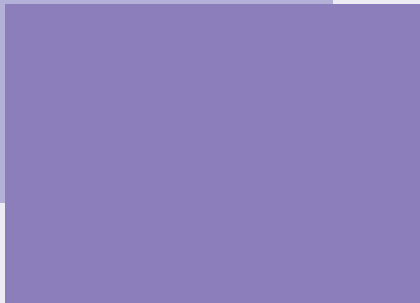



Trafficking of Women and Children for Sexual Exploitation in the Americas

Women, Health and Development Program
Pan-American Health Organization



TRAFFICKING OF WOMEN AND CHILDREN FOR SEXUAL EXPLOITATION IN THE AMERICAS

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“We came to the United States to find a better future, not to be prostitutes. . . . No woman or child would want to be a sex slave and endure the evil that I have gone through. I am in fear for my life more than ever. I helped put these evil men in jail. Please help me. Please help us. Please do not let this happen to anyone else.”

—Maria, trafficking survivor¹

The trafficking of women and children for sexual exploitation is a high-profit, low-risk trade for those who organize it, but it is detrimental to the millions of women and children exploited in slavery-like conditions in the global sex industry. This trade, which UN Secretary-General Kofi Annan has called an outrage and a worldwide plague², is conducted throughout the world with near impunity, in many cases carrying penalties far less severe than drug trafficking³. Though people often associate it with Eastern Europe or Asia, there is mounting evidence that the trafficking of women and children for sexual exploitation, with its concomitant human rights abuses and health consequences, is a significant problem in the Americas—one that promises to worsen unless collective action is taken. This paper is an introduction to trafficking in the Americas⁴, offering a brief discussion of relevant issues.

The first international agreement on the definition of trafficking is found in the 2000 UN Convention Against Transnational Organized Crime⁵: “trafficking in persons’ shall mean the recruitment, transportation, 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” (Trafficking Protocol, Article 3a). In this definition the term *exploitation* encompasses sexual exploitation, forced labor, slavery, servitude and removal of organs. However, this paper focuses on the trafficking of women and children for sexual exploitation, referring to the practice simply as *trafficking* or *sex trafficking*. The technical language can obscure the lives at the center of the issue—the millions of women and children preyed upon, abused, and prostituted in such appalling conditions that trafficking has been identified as a contemporary form of slavery⁶.

CONCEPTUAL FRAMEWORK

Sex trafficking is more than an issue of crime or migration; it is an issue of human rights, a manifestation of persistent gender inequality and the subordinate status of women globally. Around the world most trafficked people are women and children of low socio-economic status, and the primary trafficking. The **demand** aspect of sex trafficking remains the least visible. When demand is not analyzed, or is mentioned rarely, it becomes easy to forget that people are trafficked into the sex industry to satisfy not the demand of the traffickers, but that of the purchasers, who are mostly men. The insatiable demand for women and children in massage parlors, strip shows, escort services, brothels, pornography and street prostitution is what makes the trafficking trade so lucrative.

Research in this area is sparse, but a few studies show that men’s reasons for buying sex include a desire for sex without commitment or emotional involvement⁷; the perception that they can ask a prostitute to “do anything,” including acts they would hesitate to request from a regular partner⁸; the belief, particularly among men without (or separated from) regular partners, that sex is necessary to their well-being—a basic need⁹; and the feeling of power experienced in sexual encounters with prostitutes¹⁰. While for some men involvement in prostitution may be motivated by sexual desire, for others it is an expression of misogyny and/or racism. “To see women and girls lined up in a brothel, numbered and available to any man who picks them is to see them dominated and humiliated, stripped of their power to ‘withhold’ the sexual access that such men imagine is so central to their own well-being” (Davidson 1996). The Coalition Against Trafficking in Women (CATW) has described the expansion of sex trafficking as a backlash against the feminist movement¹¹. Agencies involved in sex tourism,

