “know” what trafficking *is*, regardless of the extent of the empirical research we have undertaken. The importance of this school of thought is stressed by Kay B. Warren by warning that the court room “also operates in a world of representational strategies, socially mediate knowledge production and truth claims” (Warren, 2012:119).

In Skilbrei and Tveit's analysis of Nigerian women's experiences in Norway, they state that the situational experiences of the women were “similar to start with and in their current position”. They all shared stories of poverty and desperation from their home country and at the time the research was conducted were all working as prostitutes in Norway. Their journeys from Nigeria to Norway differed tremendously however, portraying the heterogeneous nature of transmigrant prostitution and trafficking. Skilbrei and Tveit provide a critique of Kelly and Regan's (2000) distinction between trafficking and smuggling where they suggest that “facilitating illegal migration is usually limited to delivering the person to the country” and claim that trafficking is constituted when the women are “delivered to individuals or organisations who are party to the transaction”. Skilbrei and Tveit's critique of this distinction is based on the existence of agreements between women and smugglers that lead to a debt-bondage relationship that follows the women for up to several years after arrival (p.25). While Skilbrei and Tveit acknowledge that the conse-

quences of this exacerbated debt are serious (as they prevent the women from being able to leave prostitution upon arrival), they also point out that many of the women who share this experience, do not identify themselves as victims. One of the interviewees, Brenda, stated that if you borrow money “you have to pay; it is fair” (p.23). This article in particular provides evidence of the potential for grave consequences of the combination of the construction of an “Ideal Victim” scenario, coupled with the ambiguity of the Palermo Protocol. It provides examples of real women whose experiences are “*problematic*” because they are “not vulnerable in the right way or at the right time” (p. 27) which could result in not only a denial of their rights, but also their prosecution and subsequent deportation.

As explained above, *exploitation* is difficult to define as there is not standardised international definition (Andrees & Van der Linden, 2005) and the Protocol does little to provide any clarity on that matter (Warren, 2007). However, given that the women were subjected to extortionate debts with interests that were completely out of proportion and that their costs of housing were also highly inflated, it is clear that in smuggling, trafficking and experiences somewhere in between, exploitation is rife. Although the definition for exploitation provided in the Criminal Code in Colombia omits the use of debt-bondage as a form of exploitation, Hurtado & Pereira-Villa (2012) find that debt bondage could be considered in compliance with the definition of exploitation if used in conjunction with any form of fraud whether that be in relation to the size of the debt or the ease with which one would be able to re-pay the debt or even the excessive difference between what the “transfer” of the victim costs and the debt charged. In Hurtado & Pereira-Villa’s investigation it was discovered that the cost of transporting an illegal migrant from Colombia to Hong Kong (a major destination route) via Johannesburg (to avoid controls in Europe), was between USD \$4,000 and \$6,200 and the average debt charged to a victim of trafficking from the same route was between USD \$25,000 and \$30,000²⁶.

Warren (2012) noted the lack of a collective mobilisation of “transnational sex workers” or “trafficking survivors” to press for a realisation of their rights or to break down the “ideal victim” narrative. When asked whether she would ever consider getting behind an activist surge of any

²⁶ This was an initial cost and did not include interests or the cost of housing, food, or clothing.

kind, Mady responded “I don’t think so, there is so much stigma still in Colombia, even though all men use prostitutes they like to forget they exist straight after. It is not worth the attacks on social media. I knew a friend who had to change her name after she was interviewed on TV about sex workers rights in Colombia”. Angelica responded similarly, “I wouldn’t do that to my daughter or husband. My husband knows half-truths and my daughter nothing, and I want it to stay that way. Women who shout loudly have resigned to being prostitutes forever so they have nothing to lose.”

