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Human trafficking: The failure of states to eradicate slavery

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**Human Trafficking:
The Failure of States to Eradicate Slavery**

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Political Science 364: Senior Research Seminar in
International Relations & Comparative Politics
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Introduction

In 2000, the United Nations passed one of the first major known protocols from an international organization in effort to address human trafficking.¹ The initiation of this protocol was among the more crucial small step taken by an international organization towards finding a solution for this commonly ignored form of slavery. Soon NGOs, religious groups and states began to contribute to fighting against modern slavery. Human trafficking has long been an issue for many states, which international organizations and individual countries have acknowledged, and have taken actions in attempt to eradicate. Human trafficking is a new form of, and has become the third most profitable genre of organized crime.² The United Nations recognizes human trafficking as the physical taking of men, women and children to an alternate location and using them for forced labor, sex trafficking and various other forms of exploitation,³ all of which resemble the conditions of historical slavery.

International human trafficking is recognized as a criminal activity that involves the moving of victims across state lines.⁴ It produces a substantial income for criminals, associates, and other partakers. As the network and the wealth grow, the power of the criminal trafficking organizations grow as well. These criminal trafficking organizations are often considered powerful and dangerous by international organizations like the United States National Security Council.⁵ The recognition of human trafficking as dangerous for both states and victims,

¹ "United Nations Office on Drugs and Crime," Convention on Transnational Organized Crime, 1, accessed September 10, 2013, <http://www.unodc.org/unodc/treaties/CTOC/>.

² Ibid 1-3

³ Siddharth Kara, "Civilization at a Crossroads," in *Sex Trafficking: Inside the Business of Modern Slavery* (New York: Columbia University Press, 2009), 10-16, accessed September 2013, Academic Search Premier.

⁴ Ibid 7-10

⁵ "Transnational Organized Crime: A Growing Threat to National and International Security," The White House, section goes here, accessed November 18, 2013, <http://www.whitehouse.gov/administration/eop/nsc/transnational-crime/threat>.

inhumane and requiring urgent attention by countries implies a very important question: Why do states have failed to eradicate it?

Road Map

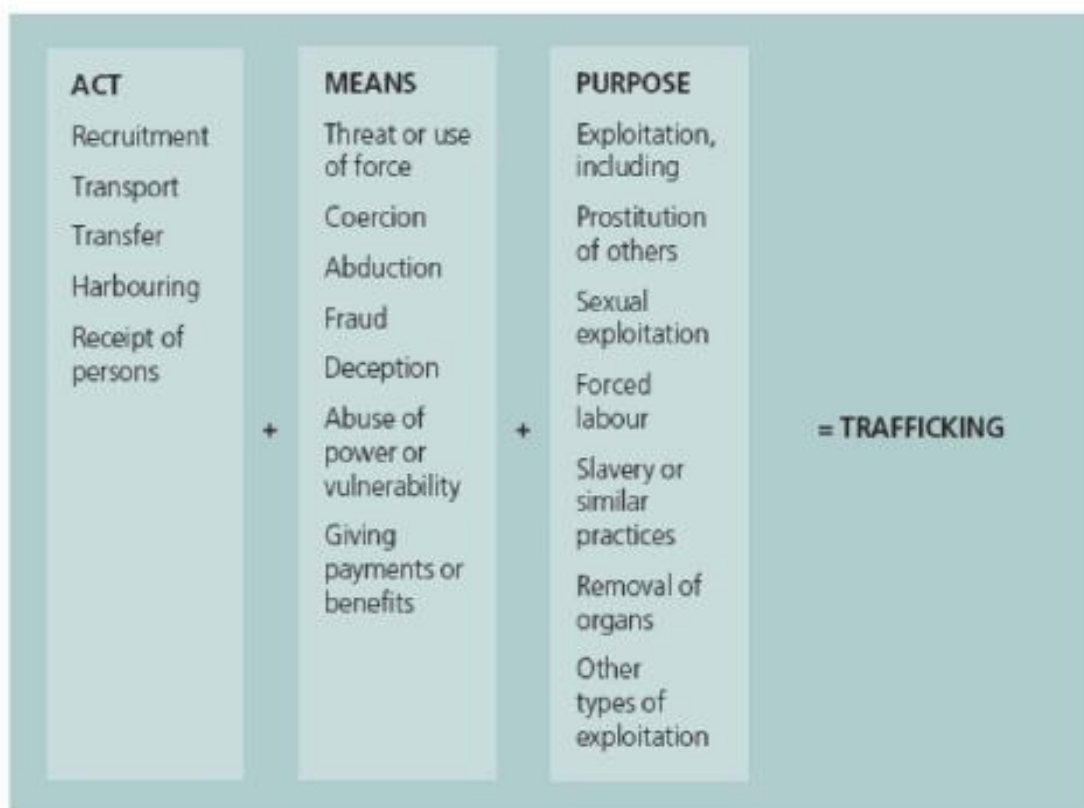
My research puzzle attempts to answer the abovementioned question, why do states struggle with eradicating human trafficking? Though the international community recognizes human trafficking as illegal, I am puzzled as to why contemporarily it has only become more prevalent and one of the most powerful transnational crimes. I will start by presenting a background on human trafficking, including the definitions of various terms. I will then move on to a literature review in which I will analyze different research that may present explanations to this puzzle. I will make connections and demonstrate as to why I choose these specific literature. Following, I will analyze the gap I found within the literature. I will then proceed into my research design, where I will introduce my dependent and independent variables as well as my hypotheses. I will also explain how I will be testing my independent variables through my hypotheses. Then I will transition in to my case studies, where I will test the three hypothesis that I have formulated. Finally, I will present my conclusion.

