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Symposium on Sexual Slavery:  
The Trafficking of Women and Girls into the  
United States for Sexual Exploitation:  
An Introduction

*Cheryl Hanna\**

Christal Jean Jones, a beautiful sixteen-year-old girl from Burlington, Vermont, was murdered in a Bronx apartment last year.<sup>1</sup> Ms. Jones, an already troubled teenager, befriended some “out-of-staters” who, unbeknownst to her, allegedly were part of an organized group that trafficked girls from rural Vermont to New York City for prostitution.<sup>2</sup> It appears that they promised Ms. Jones, and many girls like her, good jobs and better drugs in a bigger city.<sup>3</sup> These girls then found themselves forced and sometimes beaten into working as prostitutes.<sup>4</sup> No one knows who killed Ms. Jones or why, but her death continues to haunt the entire state.

Sadly, Ms. Jones’ story is not as rare as the headlines in local papers might indicate. Each year, thousands of women and children are trafficked, bought, and sold as prostitutes and sex workers. They come from Vermont and Vietnam, Topeka and Thailand, Miami and Mexico. Many are runaways from abusive homes or abusive governments. Others are hoping to escape poverty and oppression when someone tricks or coerces or misleads them into prostitution. For some, it is their family who sells them

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\* Professor of Law, Vermont Law School. B.A. Kalamazoo College, J.D. Harvard Law School. Many thanks to the women on the Hastings Women’s Law Journal. It was such a pleasure to work with them during the 2000-2001 school year while I was visiting at Hastings. I would especially like to thank Dominique Tauzin, Heather Kirlin, Tia McClure, and Tamara Schane. Thanks also to Margaret Gruter and the Gruter Institute for Law and Behavioral Research for encouraging the HWLJ to undertake this topic and for providing crucial financial support. Finally, I am grateful to Jennifer Feeley, my research assistant at Vermont Law School, who provided support on this project, and Kathy Steinman, my editor at the Hastings Women’s Law Journal. The author can be reached at [channa@vermontlaw.edu](mailto:channa@vermontlaw.edu).

1. Sam Hemingway, *Dead Vermont Teen Linked to New York Sex Ring*, THE BURLINGTON FREE PRESS (Vt.), Jan. 31, 2001, at <http://www.burlingtonfreepress.com/specialnews/heroin/013101.htm>.

2. *Id.*

3. *Id.*

4. *Id.*

into the multi-billion dollar commercial sex industry. They are then taken to New York or Bangkok or places throughout the world and forced to work off their debt. Too often, local, state, and national governments do little, if anything, to protect victims. This Symposium, entitled *Sexual Slavery: The Trafficking of Women and Girls into the United States for Sexual Exploitation*, brings to our attention the systematic human rights violations that women and children experience and provides a global context to help us try to understand what happened to Ms. Jones and countless others.

This is a particularly timely topic. Both the United States and the international community have recently undertaken a variety of legislative initiatives and protocols aimed at ending the trafficking problem.<sup>5</sup> Perhaps most significantly, on October 28, 2000, President Clinton signed into law the Victims of Trafficking and Violence Prevention Act.<sup>6</sup> The United States is the first nation to enact comprehensive legislation to prevent trafficking, protect those who have been victimized by what are often well-organized trafficking rings, and punish both traffickers and governments who fail to take appropriate action. The passing of this Act is the first time since the Mann Act<sup>7</sup> that the federal government has passed legislation to curb the trafficking of women and children into the sex industry. Many are hopeful that the United States will continue to provide international leadership.

The more we understand the social, cultural, and economic factors that contribute to trafficking, the more successful our legal responses to it will be. For this reason, the editors of the *Hastings Women's Law Journal* brought together leaders in this area for a frank and informed discussion. Interestingly, and quite intentionally, readers will find little legal analysis among the pages of this legal journal. The authors represent a variety of perspectives ranging from sociologists, evolutionary psychologists, and activists to social service providers and former victims. The formats in which the authors write may be slightly unconventional for a law journal, but their insights are crucial for lawmakers, providing a different and perhaps more realistic point of view. One of the greatest strengths of this symposium is the interdisciplinary approach its participants have chosen.

