

# CARNEGIE COUNCIL *for Ethics in International Affairs*

## Human Trafficking Around the World: Hidden in Plain Sight

Public Affairs

Stephanie Hepburn, Joanne J. Myers

### Transcript

#### Introduction

**JOANNE MYERS:** Good afternoon. I'm Joanne Myers, director of Public Affairs Programs, and on behalf of the Carnegie Council, I would like to thank you all for joining us.

Our speaker is Stephanie Hepburn, the co-author of *Human Trafficking Around the World: Hidden in Plain Sight*. Her findings on this topic will be the subject of our discussion this afternoon.

There are few crimes as horrendous or as destructive as the exploitation of human beings. Few words can describe just how ghastly human trafficking or the modern-day slave trade is. Usually committed against the most vulnerable members of society, it is more than just sex trafficking and includes forced labor, organ trafficking, and sex tourism.

Victims of trafficking can be any age and any gender. They can be found working in factories, fields, brothels, street corners, in private homes, as child soldiers, or in innumerable other settings. They may be hidden behind walls or seen in plain view.

The perpetrators are organized and include sophisticated criminal enterprises, decentralized criminal networks, family members, small businesses, and individuals. It is a business that generates not millions but billions of dollars.

Although almost every country in the world is affected by trafficking, whether as a country of origin, transit, or a destination, this study is more of a representative sample of the worldwide trafficking scenario. Stephanie and her co-author have chosen 24 countries, from the United States, to Russia, to the United Arab Emirates, to China, and many in between, in order to highlight trafficking practices and anti-trafficking measures.

While each country has unique trafficking scenarios, Stephanie found that countries could be grouped together by an underlying issue that significantly contributes to the problem, whether it be economics, geopolitics, and/or culture. Her research provides an excellent guide that not only compares practices between countries but also suggests what needs to be done in the fight against this illegal trade.

On a day when government ministers are [meeting](#) from around the world at the UN General Assembly to take up this important issue, we can only hope that Stephanie's meticulous research will reach them and bring this subject beyond awareness and point to all governments to move towards

a plan of action and enforcement.

Please join me in welcoming someone who personifies investigative journalism at its finest, our guest today, Stephanie Hepburn. Thank you for coming.

## Remarks

**STEPHANIE HEPBURN:** Thank you for that kind introduction. Hello, everybody.

I wanted to tell you a little bit about why I became interested in this topic. To start off with, I wrote my first book when I was in law school, *Women's Roles and Statuses the World Over*. The reason I am mentioning this is that human rights has been an issue to me for a very long time.

The reason this came up was because I would keep talking to friends of mine, peers in my age group, and I would talk about equal rights of women in the world, and the conversation would automatically go to feminism. I was like, "Well, what if I focus on just statistical data and facts alone"—and this was just for a class with my co-author [Rita Simon](#)—"because I think that they speak for themselves. You don't have to get into this philosophical discussion."

So I turned in my paper to Rita Simon, and I said, "This is what I would like to focus on." She said, "What if we turn this into a book?"

"Okay."

I was in law school, and writing a book would be a phenomenal endeavor. But I had no idea where to start.

In researching, my goal was, "I want to be very factually oriented; I want to put every statistic that I can in there that's relevant." So I think what ended up happening with that book is that it is packed full of great information, but it's not very readable. When I say readable, I wanted this book on human trafficking to be something that anybody could read, and I mean from people with their Ph.D.'s to JDs but also to lay people who just happen to be interested in the topic.

So when I started researching, I noticed that publications seem to go in one direction or other: They tend to focus on either the statistics or they focus on the stories. So I thought what if I join the two and I give everybody something that they need? If you are interested predominantly in the stories, you can look through the book. You find a lot of the factual information just reading these narratives and the cases and the humanizing of the victims who experienced human trafficking, which I think is essential.

Now, if you are more interested in the statistics, you can go and you can read through and it gives you that hard data. So I thought, "What if we do this cumulatively?" That was my mind frame when I wrote this book.

But why I became interested in the topic itself was that I moved to New Orleans in February 2006. As you all know, that was not that long after [Hurricane Katrina](#). I think generally people in the United States think human trafficking is happening somewhere else to other people, and it's not our issue, it's not our problem. But the reason I'm bringing up the New Orleans example is it is very much a microcosm of what is happening globally. I think that's important to recognize.