The issue of “agency” is at play in the language of the UN Palermo Protocol and the TVPA in phrases such as “having control over another person” (UN Protocol, 2000:3) and “induced to perform” (TVPA, 2000: 5) which has been said to make way for the construction of the “ideal victim” as being passive and unassuming. Economists such as Wheaton *et al.* (2010) and Chuang (2006) assess trafficking from a supply and demand point of view, referring to trafficking as an “opportunistic response” to the juxtaposition of the need/desire to migrate and migration restrictions. This position regards the “agency” of the victims as still in force but with “asymmetrical information” at hand and the existence of a certain degree of “push factors”. This rings true in Lina’s account of her decision to migrate when she says, “of course I knew, I knew certain things and I knew also that there were things that I didn’t know and that there was risk in that. When I admit this people roll their eyes and accuse me of “abusing the system” or whatever when I claim to be a victim in order to return home when I was tired... but in my defence, I had do try to help my sister and my mum and I had no other way of doing that.”

In what Hurtado & Pereira-Villa (2012) refer to as the “double condition” of victims as subject-objects, it is clear from these interviews that women can exercise agency and be exploited at the same time. Skilbrei & Tveit (2009) note the appearance of this double-condition in their analysis of the “blurred lines” between smuggling and trafficking. These interviews have shown, however, that this double condition is at play in situations which undoubtedly constitute trafficking. It is precisely when these women exercise agency in “refusing to be poor” (Weitzer, 2013) that they are most vulnerable to exploitation.

The women interviewed have expressed views and told of experiences which back up the arguments presented on either side of the “prostitution debate”. It is clear from this that lobbying feminist camps need to move away from rhetorical attacks on each other’s discourse and accept the truth in what each other says in order to proceed to come up with recommendations for how to make a material difference to the number of women trafficked.

11. CONCLUSION

For theory and practice to move forward, a feminist theory must be established which combines the factors of gender, race, sexuality and class and analyses their interrelatedness in the political and socio-economic context of women’s lives (Andersen, 2005), calling into question the ways in which inequalities other than gender act as fuel and catalyst for national and transnational industries (Agathangelou, 2004 and Beeks and Amir, 2006). These factors in making certain women and girls vulnerable to coercion into prostitution and trafficking are addressed in Reid’s *Exploratory review of route-specific, gendered, age-graded dynamics of exploitation*. This approach has already begun in relation to “human security” and trafficking²⁷, although it is only in the beginning stages and has thus far only focused on conflict and other crises rather than broader and more subtle socio-economic concerns (Limoncelli, 2009)

The “exceptionalism of sex trafficking” (Warren, 2012:120) must be challenged in feminist scholarship on trafficking, not because it is *not* worse than other forms of trafficking and forced labour. Many of us find the prospect of sex trafficking particularly abhorrent in comparison to other forms for very valid reasons. The need for further critique of this exceptionalism is due to its effects on the marginalisation of those women who are voluntary sex workers and for whom trafficking is a matter of labour rights. Warren asserts that treating sex trafficking with absolute rational as a transnational business operating in situations of severe economic disparity would help us to better understand trafficking as more than just the exercising of evil.

²⁷ See Takamatsu, 2004 and Truong and Angeles, 2005

It has been shown here that experiences of trafficking and illegal transmigrant sex work are heterogeneous. All these women did, however, show one common characteristic: they have a great sense of ambition, determination to improve the socioeconomic hand they were dealt at birth and they have great expectations of life. This optimism has not burnt out, a testament to their resilience. Passive victims they most certainly are not. Is it this very resilience that reduces their “importance” for human rights agencies? Women who fall outside of the victim/trafficker dichotomy occupy a space at the margins as “excessive subjects” and are denied recognition and voice, decidedly undeserving of the supposed “universal” rights they supposedly enjoy by definition.

Warren is correct in echoing Aradau’s (2008) concern regarding the “contingency of human rights” (Warren, 2012:117). Women who fall outside of the victim/trafficker dichotomy occupy a space at the margins as “excessive subjects” and are denied recognition and voice, decidedly undeserving of the supposed “universal” rights they supposedly enjoy by definition.