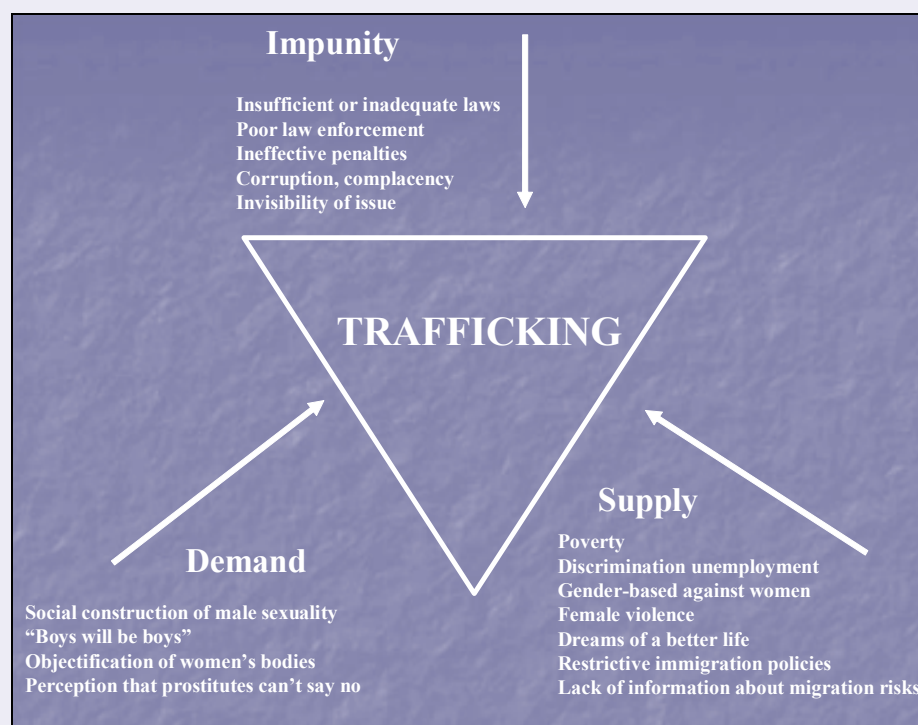
marketing to Caucasian males, advertise Latin American women as dependent, erotic and sex-crazed¹²—an alternative to the stereotype of the cold, Western, independent woman. Brazilian women, for example, are marketed as dark-skinned, easy and available, reinforcing racist and colonial stereotypes¹³. The nature of male demand for commercial sex must be understood more fully in order to eliminate sex trafficking.

The **supply** aspect of trafficking is perhaps the most transparent. In areas where poverty has already limited people's choices, discrimination against women in education, employment and wages can leave them with very few options for supporting themselves and their families. Migration through formal channels is not possible for many of these women. Dreaming of a better life in the city, or a foreign country, they become vulnerable to traffickers' false promises of high-paying jobs. Even though women might feel uneasy about the travel circumstances, despair over their current prospects and hope for a new life can easily outweigh any sense of danger. In this way poverty and gender inequality create a large pool of potential and seemingly willing "recruits."

In addition to exploiting economic need, traffickers exploit the vulnerability of women and children who have fled their homes because of violence or have been displaced by armed conflict or natural disasters. The psychological impact and social stigma of victimization can increase women's vulnerability to manipulation and exploitation by traffickers. In Guatemala, for example, traffickers preyed on young girls raped in the course of armed conflict, whose stigma as rape victims had damaged their marriage prospects¹⁴.

Within these dynamics of global demand and supply related to the sex industry, traffickers ply their entrepreneurial skills. Though relatively little is known about traffickers' routes, networks, and associations with organized crime in the Americas, one can easily understand the factors that allow them to practice their trade with **impunity**. International and domestic laws are lacking or insufficient; where laws do exist, sentencing guidelines do not provide a deterrent. Corruption contributes heavily to traffickers' real and perceived impunity through police and immigration officials who collude, accept bribes, or "turn a blind eye." Though governments may not promote trafficking directly, they may be hesitant to take aggressive action against it, since the sex industry is extremely profitable and linked to other sectors, such as tourism.

Figure 1: The Trafficking Triangle



Supply, demand and impunity together create a space in which trafficking can flourish (Figure 1). The resulting environment allows high profits at low risk for the traffickers, but with serious health risks and human rights violations for the victims. The space is extremely difficult to see, much less describe and define, because each

facet of the triangle operates in a way that makes trafficking more or less invisible to society. The success of traffickers' business relies on their ability to keep activities hidden from law enforcement agencies. Most information on crime rings is uncovered only when a participant is caught and agrees to inform¹⁵. The end purchasers also prefer to remain invisible, themselves engaged in activities that are largely criminal and considered deviant. Finally, the circumstances of exploitation help keep the practice invisible. Some victims are forcibly imprisoned and unable to speak out, while others are silenced by their fear of police and immigration officers, or retaliation from the traffickers