I moved there in February of 2006. The infrastructure had been disrupted. The population is in flux.

Law enforcement personnel are overworked. That creates an ideal situation for labor exploitation and human trafficking.

Then you compound that by the fact—and this would occur in any nation that experiences a natural disaster—that you have a sudden demand for low-wage labor. So that is layer number two.

Layer number three is that the U.S. government at that time temporarily suspended several worker protections that affected wages, safety, health, and they also temporarily suspended immigration-enforcement requirements.

You put that all together and it compounds, and it creates a situation that is ripe for human trafficking.

I wanted to give an example that I think is important and which very much depicts what the common pattern in human trafficking was. I started off with New Orleans, and then I branched out to the United States, and then I added 23 countries.

What I noticed was there are immense commonalities in terms of how this is done. It is formulated to the point where traffickers have this down, regardless of whether it's for forced labor or sex trafficking. This pattern, across the board, is a formula that's working for human traffickers.

I wanted to give you a case, and it was one of the first cases that I looked at, and it was of Thai trafficking victims that were brought to the United States. They were actually brought to North Carolina, but I will explain what ended up happening. They were found in the Capri Hotel, which was in New Orleans, Louisiana, in November 2005. They were found living in subhuman conditions.

What happened was that the recruiters in Thailand, the Thai recruiters, were working for a U.S. company. They said to workers in Bangkok, "There are these great jobs in the United States. They'll pay you a salary of \$8.24 an hour." Now, that doesn't sound like a lot to you, and it certainly doesn't sound like a lot to me either, but you have to consider the wages and the annual income of these workers. We're looking at an annual income of less than \$500 per year. So \$8.24 an hour sounds pretty good. On top of it would come along a temporary work visa to be in the United States. So that sounded like a very good step.

In order to secure these jobs, the workers had to put up \$11,000. Now, when you think about that, how are workers that earn less than \$500 a year going to come up with \$11,000? Well, the answer is loans. This is a common practice. So loans are taken out and often with astronomical interest rates. In this case these workers in particular had to put up their land, the land of family members. So what would this create? Instantly the workers, before even starting their jobs, are in debt, and it puts the recruiter and the employer in an ideal power position.

So that is the scenario. In fact it is so overt that the recruiter actually promoted this fact and said, "Oh, these workers are going to work really hard for you; they are already \$11,000 in debt." So that was part of their sales pitch.

After the employment fee, \$11,000 each worker, was secured, the workers were brought over to North Carolina to do agricultural work. They were brought on an agricultural visa, an H2A visa. So while they were there, for the first month they did agricultural work on a farm in North Carolina.

About a month later, they were taken to New Orleans to do demolition. They were forced to live and work in the buildings that they were demolishing. You guys can automatically realize what the conditions were. We're talking about mold, debris, obviously no electricity, no running water, so the

only water to cook with is contaminated water.

Now, they are not paid, so how are they going to eat? Whatever money they did have, they had to pay an armed guard to give them food.

When they came to the United States, what ended up happening was that there were two armed guards, and they took away their visas, their return tickets, any sort of identifying documentation. So now you're looking at layer two of how movements controlled for workers. This is how workers are controlled. First we have the debt, then we have all identifying documentation that has been taken away. So where are they going to go? They're in debt and now they have no form of identification. But then layer three is that they have two armed guards that are literally restricting their movements, so just to paint that picture, then we will come back to the importance of controlling the movement of victims.

Now we have the workers in New Orleans. They were so hungry because they didn't have money to pay for food and pay the armed guard that what ended up happening was that they ended up having to trap pigeons to eat.

The Thai Embassy started wondering, where are these workers? What's going on? No one is able to reach them. So the employer eventually, because of pressure, brought a lot of those workers back to North Carolina. They didn't have enough space, I guess, in their vehicles, so seven of the workers were left with a guard in New Orleans.

To get back to the movement issue, I mentioned those three ways of controlling the movements of victims. Another layer is just purely threatening the victims. That happens all the time. It's threats of physical harm, it's threats of physical harm not only to themselves but also to family members. This creates fear and limits movement. There is also the reality of physical abuse, which happens frequently.

That's the Thai worker case.

Often, when I talk about human trafficking, the first thought that comes to mind for most people is sex trafficking, not forced labor. That's just the way it is. But I think it's important to put the percentages out there. Sixty-eight percent of human-trafficking victims are actually forced labor victims. Twenty-two percent are sex trafficking victims. The remainder actually are also forced labor victims, but they are victims in state-imposed forms of forced labor.