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5. See generally Stacey Antimone, Note, *Sexual Trafficking: The United States' Response to a Growing International Problem*, 24 SUFFOLK TRANSNAT'L L. REV. 149 (2000); Kelly E. Hyland, *The Impact of the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*, 8 No.2 Hum. Rts. Brief 30 (2001); Susan W. Tiefenbrun, *Sex Sells But Drugs Don't Talk: Trafficking of Women Sex Workers*, 23 T. JEFFERSON L. REV. 199 (2001).

6. Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 Division A, 114 Stat. 1464 (codified as amended in scattered sections of 22 U.S.C.).

7. 18 U.S.C. § 2422 (2002) (also known as the White Slave Laws). The Mann Act is a federal law that prohibits the transportation of individuals younger than eighteen in interstate or foreign commerce with the intent that the individual engage in prostitution or any sexual activity. *Id.*

Another strength of this symposium is the diversity of opinion represented. While all of the authors agree that trafficking is indeed a human rights violation, they offer differing opinions as to its causes and solutions. The authors do not necessarily disagree. Rather, they emphasize different theoretical and practical perspectives, further adding to the richness of the discussion. Readers searching for “politically correct” analyses should look elsewhere. As the planning for this symposium began, the editors of the *Hastings Women’s Law Journal* made a brave and deliberate decision to include a wide range of views on the topic and allow readers to make up their own minds.

Common themes do emerge. Although it has been said that prostitution is the world’s oldest profession, many of the authors suggest how the modern world, particularly technology, influences trafficking. Dr. Donna Hughes, one of the world’s leading experts on trafficking and violence, argues:

[n]ew communications and information technologies have created a global revolution in communications, access to information, and media delivery. These new communications and information technologies are facilitating the sexual exploitation of women and girls locally, nationally and transnationally. The sexual exploitation of women and children is a global human rights crisis that is being escalated by the use of new technologies. Using new technologies, sexual predators and pimps stalk women and children. New technical innovations facilitate the sexual exploitation of women and children because they enable people to easily buy, sell and exchange millions of images and videos of sexual exploitation of women and children.<sup>8</sup>

Dr. Hughes explains how technology may increase the demand for pornography. In turn, the industry continues to grow, creating even more demand and the need for more women and girls. Dr. Hughes offers a comprehensive analysis of just how pimps and other exploiters use these technologies, with the hope that societies, especially on the international level, can develop laws to stop these harms.

Norma Hotaling, the Executive Director and Founder of the Standing Against Global Exploitation Project, Inc. (“SAGE”) and herself a survivor of the sex industry, further develops the question of supply and demand. Like Hughes, Hotaling agrees that one of the major causes for the increased demand for trafficked women and girls is accessibility to pornography. Hotaling started the First Offender Prostitution Program, a program SAGE conducts with the San Francisco’s District Attorney’s Office which diverts first time “johns” into an educational program. Her article offers a

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8. Donna Hughes, *The Use of New Communications and Information Technologies for Sexual Exploitation of Women and Children*, 13 HASTINGS WOMEN’S L.J. 127 (2002).

straightforward and personally informed analysis of what leads men to employ female prostitutes. Her article adds a welcomed emphasis on male behavior, addressing not only what has been a gender bias in arrests, but a gender bias in scholarship that has tended to focus almost exclusively on women and children.

People who engage the services of prostitutes bring with them very complex emotional, psychological, sexual, and practical needs . . . . In some cases customers attempt to satisfy these needs with young adults . . . . When this proves unsatisfactory, they may progress to younger and younger children, fueled by the belief that they have a right to service and pleasure at any cost.<sup>9</sup>

She also makes explicit the link between prostitution and the perpetration of violence and sexual assault. She concludes that rather than focus only on women's needs, law enforcement must also address the perpetrators of prostitution and violence.