TRAFFICKING IN THE AMERICAS

Trafficking in the Americas is less analyzed and understood than trafficking in other regions of the world. Relatively little is known about who the victims are, who the traffickers are, the routes and circumstances of trafficking, and how trafficking in the Americas may or may not differ from trafficking in other regions of the world. Current information comes from case studies, the media, and law enforcement, government and NGO reports. In the absence of hard statistical data, which is difficult to obtain for illegal activities in general, an analysis must rely on estimates and indicators associated with trafficking. Available information indicates that, in the Americas, trafficking is a problem of significant magnitude:

- The volume of Latin American and Caribbean women in prostitution in Europe, Japan and the USA implies the existence of sex trafficking. An estimated 50,000 women from the Dominican Republic¹⁶ and 75,000 women from Brazil¹⁷ work abroad in the sex industry, mainly in Europe, though it is not clear what proportion of this number refers to trafficking victims. Interpol estimates that 35,000 women are trafficked out of Colombia each year¹⁸.
- The magnitude of child prostitution in the Americas is another indicator of trafficking, as child prostitution often occurs under circumstances that fit the definition of trafficking. Guatemala City police report that 2,000 children are prostituted in over 600 brothels in that city alone; Honduran and Salvadoran children have also been discovered in prostitution in Guatemala, some orphans due to Hurricane Mitch¹⁹. The NGO Casa Alianza estimates that 2,000 girls are prostituted in San Jose, Costa Rica²⁰. Other estimates include 25,000 child prostitutes in the Dominican Republic²¹, and 500,000 girls prostituted in Brazil—many trafficked internally²².
- The increase in sex tourism in Latin America and the Caribbean also indicates that trafficking in these areas is likely to increase. Casa Alianza reports that adolescents from Colombia, the Dominican Republic and the Philippines have been trafficked to Costa Rica for prostitution in areas known as sex tour destinations²³. While researching sex tourism in northeast Brazil, the organization O CHAME has discovered connections between traffickers and the people who arrange sex tours²⁴.
- Not all traffickers are associated with organized crime groups, but the involvement of organized crime in the trade seems to be increasing. Organized crime groups from various regions of the world are involved in trafficking women and children to North America²⁵. The Directorate of Migration in the Dominican Republic estimates there are 400 smuggling and trafficking rings in the country, aided by the availability of sophisticated and convincing false documents²⁶. In 2000, Paraguayan authorities discovered a crime ring trafficking women and girls to Argentina, promising work in domestic service but forcing them into prostitution upon arrival²⁷.

TRAFFICKING AND HUMAN RIGHTS

The conditions of sexual exploitation are what constitute violations of the civil and human rights of so many trafficking victims. Regardless of how they are recruited and transported, most women and children trafficked for sexual exploitation are denied at some point the right to liberty²⁸, the right not to be held in slavery or involuntary servitude²⁹, the right to be free from cruel and inhumane treatment³⁰, the right to be free from violence³¹, and the right to health³².

To understand the extent of human rights violations in trafficking, one needs to look at how traffickers³³ exercise control. One major method is to restrict victims' movement. Survivors commonly report that traffickers confiscated their travel documents during or after transport, sometimes selling them back for exorbitant fees³⁴. This practice leaves the women in a vulnerable position, especially if they did not enter the country legally. In some cases victims are physically imprisoned in brothels or houses. The confinement may be enforced through barred windows, locked doors, posted guards and similar means. Various survivors have described how they could only go outside if a guard or boss was with them, and some reported that guards would monitor their phone calls home³⁵.

Traffickers also exert control by creating situations of dependence and debt bondage. In a study of trafficking in the USA, a significant proportion of survivors, law enforcement officials and social service providers reported that trafficked women do not have control of their money³⁶. Some women receive just a portion of the fee their purchasers pay the brothel. An IOM study found that women from the Dominican Republic trafficked to Greece were prostituted for three months without receiving any money, and after that received only 25-30% of the revenue they brought to the brothel³⁷. Traffickers usually charge a transportation fee, informing the victims upon arrival that they must pay the fee through prostitution of some kind. Debt bondage occurs when the traffickers do not allow the women to leave prostitution until the debt is paid; in many cases the original transportation fee is augmented by charges for room and board, or punishment fines. Receiving little or no money, and increasingly indebted, it is difficult for the women to escape debt bondage. The situation leads to dependence on traffickers for money, food, clothes and other necessities.