In my mind, all of that is forced labor. I don't really see the point of separating the two. But because it so often is, not in all laws but it so often is, I think it's best to talk about in that way, and then I think it's easier to understand and to be able to figure out why these divisions have occurred.

So what's the big deal? The big deal is disparate treatment. I think you can see this one in China. The only form of human trafficking that is identified in China is that of sex trafficking. The only groups that are included are females and children. So adult men are not included in that law at all. Those are the only two groups, and that is the only form of human trafficking that is included under the law.

So right there you have a huge situation, particularly in China, because forced labor is very much an issue. But you don't have to go all the way to China to see disparate treatment of victims. You can actually look at the New York anti-trafficking state law and see disparate treatment of victims.

If somebody is found guilty of sex trafficking in New York, the result is it's considered a class B felony

and the maximum sentence is 25 years. Now, if somebody is found guilty of forced labor, it's a class D felony, first of all, and the maximum sentence is seven years. So there is a huge difference between a maximum of seven years and a maximum of 25 years.

The good news is that there is a bill right now that is actually proposing to make forced labor a class B felony. So I think that that's very significant. But right now on the books the current law has extremely disparate treatment between sex traffickers and forced-labor traffickers.

When I spoke to people who were part of the discussion group for the New York anti-trafficking law, what was interesting was that they brought up, one, that even within the anti-trafficking movement itself there is a lack of understanding on the topic of forced labor. So that is interesting.

Then, secondarily, they pointed out that the lawmakers very much wanted there to be a connection between prostitution and human trafficking. So by creating that connection, obviously, the connection is really prostitution and sex trafficking. So forced labor is included, but in terms of the lawmakers, it was more of an afterthought, or at least that's how it comes across in terms of the law.

The second is that there were strong lobbying agricultural groups that very much wanted there to be a de-emphasis on forced labor. When you look at the law, you can very clearly see that the lawmakers got what they wanted and the agricultural groups got what they wanted. It is much more difficult to find somebody guilty of forced labor in New York than sex trafficking.

Part of the issue is, if forced labor is so prevalent, aside from the lobbying groups that are going to try to de-emphasize it, generally, why would it be less of a concern? I think part of the issue is that sex trafficking has just been more present in the media. As one expert told me, it's the sexier topic compared to forced labor. So the result is that we as a general public, and lawmakers as well, just have a better understanding of what sex trafficking is. So that is part of it.

I think the other is that it's a perception issue. When people think about sex trafficking, they think people are being forced into activities that they would never want to do. Then they think about forced labor, and they think it's horrible, but people are being forced into activities that maybe they would want to do, if not for the other elements of human trafficking, and so then that automatically creates one being less significant in that person's perception.

To me the crux of human trafficking is the deprivation of freedom and the exploitation. I wanted to point out, in terms of forced labor, that there very much are significant abuses. I think when people think of forced labor they don't even have it defined enough to think about examples. I think it's important to raise attention and bring attention to what those may be.

I wanted to give you several examples. One is of a Brazilian man. He accepted a job at great wages, typical scenario, false promises about what he would be earning and what he would be doing. So he went to work. He was put on a bus, and the bus didn't take him where it was supposed to take him. It took him to the jungles in Brazil. He was unable to escape for 12 years.

During that time, he was instructed to burn the documentation of workers. These were workers who had allegedly left of their own free will, healthy and happy and fine, said goodbye, and left the camps. He was wondering to himself, this is really strange. Why in the world would I have to burn their documentation? I just saw them leave. Well, several months later he found human bones in the jungle. So it stands to reason that the workers never did make it out of the camps.

That takes me to another story of a 15-year-old in China who was forced to work in a brick kiln. While

he was there, his boss said, "Come with me." Of course, he went. He said, "This is what happens to people when they are unproductive." The man who was unproductive was knocked in the head and thrown into a mixing machine and chopped into tiny pieces. So the boss turns to the 15-year-old and says, "Hey, go tell your friends this is what happens when you're unproductive."

Another case is in a shrimp factory in Thailand. Whenever the workers were deemed to be unproductive or disobedient, they had metal rods thrust up their noses, they had their heads shaven, they were paraded naked, and they were sexually molested.