While both Hotaling and Hughes implicitly suggest that much of the behavior that leads men to exploit women and children is socially constructed and reinforced by social norms, Dr. Helen Fisher widens the lens of analysis and suggests that the explanation for such behavior lies deeper. Using a paradigm informed by evolutionary psychology and neo-Darwinist theory, Dr. Fisher argues that in order to understand trafficking, one must first understand a woman's need for resources. Females, she argues, are willing to take tremendous risks in order to obtain the economic and financial security that they need to rear their young. Males seek sexual variety, a biological propensity that fuels the sex industry. Regardless of the causes of behavior, however, Dr. Fisher clearly shows that one only need examine the conditions in which many women, worldwide, live, as well as their lack of resources in order to understand how economics contributes to trafficking. Although Dr. Fisher's argument leads one to conclude that while prostitution is not inevitable, and that we should never just throw up our hands and say, "boys will be boys," she does give pause for concern. Eradicating trafficking may require enormous resources and social controls to overcome what are our own human tendencies.

Rather than explore the biological basis for human behavior that leads to trafficking, Aiko Joshi discusses the impact that globalization has had on the sex industry. Industrialization, she argues, has created a market demand boosting the growth of the sex trade, which, in turn, affects cultural traditions and gender relations. She argues that the global integration of production has actually increased the inequalities between men and women in developing nations, with a widening wage gap and gender based

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9. Norma Hotaling & Leslie Levitas-Martin, *Increased Demand Resulting in the Flourishing Recruitment and Trafficking of Women and Girls: Related Child Sexual Abuse and Violence*, 13 HASTINGS WOMEN'S L.J. 119, 122 (2002).

allocation of work. Worldwide, women and girls still lag behind men and boys in education. Two-thirds of the world's illiterates are women. In addition, due to cultural and religious beliefs, many women and girls remain silent about the abuses that they face. Because of these and many other reasons, women and girls often have no choice but to turn to the sex industry.

The author's analysis takes us from the streets of Thailand to the United Nations; she makes explicit the link between the world economy and the plight of women. Despite documenting the horrors that so many victims of trafficking experience, she concludes with a note of encouragement for further action: "[a]lthough the profits from human trafficking are enormous, and the traffickers have great resources at their disposal, human rights activists must persevere in their efforts to assist law enforcement and prosecutors."<sup>10</sup>

Tala Hartsough reviews both national and international law reform efforts aimed at stopping trafficking, with a special emphasis on trafficking in the United States. She argues that it has become the equivalent to modern-day slavery. Hers is an extremely thorough analysis of both the historical and modern practices of sexual slavery, as well as a useful guide for lawyers seeking to understand issues of asylum for clients who have been brought to the United States via trafficking and then face deportation.

Finally, Kathy Steinman takes us on a tour of Latin America and its sex tourism trade – a trade that is dependent on child prostitution. Like other authors in this symposium issue, she explores the many reasons why girls in these countries are driven to participate in the sex trade, including consumer demand and the Internet. Her article examines in detail just who these "johns" are that travel to countries such as Honduras to seek out child prostitutes. She also provides a thought provoking historical analysis of Latin America's sex tourism industry, tracing its roots back to the Vietnam War.

Steinman further analyzes legal responses by Latin American countries, as well as our own. Using Costa Rica as a case study, she paints a bleak picture:

Yet, even though tougher laws prohibiting the sexual exploitation of children have been passed, they are rarely enforced. The police are often corrupt and many officials themselves are involved in the industry. One young prostitute explains that police officers that detain them often force the girls to perform oral sex on them. Furthermore, when judicial authorities raided "an illegal operation where foreigners sexually exploit children, a high-ranking police official [was] inside the building helping the American owner to

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10. Aiko Joshi, *The Face of Human Trafficking*, 13 HASTINGS WOMEN'S L.J. 31, 51-52 (2002) (internal citations omitted).

escape over the back wall.”<sup>11</sup>

Steinman is no more hopeful about U.S. efforts to curb the sex tourism trade, and concludes by proposing amendments to the Child Sexual Abuse Prevention Act of 1994.