From the testimonies of victims it is clear that traffickers commonly use violence and threats of violence as means of initiation, intimidation, punishment, and control. In a study of sex trafficking in the USA, the Coalition Against Trafficking in Women (CATW) found that 73% (n=37) of interviewees had been physically abused at least once by traffickers and/or pimps³⁸. Physical assault and rape are used to initiate women into the sex industry, to force compliance. Survivors report being beaten or raped as punishment for refusing customers, complaining, attempting to escape, or purely for the gratification of the trafficker or pimp³⁹. The constant threat, experience and witnessing of violence can condition women to submit to trafficker demands, as a strategy of self-preservation. Women's descriptions of the abuse and its effects bear similarities to battered women's descriptions of domestic violence, particularly the experience of living in a state of constant vigilance, trauma and fear.

TRAFFICKING AND HEALTH

The trafficking of women and children for sexual exploitation is accompanied by potentially lifelong and/or life-threatening health consequences; it prevents victims from attaining the highest possible level of physical, mental and social well-being. Victims' health is affected by the trafficking process itself and also by sexual exploitation. Clandestine migration often requires sub-optimal means of transportation, putting the victims at risk for starvation, drowning, suffocation and exposure to the elements⁴⁰. Numerous reports of accidents and deaths have caused the International Organization for Migration to identify trafficking as the most dangerous form of migration⁴¹. Other health risks in transit include exposure to violence and communicable diseases.

For victims trafficked into the sex industry, the environment of sexual exploitation introduces further health risks. Little scientific investigation of the health of trafficking victims has been conducted, perhaps because the population is difficult to access. Some information comes from health care workers and NGOs who work with trafficking victims. To supplement this knowledge, the general health risks of prostitution can be used as an approximation of those faced by women and children trafficked into the sex industry. However, knowledge of these risks comes from samples drawn from prostitutes working on the street or visiting health clinics. Since trafficking victims are often not free to leave the brothel or visit health clinics, the conclusions of these studies may not fully represent the experiences of trafficking victims.

Trafficking victims experience **violence** by traffickers, pimps, brothel owners, clients and police. They are beaten, sometimes with weapons, and severely enough to require emergency room visits⁴². They are raped as an introduction to “the business.” Women can also be injured during rough sex; women in prostitution report that clients ask them to simulate acts seen in pornography, which are frequently violent, and some men choose commercial sex so that they can commit acts they would not ask their own partner to participate in⁴³. The consequences of psychological, physical and sexual violence associated with trafficking and sexual exploitation include depression, suicidal thoughts and attempts, and physical injuries such as bruises, broken bones, head wounds, stab wounds, mouth and teeth injuries, and even death⁴⁴.

Involvement in the sex industry is a risk factor for **HIV/AIDS** infections. This risk can be mediated or worsened by client volume and patterns of condom use. Trafficking victims without access to condoms, or who lack the power to negotiate their use, are particularly at risk. Cuts and tears in vaginal and anal tissue due to rough sex and rape further compound the risk, as does victims’ increased vulnerability to sexually transmitted diseases, discussed below.

Anecdotes of trafficking experiences and studies of women in the sex industry suggest that trafficking victims experience many threats to their sexual and reproductive health. **Sexually transmitted infections** (STIs) are a serious threat. Early sexual activity and multiple partners are both risk factors for STIs that apply to many women in the sex industry. Several studies have found that the prevalence of STIs is higher among women in prostitution than in the general population. For example, 60.8% of 997 female prostitutes in Mexico City were seropositive for Herpes simplex virus 2, compared to a prevalence of 29.3% in a sample of women not involved in prostitution⁴⁵. Not only are trafficking victims at risk of contracting STIs through their circumstances of sexual exploitation, they also are more likely to suffer complications from the infections. Untreated bacterial STIs, such as gonorrhea and chlamydia, can result in pelvic inflammatory disease (PID) if the bacteria invade internal reproductive organs. PID can be asymptomatic or accompanied by mild and nonspecific symptoms, making it difficult to diagnose even if a woman can get to a health care provider. Without treatment, PID can cause severe and permanent damage, including chronic pelvic pain, ectopic pregnancy and infertility. The risk of these complications increases with multiple episodes of PID⁴⁶. Trafficking victims may also be at an increased risk for cervical cancer, because they are exposed to the Human Papillomavirus (HPV)⁴⁷.

The risk of unwanted **pregnancy** depends on access to contraceptives and control over their use. Major pregnancy-related concerns are unsafe abortion and lack of access to prenatal care. Victims have reported forced pregnancies and forced abortions at the insistence of traffickers⁴⁸. However, trafficking for sexual exploitation has **sexual health** implications that reach far beyond pregnancy and infections. Considering the betrayal, violence and exploitation involved in trafficking, survivors may find it difficult to form meaningful, healthy relationships upon their return to “normal” life.