That is also to point out that just because it's forced labor doesn't mean that sex is never a part of it and sexual abuse is never a part of it. I think that often gets dropped from people's perception of this type of experience.

Now, I am not saying any of this by any means to diminish what sex trafficking is at all. I am just saying that it needs to be emphasized and that forced labor needs to be included in legislation, and not just included in legislation but also in implementation, because often many governments do have laws that include every form of human trafficking. But where the ball gets dropped is in implementation.

I wanted to also mention that it is not just forced labor victims that get excluded. Again, when we go back to what do people mostly think of, they think of sex trafficking. I think it's important that it's not just sex trafficking that most people think of. They think of international forms of sex trafficking. That by no means is the only form of sex trafficking.

Another group that tends to not get included are internal victims. I'm talking about people who have been trafficked within a country. So we have our internal trafficking victims and we have our forced labor trafficking victims. So what's the big deal? They're not included. So what?

Let's take the example of internal trafficking victims. They're either a resident or a citizen of where they live. They take a job, and suddenly their employer does not let them leave and does not pay them. Well, that doesn't mean that they are not human trafficking victims. So what ends up happening is that they are simply not included. The result is that those traffickers are able to pursue and keep going on with business as usual.

But let's say they are internal victims of sex trafficking. Well, prostitution is often illegal. So what ends up happening is—and I'm sure many of you know—victims are often identified through raids. This is either raids of brothels or raids of places of business, and that is how victims are often found.

Usually what is being identified and what is being looked for are those who are from a different country. So those who are from whatever country—let's say we're talking about Brazil—if they're from Brazil, then they are not going to be included.

The result is, if it's a brothel, chances are if it's prostitution and it's illegal in that country, the victim is going to be arrested. Let's say it's a forced labor situation and they're a victim from another country. The result is that they are going to be deported for their immigration violation. So right there you have two forms of trafficking victims that have been punished. That is the scenario. Either by not including in the law or not including in the implementation, the result has been a punishment of the victims themselves. And what has happened to the trafficker? Nothing. Business as usual. They are completely not hindered by this experience. That is why inclusion is so significant.

The positive is that momentum is very much leaning towards inclusion in terms of laws. Now we

have the [UN Palermo Protocols](#), which is pretty much the model that's used for domestic laws. In that law it very much makes sure that all of these forms of human trafficking are included. Because of that, domestic laws are starting to follow suit. But that doesn't mean that—implementation either, A), takes a while to catch up, or, B), it is just something, and we go back to perception, that is not going to catch up until education is adequate.

When I talk about education, I mean education of first responders and those who are in contact with the victim. So we're talking about soldiers, we're talking about police, we're talking about border patrol, and now there is an even greater emphasis on physicians or people in the medical field, who sometimes are the first people who are actually in contact with the victims. These are all people who need to understand and be able to identify the law. Particularly if there are any sorts of legislative changes, it is very important that they are adequately educated.

But it's not just those groups. We are also talking about the prosecutors and judges who you would think, if there had been a change in law, automatically they would be very informed on the law and they would know how to use law. That's not necessarily the case. What ends up being a problem is that without adequate education of prosecutors and judges, no one wants to use the law. So the anti-trafficking law is there but simply doesn't get used. So those are the people who very much need to be informed for implementation actually to be successful.

Now, forced labor and internal trafficking are not the only areas that lawmakers have a lot of misconceptions on. Another is conflating smuggling with human trafficking. It happens all the time, and you can hear legislators talk where they will conflate smuggling with human trafficking. They are simply not the same thing.

The smuggling experience is a very dangerous endeavor, and it is one where people's lives are in jeopardy. They very much are put, or they put themselves, in a very vulnerable position. So the smuggling experience can very easily turn into some form of exploitation, including human trafficking.

So certainly, if there is a smuggling victim, they need to be adequately screened for human trafficking. But the two legislatively are simply not the same. By making them the same, what ends up happening is that you put the emphasis on movement, not on the exploitation, and that is innately flawed.

That brings me to another common misconception, which is movement. Now, it makes perfect sense. You hear the term "human trafficking," and you think, "Well, yes, somebody has been moved from point A to point B." Well, not necessarily. That goes back to the examples I gave previously. Say you have an internal trafficking victim. They accept a job. They haven't moved anywhere. They went to their place of work. Now they're not allowed to leave and they're not being paid, and all of the other elements are satisfied.