Admittedly, volumes could be written documenting the ways and means of traffickers, suggesting both local and global solutions to the problem. One issue that is surprisingly absent from this Symposium is the relationship between legalized prostitution and trafficking. Would global legalization of prostitution improve the lives of people who work in the sex industry? Would it curb or increase trafficking? Would legalization lead to empowerment or just more profits for traffickers, pimps, and producers? The moral ground for arguing that something needs to be done to curb trafficking is solid. But were we to dig a little deeper on the question of legalization, we would no doubt find ourselves on shakier soil. Perhaps now that we have become increasingly educated and aware of the problem of trafficking, the next phase of the discussion must address those policy issues on which there is little consensus among advocates, academics, and lawyers.

Another difficult question is that of relative victimization. There is no doubt that women and children who are trafficked have very few options and opportunities. Given the conditions in their own countries, many may feel that work in the sex industry is the best option that they have for a decent life. Here again we have to face yet another issue which has traditionally divided feminists and advocates for women's rights. In a perfect world, for example, should women be able to choose to work in the sex industry? In an imperfect world, is being trafficked to a first world country, even as a sex worker, preferable to staying at home? Whether the outcome of the trafficking industry empowers women or further victimizes them is a complicated issue, and one that hopefully writers will confront in the future.

Also, unanswered is the issue of the extent to which the influx of immigrants into countries such as France, Germany, and the Netherlands, as well as the United States, is changing the nature of the sex trade industry. Do native-born sex workers feel threatened by the influx in the same way that industrial workers often resent the arrival of immigrants who are often willing to work longer hours for less pay and fewer rights? Does the arrival of foreign women reinforce the hierarchy of low-level street prostitutes to high-level escorts? The government in the Netherlands has already acknowledged some of the problems that are developing because of trafficking. Although prostitution there has long been legal, the country is now trying to regulate the industry. Foreigners make up sixty percent of

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11. Kathy J. Steinman, Note, *Sex Tourism and the Child: Latin America's and the United States' Failure to Prosecute Sex Tourists*, 13 HASTINGS WOMEN'S L.J. 53, 67 (2002) (internal citations omitted).

the women working in the sex industry in the Netherlands, although it is not clear how many of those are illegal or coerced.<sup>12</sup> Regulation is intended to gain control over illegal activities as well as to improve the conditions for women in the industry. Trafficking has a domino affect on women in the sex industry as well as outside of it. Exactly how trafficking affects the conditions of all women is another topic yet to be explored.

Finally, while all of the authors here discuss the trafficking of women and children, which includes both girls and boys, there is little discussion about why boys enter the sex trade industry and what happens to them when they get there. Most analyses in this volume are based upon paradigms informed by feminism. Yet, given the numbers of boys and young men who are also trafficked each year, it becomes imperative for scholars and researchers to employ other paradigms of analysis that are not based exclusively on feminism. We need not only to understand why men seek out sex for sale, but also why boys and young men enter the sex industry and to extent the male experience differs from the female experience.

Despite these unanswered questions, readers of this volume will no doubt find themselves far better informed about trafficking. One thing is clear: sexual exploitation can take many forms, from the extreme sexual repression of women in Afghanistan, to the policies of governments like Thailand, which not only condone, but encourage women and children to sell themselves with the hope of boosting an already booming sexual tourism industry. Most who read these essays will not only become better informed, but adamant that something must be done to ensure that women and children, from Vermont to Vietnam, obtain aid from both local and international law enforcement in order to protect their most basic of human rights. If this Symposium makes even one person more committed to that end, then the *Hastings Women's Law Journal* will have more than succeed in this endeavor.

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12. Suzanne Daley, *New Rights for Dutch Prostitutes, But Little Gain*, N.Y. TIMES, Aug. 12, 2001, at <http://www.nytimes.com/2001/08/12/international/12dutc.html?ex=998676343&ei=1&en=e7b63caa90b83eef>.