Numerous factors associated with trafficking (e.g. violence, isolation, betrayal) can have damaging effects on victims’ **mental health**. These conditions can provoke feelings of hopelessness, helplessness and low self-esteem. Depression and suicidal thoughts/attempts are reported by victims. **Substance abuse** is a common

coping mechanism in the sex industry. Some trafficking survivors report being drugged by brothel owners, to keep them more compliant. In addition to the risk of chemical addiction, substance abuse also has implications for sexual health, as it is associated with increased risk-taking⁴⁹. The long-term effect of trafficking on survivors' human development and emotional health needs further exploration.

Several factors suggest that trafficked women and children, with such serious and complicated health needs, have little or no **access to health care or other social services**. Where services are available, trafficking victims face almost limitless barriers to accessing them. Some are not allowed to leave the brothel, even to seek health care. For those free to come and go, lack of information about services, language barriers, and fear of discovery and deportation can all hinder their access to care. Trafficking victims may not be able to afford services, and they are unlikely to have access to health insurance. Even if they overcome these formidable barriers, there is the possibility they won't receive the care they need. As is often the case with women who are victims of domestic abuse, health care providers may not be trained to identify possible trafficking victims. If the provider is unaware of the patients' circumstances and involvement in the sex industry, she is likely to overlook the full extent of the patients' reproductive, sexual and mental health needs.

Sexual exploitation is particularly damaging to the health of **children**. They are even more likely than adults to lack accurate information about the transmission and prevention of sexually-transmitted infections, including HIV/AIDS. Even with good information, children may lack the skills, power and ability to negotiate condom use, increasing their risk of infection. Girls are especially vulnerable to sexually transmitted infections due to their immature reproductive tracts, and they are more likely to suffer long term damage from them. In addition to the elevated risk of HIV and other STIs, the traumatic sexualization, betrayal, powerlessness and stigmatization involved in sexual exploitation are damaging to child and adolescent development. This can lead to an impaired ability to form attachments and succeed with interpersonal relationships, or to various types of psychiatric morbidity. Children are likely to experience the health and developmental effects of sexual exploitation well into adulthood.

It is clear that trafficking victims' health is significantly endangered, but intervention is difficult with such a hidden population. Health care providers and NGOs must find a way to assist not only survivors, who have escaped or been freed, but also women and children still trapped in situations of exploitation. The World Health Organization is currently conducting an in-house review to identify possible courses of action and draw recommendations for addressing the health consequences of trafficking.

THE LEGAL CONTEXT

The 1949 *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* criminalizes sex trafficking and acts associated with prostitution, but with weak enforcement mechanisms and adoption by only 69 countries, it has not been effective⁵⁰. The convention also fails to address forms of exploitation that were not widespread in 1949, including mail-order bride industries, sex tourism and trafficking of organs⁵¹. Article 6 of the UN *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW 1979) requires States Parties to take action to suppress "all forms of traffic in women and exploitation of prostitution of women," and CEDAW's General Recommendation No. 19 specifically mentions newer forms of exploitation neglected in the 1949 convention. The 2000 UN *Convention Against Transnational Organized Crime* provides a tool for international cooperation against trafficking in its *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. The protocol specifies criminalization, stronger border controls, and increased security and control of documents as preventive mechanisms. It focuses on international cooperation to combat trafficking and details aspects of assistance and protection for victims. In May 2001 the protocol had been signed by 85 countries; thirty-five additional signatures are needed for the protocol to become an instrument of international law⁵². The UN Global Programme against Trafficking in

Human Beings is conducting several technical cooperation projects based on implementation of the protocol⁵³.

The *Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women—“Convention of Belém do Pará”* (1994) explicitly names trafficking in persons and forced prostitution as forms of violence against women. As such, States Parties to the convention are called upon to condemn trafficking and pursue policies to prevent, punish and eradicate it⁵⁴.

International instruments specifically addressing the trafficking of children include the *ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor* (1999), and the *UN Convention on the Rights of the Child* (1989) and its *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* (2000). Some countries have targeted the exploitation of children in sex tourism, adopting laws that allow for the prosecution of sex crimes against children committed in another country, regardless of that country’s laws. Laws of this type are designed not only to punish the commercial sexual exploitation of children overseas, but also to deter sex tourists who become situational child abusers due to a perception that the sexual exploitation of children is acceptable in some other cultures⁵⁵.