Now, movement is not required by the Palermo Protocols at all, so what I am discussing is something that you see commonly in laws across the globe, but not in the Palermo Protocols. Again, like I said, the momentum is moving away from that.

For instance, let's say that you have a law that has a double-pronged system. The double-pronged system, it is important to point out, is not just movement out there. It is movement with the intent to exploit. Whenever you throw the word "intent" out there, that's going to make it extremely challenging. So movement with the intent to exploit. With the internal trafficking victim, you have the exploitation, but you certainly have not had any movement with the intent to exploit.

Now let's take the example of a migrant worker, a migrant worker who moved himself from point A to point B. Same situation. Nobody moved them. So automatically, again, you have another group that is going to be unable—with this double-pronged system, no prosecutor is going to be able to be successful trying to prove human trafficking if he can't prove movement.

Let's look at the people where movement did occur and what happens here. Let's take an example and say somebody was moved from point A to point B. So you do have movement and you have the exploitation. Okay, perfect. The problem is the chances are the person was moved by being initially recruited, and then they were moved by smugglers, and then you have the employers. So right there, proving that each individual group, that the person was moved with the intent to exploit, the more hands you have involved, the harder the prosecutor is going to be able to prove that.

What ends up happening? The prosecutors don't want to use those double-pronged laws. Again, they end up avoiding the anti-trafficking law.

Okay, so big deal. We have other laws out there. Each nation has other laws out there that address other offenses. The problem is, chances are those offenses are not nearly as severe or stringent. Let's say you have a case where sex trafficking has occurred. It's an internal case of sex trafficking. Well, you haven't been able to prove movement, so you're going to be able to use a different law.

The result is that the victim, because you're not using the anti-trafficking law, is not going to receive adequate protections. Adequate protections can vary, but it probably means, if they're from another country, chances are they are going to be deported, because they are not going to be afforded the protection that, for instance, that they would be afforded if the anti-trafficking law was utilized.

Then we have that result: less-than-adequate protections for victims. And then the result of the traffickers is less than stringent sentencing, so a slap on the wrist. Economically, that doesn't stop traffickers. It needs to be much more severe and much more significant in order to make a difference. A slap on the wrist is not going to stop anything.

In conclusion, I want to say that the reality is that no nation is exempt. I looked at 24 different countries. What I thought was fascinating was that how many governments think that this is an issue happening elsewhere to other groups. As I mentioned earlier, it is shocking to me.

I think one thing is that there needs to be understanding what the result is: a blanket of non-responsibility. "This is not our issue. This is something happening to other people elsewhere; this is not our issue." The reality is yes, it is. It's everyone's issue. It's every nation's issue. And I have yet to see one nation that is unaffected by this.

Collectively, I think the more inclusion that occurs and the more stringent sentencing that occurs, I think that can actually make a change.

Thank you.

## Questions

**QUESTION:** In your study, which are the countries that have taken the most stringent and, in your view, successful steps to combat trafficking?

**STEPHANIE HEPBURN:** That's a very good question. I think the distinction is that some are stringent on the books but not necessarily in implementation. So that brings up the issue that I



discussed.

I think that there are several countries that have done a really good job at enforcement. But, generally, this is an issue regardless of what nation we're looking at in terms of implementation. There are plenty of laws that are very stringent on the books, but when it comes to enforcement, I don't think any country is quite there yet.

**JOANNE MYERS:** Are there countries that you feel have gone further than others?

**STEPHANIE HEPBURN:** I think so. Maybe this isn't fair, because I looked at 24 different countries, and I feel sort of bad saying these are the good ones and these ones have more challenges.

But I think Germany generally has been doing a very good job, and they put out—it usually comes out every year—a report on the situation in Germany. And that doesn't mean that it's not an issue in Germany; it just means that—a big issue to me is awareness, and even starting to put out these reports to me is indicative that there is a positive movement.

Now, like I said, implementation may not be there yet. But if I see a country that is delving into these issues and is trying to see their own national statistics, I think that that is a very positive sign. So countries that do put out reports or are very free to hand out what they believe—of course, they are generally not fully accurate—but countries that are free in giving out what they believe to be their statistics I think would be the countries that are one step ahead anyway.

**QUESTION:** Susan Gitelson.

Let's look at it from the victim's point of view. Can we assume that most of the victims don't have families looking for them or concerned about them?