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APPENDIX I

Survey Sheet for 1st Set of Participants

Please provide your personal information below by circling your age, gender and stratum. Then read the scenarios provided and answer the questions below by circling the number which best suits your assessment.

Personal information:

Age 18-25 | 26-40 | 41-55 | 55 or over
Strata 1-2 3-4 5-6
Gender Male | Female

Alejandra is 23 years old and is a **victim of trafficking**. 2 years ago, while she was working in a rose factory outside of Pereira she was approached by an older woman who claimed that Alejandra reminded her of her younger self. The older woman told Alejandra that there were many job opportunities for people like her in Hong Kong and that she could help her migrate. The two met the following day to discuss details when Alejandra was told that if she was willing to work as a prostitute in Hong Kong she could pay off the costs of her migration within 2 months and then earn up to 15,000 USD a month or choose another form of employment and still earn around 3000 USD a month. Alejandra agreed and travelled to Hong Kong using a fake passport provided by the older woman. When she arrived she was met by a man who took her to an apartment where other **trafficked women** were staying. This was when she was told that the cost of her travels was 42,000 USD which she would have to pay off. The amount she earned from working as a prostitute for 10 hours a night, 6 days a week minus the fee collected by the **traffickers** for her living costs meant that she would have to work for 3 years before the debt would be paid. Upon arrival she was reminded that they knew where her mother and son lived and that she should work to pay off the debt if she didn't want any harm to come to them.

Questions

1. To what extent do you feel sympathetic towards Alejandra? 1 being not at all and 5 being extremely sympathetic.
1 2 3 4 5
2. The Colombian government should be responsible for her protection and, if she wants it, her repatriation. 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
3. The government of Hong Kong should be responsible for her protection and, if she wants it, repatriation. 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
4. Do you believe the older woman who approached Alejandra should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
5. Do you believe the man who collected Alejandra from the airport in Hong Kong should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
6. Do you believe the people who collected the extortionate fees for her expenses and threatened her mother and son should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5

Natalia is 26 years old. 3 years ago, when she was working as a cleaner at a high school in the centre of Medellin she discovered that her younger sister had fallen ill and their mother couldn't afford to pay for her medical fees. She decided to try and migrate to the United States to work. She knew that her second cousin had migrated to the United States with a fake visa and asked her how she did it. Her cousin put her in touch with a man named Oscar who claimed he could arrange everything for 20,000 USD. When she explained that she couldn't afford to pay it he made her an offer. She could pay him back once she got to the US and

started earning money. He also said he could find her a job as dancer. According to his calculations, he could have paid her back within 3 months after which she could start sending money home for her sister. She agreed. Once she arrived she discovered that there was no job as dancer and that salaries in the US were not enough to pay the debt (which had increased to 30,000 due to extra hidden costs and interest. Oscar threatened her and told her she needed to pay quickly or there would be consequences. He also told her that if she wanted to help her sister before it was too late she should contact his friend Jaime who could help her make 4000 USD a month as a sex worker. She agreed. It wasn't quite like Oscar had promised. She was earning around 1000 USD a month, 60% was deducted for her "expenses" including, food, housing, clothes and commission. Her debt was also increasing at an extortionate rate. It took her 2 years to pay her debt, at which point, her sister had died.

1. To what extent do you feel sympathetic towards Natalia? 1 being not at all and 5 being extremely sympathetic.
1 2 3 4 5
2. Do you believe that the crime of trafficking in persons was committed here? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
3. The Colombian government should be responsible for her protection and, if she wants it, her repatriation. 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
4. The government of the United States Kong should be responsible for her protection and, if she wants it, repatriation. 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
5. Do you believe the Oscar should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
6. Do you believe Jaime should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5

Thank you!!

APPENDIX II

Survey Sheet for 2nd Set of Participants

Please provide your personal information below by circling your age, gender and stratum. Then read the scenarios provided and answer the questions below by circling the number which best suits your assessment.