A handful of countries in the region have laws that specifically prohibit trafficking. Most have a variety of laws under which traffickers could be punished, including facilitating entry or exit from the country for prostitution and sundry laws against pimping⁵⁶. Considering the evidence of growth in trafficking, it appears that existing laws and/or their enforcement are inadequate. Advocates of legal reform have emphasized a three-pronged approach of prevention of trafficking, prosecution of traffickers and protection for victims⁵⁷. The US Trafficking Victims Protection Act of 2000 outlines minimum standards for the elimination of trafficking: the prohibition of trafficking; punishment of trafficking acts⁵⁸ commensurate with that of other grave crimes, such as forcible sexual assault; punishment stringent enough to provide a deterrent; and “serious and sustained efforts” by governments to eradicate trafficking.

The legal status of trafficking victims too often renders them even more vulnerable; legal protection of victims is of paramount importance. Where prostitution is prohibited, victims can be viewed and treated as criminals, rather than crime victims. Victims of international trafficking frequently are illegal aliens and face the dilemma that if they escape to seek help, they may be arrested and deported. Though in desperate need of medical care, counseling and sometimes drug treatment, victims’ legal status can prevent them from accessing these services. There must be avenues for victims to seek redress and restitution without risk of further human rights violations.

WHAT IS BEING DONE?

The Inter-American Children’s Institute (IACI) of the Organization of American States has made a significant contribution to research by publishing the first comprehensive analysis of child sexual exploitation in the Americas: *Violencia y Explotación Sexual contra Niños y Niñas en América Latina y el Caribe* (1999). Currently the Inter-American Commission of Women (Organization of American States) is collaborating with IACI and the International Human Rights Law Institute (DePaul University) to undertake an intensive investigation of sex trafficking in the Americas. A priority of **The Study of the Trafficking of Women and Children for Sexual Exploitation in the Americas** is to standardize criteria, terminology, and definitions. The first step in this direction is to obtain and analyze data that more fully address the scope and nature of the problem in the Americas. The initial phase of the project will investigate trafficking in 14 countries in the region from a social, legal, economic and political perspective. Counterpart organizations will be chosen in each country to assist with data collection; to ensure that research is as nonpolitical and unbiased as possible, these will be non-governmental organizations. The study results will be used to develop a draft for an Inter-American Convention that will permit regional cooperation to prevent and eradicate the trafficking of persons in general

and of women and children in particular.

To address the inadequacy of existing legislation and law enforcement, to acknowledge the seriousness of human trafficking, and to provide protection for victims, the United States has adopted the **U.S. Trafficking Victims Protection Act of 2000**. The law takes the three-pronged approach of preventing trafficking, punishing traffickers and protecting/assisting victims. Punishment and prosecution for trafficking-related offenses are strengthened under the penal code for peonage and slavery. Victims in U.S. custody are granted status as crime victims, not criminals, and are guaranteed medical care and other appropriate services, appropriate facilities for detainment, access to information about their rights, and protection if their safety is in danger or they are at risk of recapture. Victims can apply for a Category T visa, which allows them to remain in the U.S. legally, with nonimmigrant status, for three years and makes them eligible for employment and benefits. No more than 5,000 victims may be provided visas or nonimmigrant status in any fiscal year. Finally, the law specifies minimum standards for trafficking prevention (mentioned above); countries receiving economic and security assistance must demonstrate compliance with the minimum standards, or sincere and sustained effort at moving towards them, in order to receive further assistance. The law contains provisions for sanctions against nations deemed insufficiently active in trafficking prevention.

Since the law is recent, assessing its efficacy is difficult. The law's power to punish and deter traffickers will depend on law enforcement and investigative procedures. The guarantee of victim assistance is encouraging, as are the corresponding appropriations, though there are gaps to be addressed in that area. Some services do exist, but services designed specifically to meet the needs of trafficking victims are also needed. The State Department's first annual report on trafficking appeared in July 2001⁵⁹. It identifies eighty-two countries with "significant numbers" of trafficking victims, defined as credible reports of numbers in the hundreds or higher. Twelve of these countries are considered in compliance with the minimum standards, forty-seven are considered to be making significant efforts to comply, and twenty-three are considered to be doing too little.

Endnotes

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- ³³ Defined as "the highest level of physical, mental and social well-being" by the OAS in the Protocol of San Salvador, Article 10.
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