Also, which are the agencies that are trying to help the victims and to turn things around with a spotlight, as with journalists, and with services and training and ways to give them greater independence?

**STEPHANIE HEPBURN:** I think that you're correct. I think that actually families looking for victims is actually a very good tool if they are working with a country that has a system that will help them.

For instance, one of the experts that I spoke to said one of the issues in South Africa is that people do look for their family members, but the problem is there is no infrastructure there to be able to help them. So you're kind of on your own. That ends up being problematic.

You see the same thing in China. In fact one of the experts that I spoke to in China said that often victims' families are dissuaded and told, "Don't pursue this." So I think that that is part of the issue.

Going back to South Africa, I think how much money is given to agencies is a big part of it. So if there is not sufficient funding, they're not going to be able to do their jobs. So I think that ends up being very much an issue. The expert that I spoke to in South Africa said that that across the board is an issue in South Africa. It just happens to be I was exploring human trafficking. But child welfare, that ends up being a huge issue, that there is not enough funding for NGOs and governmental agencies to do their jobs. So I think that that is the big issue, is funding.

**QUESTION:** My name is Rob de Vos, and I represent the government of the Netherlands in the City of New York.

Last month our attorney general visited Washington and, together with his American colleagues, he organized a mini-seminar on this issue to share best practices. We realize in the Netherlands that we have not at all solved this issue, but I think there is no denial anymore by government institutions, which is the first step.

**STEPHANIE HEPBURN:** Right.

**QUESTIONER:** Stephanie, we are very grateful that you have done this research. But I would like to challenge you. Next month we are going to ask you to become the advisor of the mayor of a very important city. What would be your three major, let's say, policy measures, and especially in the field of implementation, which you would advise to this mayor?

**STEPHANIE HEPBURN:** I think, first, like I said, education. I think education of first responders and those that are in contact.

One thing that I think is interesting is that the medical field is often ignored. If we're talking about abuse—physical abuse, sexual abuse—chances are that physicians, if it's so bad, or people in the medical field are going to be those who see it. Adequate education is really the big step. Like I said, I am talking about adequate education across the board, and that means prosecutors and justices very much understanding any sorts of legislative changes and not dismissing the law.

Then I also think I would put together a panel to talk with those that are in the field that can tell me what hurdles they're seeing. Education is pretty obvious, but what's happening? They often will point to legislative hurdles. So I think that needs to be looked at.

Legislative hurdles, part of it is visas. You have people who often have come in on visas, and they are temporary visas. Now, what happens? Now you have a case and you have somebody whose visa has run out. What are you going to do? That goes to something I think we are all aware of, immigration being a very hot-button issue not only in the United States but globally. Countries are tightening up their immigration. So there is this pressure to make sure that those who are illegals are deported promptly. There is a pressure on governments to make sure that is happening. Well, what ends up happening is there is a deportation without adequate screening. You have deportation of victims.

So I think you need to look at what are these hurdles. The experts I have spoken to often point to immigration issues, immigration hurdles, creating a situation where there's a race against the clock, whether somebody's visa application is going to be accepted before they're deported. So I think that that is one thing.

Another thing that I think they would tell you is what the obstacles are in that particular visa. For instance, is there a requirement that they work with law enforcement, or is there, "We want you to work with law enforcement, but it's not going to adversely affect your visa application," because if the pressure is there, what ends up happening is victims take a certain amount of time to warm up to the concept of talking to police, and it is very understandable why. Victims are put in a position where they have been told over and over again, "If the police find you, you're out of here; you're going to be deported." Obviously, there are other psychological issues that happen too in terms of abuse.

So I think finding out, speaking to people who are on the ground, and figuring out legislatively what the hurdles are would be very useful.

**JOANNE MYERS:** Another thing that might be useful is to educate people before the fact rather than

after the fact, going into these small communities and educating the populace in some way.

**STEPHANIE HEPBURN:** Correct. And this is a harder one, but media focus varies depending on country, and we all very well know that. Some countries are much more restrictive.

It's interesting. In Japan I would say that there is more awareness about sex trafficking per se, but there is more of an awareness in the media on the use or inappropriate use of certain visas, which I would call forced labor. It might not be called forced labor in the media, but it brings attention—"Hey, there's this visa that low-wage workers are being brought in on; they are being exploited"—and that, I think, is much better understood in Japan than in a lot of other nations.