Personal information:

Age	18-25		26-40		41-55		55 or over
Strata	1-2		3-4		5-6		
Gender			Male		Female		

Alejandra is 23 years old. 2 years ago, while she was working in a rose factory outside of Pereira she was approached by an older woman who claimed that Alejandra reminded her of her younger self. The older woman told Alejandra that there were many job opportunities for people like her in Hong Kong and that she could help her migrate. The two met the following day to discuss details when Alejandra was told that if she was willing to work as a prostitute in Hong Kong she could pay off the costs of her migration within 2 months and then earn up to 15,000 USD a month or choose another form of employment and still earn around 3000 USD a month. Alejandra agreed and travelled to Hong Kong using a fake passport provided by the older woman. When she arrived she was met by a man who took her to an apartment where other women were staying. This was when she was told that the cost of her travels was 42,000 USD which she would have to pay off. The amount she earned from working as a prostitute for 10 hours a night, 6 days a week minus the fee collected by the **brothel owners** for her living costs meant that she would have to work for 3 years before the debt would be paid. Upon arrival she was reminded that they knew where her mother and son lived and that she should work to pay off the debt if she didn't want any harm to come to them.

Questions

1. To what extent do you feel sympathetic towards Alejandra? 1 being not at all and 5 being extremely sympathetic.
1 2 3 4 5
2. The Colombian government should be responsible for her protection and, if she wants it, her repatriation. 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
3. The government of Hong Kong should be responsible for her protection and, if she wants it, repatriation. 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
4. Do you believe the older woman who approached Alejandra should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
5. Do you believe the man who collected Alejandra from the airport in Hong Kong should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5
6. Do you believe the people who collected the extortionate fees for her expenses and threatened her mother and son should be prosecuted? 1 being strongly disagree and 5 being strongly agree.
1 2 3 4 5

Natalia is 26 years old. 3 years ago, when she was working as sex worker in Medellin she discovered that her younger sister had fallen ill and their mother couldn't afford to pay for her medical fees. She decided to try and migrate to the United States to work. She knew that her second cousin had migrated to the United States with a fake visa and asked her how she did it. Her cousin put her in touch with a man named Oscar who claimed he could arrange everything for 20,000 USD. When she explained that she

couldn't afford to pay it he made her an offer. She could pay him back once she got to the US and started earning money. He also said he could find her a job as dancer. According to his calculations, he could have paid her back within 3 months after which she could start sending money home for her sister. She agreed. Once she arrived she discovered that there was no job as dancer and that salaries in the US were not enough to pay the debt (which had increased to 30,000 due to extra hidden costs and interest. Oscar threatened her and told her she needed to pay quickly or there would be consequences. He also told her that if she wanted to help her sister before it was too late she should contact his friend Jaime who could help her make 4000 USD a month as a sex worker. She agreed. It wasn't quite like Oscar had promised. She was earning around 1000 USD a month, 60% was deducted for her "expenses" including, food, housing, clothes and commission. Her debt was also increasing at an extortionate rate. It took her 2 years to pay her debt, at which point, her sister had died.

1. To what extent do you feel sympathetic towards Natalia? 1 being not at all and 5 being extremely sympathetic.

1 2 3 4 5

2. Do you believe that the crime of trafficking in persons was committed here? 1 being strongly disagree and 5 being strongly agree.

1 2 3 4 5

3. The Colombian government should be responsible for her protection and, if she wants it, her repatriation. 1 being strongly disagree and 5 being strongly agree.

1 2 3 4 5

4. The government of the United States Kong should be responsible for her protection and, if she wants it, repatriation. 1 being strongly disagree and 5 being strongly agree.

1 2 3 4 5

5. Do you believe the Oscar should be prosecuted? 1 being strongly disagree and 5 being strongly agree.

1 2 3 4 5

6. Do you believe Jaime should be prosecuted? 1 being strongly disagree and 5 being strongly agree.

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