Now, there still needs to be a lot to address that particular issue, particularly under their human trafficking law. They actually don't have one at the present time, but there is media attention on it. So I think that kind of speaks to what you were saying, just bringing a greater awareness on the topic. I agree.

**QUESTION:** I am Carol Smolenski from ECPAT, End Child Prostitution and Trafficking.

I was just having this very interesting discussion with a woman who is actually moving to the Netherlands next year to do research on trafficking in the Netherlands. The particular piece she's looking at is barriers to making a case against a trafficker that doesn't rely on the testimony of the victim, as a very important piece for the criminal justice system to move forward on, because the traumatization of the victim stands in the way. I was wondering if you looked at that at all. It was just really interesting to me.

**STEPHANIE HEPBURN:** I think that is very much true across the board. Actually, that's the reason I mentioned that earlier. Yes, that's exactly right. You talk to experts, and what they'll say is that victims eventually do want to share their story, but they have been made so fearful of authorities, so fearful of what's going to happen to them. They've been told over and over again, this is what's going to happen, that there is some hesitation initially.

What experts have told me over and over again, regardless of what the nation is, is give victims some time. Give them some time. Allow them to get counseling and various services, and let them decide whether they want to contribute to the case. The people whom I spoke to said generally yes, they want to. In the end, after counseling and after realizing that they are not going to be re-victimized, yes, and they would certainly be better witnesses doing it of their own volition than being forced into it or feeling that they're being forced into it or being deported. Yes, I agree with that point.

**JOANNE MYERS:** I think, though, that she was asking about having a case made without the victim.

**QUESTIONER:** Yes, I actually was.

**STEPHANIE HEPBURN:** Oh, I am sorry, without the victim.

**QUESTIONER:** I am wondering if in these teen cases whether that's a tool that has been used. I've heard of it used, but I don't know of specific cases.

**STEPHANIE HEPBURN:** So a case where the victim is not a part of it?

**QUESTIONER:** Yes. Well, where the criminal justice system feels it can move forward against traffickers but with evidence that does not rely on the victim's testimony.

**STEPHANIE HEPBURN:** I might have to get back to you on that. I have not focused on what happens in that case.

I would assume that if they were going to use the trafficking law, again depending on what nation, I think what would end up happening is that they would have to pull in other charges to make sure it was going to stick. And there are other laws. I think the issue is making sure that the anti-trafficking law is so inclusive that people aren't dropping through the cracks and traffickers aren't getting away with their crime. But I think you would have to pull in some other charges.

I can get back to you on that. Honestly, that wasn't something that I explored.

**QUESTION:** I am Ruth Stevens.

I really appreciate how you're focused on the labor angle versus the sex worker or sex-trafficking angle, which is certainly more appealing to media outlets, is my guess.

What I am thinking about is our country where prosecution of such crimes is at the state level, right? Probably versus the federal level?

**STEPHANIE HEPBURN:** There are different ways that you can pursue. In the United States, you have the civil court and you have the criminal court. So a victim can collaborate with other victims and pursue a civil case using the [TVPA](#), the Trafficking Victims Protection Act.

Now, the government can pursue a criminal case, and they can also use the TVPA. In terms of going to your point, they might simply need enough evidence. I don't know if they need victim testimony. That would be interesting to explore. But those are the two different ways to go about it.

What was the beginning part of your question?

**QUESTIONER:** Understanding that it's at the state level, I was wondering what is in the way, or are there impediments in our system to effective prosecution? Is it political, is it lack of resources? Is it awareness issues?

**STEPHANIE HEPBURN:** One, I was talking about federal law. The two that I mentioned, the civil and the criminal, that's federal law. So those are two avenues. But in terms of state law, I think it very much varies state to state. I probably know the New York State law a little bit more than any other.

Like I said, the good news is that there is a bill on the table that would make, for instance, forced labor a class B felony. That's significant at this point. It can be a bill that can never happen. I don't know. There does seem to be adequate support of it, so we'll see.

Right now, very much there are political players in terms of why the law is what it is and why it is disparate. Yes, there were political reasons. Again, I was not there, but the experts that I spoke to said that initially the idea of the law was to focus on indentured servitude encompassing both sex trafficking and forced labor, because they are both indentured servitude. That was the initial focus.

But for political reasons, that changed and the focus became on prostitution more, really, than human trafficking itself. Human trafficking was used as a vehicle to address prostitution, and not that it doesn't need to be addressed, but it very much shifted what the law ended up being.

Again, like I mentioned earlier, according to the experts that I spoke to, there were strong agricultural groups that wanted to make sure that there was a de-emphasis on forced labor. So you are going to

see that looking at every single law that there is, regardless of the state. You are going to see those pressures and those issues. And regardless of the country, for that matter, you're going to see that battle and different interest groups definitely having their say.

**QUESTION:** Matthew Olson.

Something occurred to me in an answer you gave a couple of answers ago. As a practical matter, if we decide we're enlightened and we're going to give the victims time to get themselves together and decide that they actually want to cooperate, it's in their interest, how do we house them decently, how do we feed them decently, how do we keep them from thinking that they're in jail themselves?

**STEPHANIE HEPBURN:** I think what ends up happening is that you end up jumping a step. So instead of them having to say, "Hey, we're going to help in this case," you give them the services first.

First off, you've identified the victim and they haven't said whether they're going to help in the case, but that doesn't mean that they don't deserve services and that they don't deserve protections. So you automatically give them those services and those protections and, for instance, counseling, housing. They are victims. The only question is whether they're going to be part of the prosecution and stand as a witness. That's the only question. So I think that you start off by giving them the services and the protection.

**QUESTION:** The story you profiled at the beginning of the workers in Louisiana, how would that not be kidnapping? It seems to me that there would be a raft of other laws that were violated in that story.

**STEPHANIE HEPBURN:** Certainly, and that's a very important point and a very good point. Without a doubt, you could look at kidnapping.

I think what ends up happening is that when you look at the anti-trafficking law, you don't want the trafficker to get, for instance, a slap on the wrist or a less significant sentencing. But certainly I think what ends up being important to point out is you can use the TVPA, you can use the anti-trafficking law, and you can use other laws. By no means does it preclude the use of other laws. So you can use the FLSA, the Fair Labor Standards Act. You can use other laws at the same time.

You can bring each individual trafficking case, and you can find ways—a lot of governments, countries where prosecutors don't want to use the anti-trafficking law, they do exactly that. They take the crime, they pick it apart, and they say, "Okay, we've got rape, we've got kidnapping, we have these various crimes," and they pursue it in that way.

But the problem is—and it depends on how stringent the sentencing is and how vast the protections are—the chances are the protections for victims are not going to be as significant, and at the same time, the sentencing most likely is not going to be as significant as finding somebody guilty under the trafficking law. So that's the rationale.

But of course, yes, you are completely correct. You could certainly use other laws.

**QUESTION:** Could you tell us more about the trends? Is the situation becoming worse or, because people are more aware of it, have the numbers gone up? With all the weakness of the laws and all these problems you've been describing, has society made some progress in trying to control this human trafficking?

**STEPHANIE HEPBURN:** When I first started researching this book, it was six years ago, and the emphasis was so much on sex trafficking at that point that labor trafficking was barely spoken about. So even between then and now, I think that there has been a huge difference.

When I would look at the statistics, I was like, I know that forced labor has got to be more prevalent than these statistics are indicating. It has to be. The ILO, the International Labor Organization, came out in maybe June 2012 indicating that yes—and this was a big deal—forced labor is actually more prevalent than sex trafficking.

I think you are exactly right. There is more awareness and acknowledgment of different forms of human trafficking. There has been a lot of emphasis on international forms of sex trafficking for a very long time, and now there is an emphasis and an awareness of, "Oh, okay, you don't actually have to be taken from one country to another country. Oh, okay, these are other very similar patterns of abuses with human trafficking." I think that there is becoming more awareness and more inclusion.

Now, you are asking whether it's worse. My assumption is not that it's worse. I think that there are certain hurdles that I spoke of that are making the situation more challenging. Globally the emphasis on quick deportation from countries and the focus on immigration has become problematic where the countries' immigration agendas are in conflict with their anti-trafficking agendas. Then you end up having these situations where the government is actually hurting its own efforts. I think that that is part of the problem.

**JOANNE MYERS:** Stephanie, thank you so much for bringing this to our attention. I would like to invite you to continue the conversation on this very important topic. Thank you very much.

**STEPHANIE HEPBURN:** Thank you.

### Audio

Victims of trafficking are both young and old, male and female. They can be found working in factories, fields, brothels, private homes, and innumerable other settings. They may be hidden behind walls or seen in plain view. How can trafficking be stopped?

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