Background

Human trafficking is the process by which people are either tricked or recruited and transported across national borders for the purposes of labor or sexual exploitation.⁶ According to UNODC, human trafficking requires an action on behalf of the criminal party by means of threat, abduction, fraud, coercion etc; and purpose, thereafter the victims are either sexually

⁶ Groody Daniel, Lisa Sowle. Cahill, and Elaine Mary Wainwright. *Human Trafficking*. London: SCM Press, 2011:19

exploited or sold for labor services.⁷ Figure one below is a table that defines that is necessary for an act to be considered human trafficking. This was published by UNODC in attempt to help



countries identify human trafficking victims.

Figure 1: Human trafficking definition according to the UNODC⁸

It is difficult to calculate exactly how many people are trafficked, due to the lack of information on trafficked victims. However, the United States government released an estimate, stating that approximately 2.45 million people have been trafficked globally between 1995 and

⁷ "United Nations Office on Drugs and Crime." What Is Human Trafficking? : 1

⁸ "United Nations Office on Drugs and Crime." What Is Human Trafficking? : 1

2004.⁹ States are classified into origination, transit and destination states. Gender studies scholar Andrea Marie Bertone argues that globalization has opened opportunities for men and women to migrate to more developed nations and make trafficking easier.¹⁰ Bertone identifies that there are different kinds of trafficking. The first is what she calls the large-scale network, in which there are elements of “political and economic international contact in both the countries of origin and destination”.¹¹ The second is the medium-scale, which is defined by the “trafficking women from one specific country”.¹² Usually, third world countries are the origination and transit states, while first world countries typically serve both as transit and destination states. Finally, the third kind of trafficking that Bertone identifies is the small-scale trafficking, which is characterized by the relationship between a brothel owner and “the contact,” usually being a woman.¹³ Human trafficking involves the movement of victims across borders, making it an issue for all states and requiring a multilateral intervention¹⁴. Acquisition of these victims takes place by, though is not limited to; abduction, recruiting by former slaves, trickery involving romance, and persuading families to sell their children to mafia-like groups.¹⁵

Trafficking for the purpose of forced labor is another, though smaller end of human trafficking. Though not as common as sexual exploitation, it is recognized as the oldest form of human trafficking.¹⁶ Many of the victims are from poor communities and low socio-economic backgrounds. With the promise of a better life, they are trafficked into a different state in which

⁹ Bertone, Andrea Marie. "Sexual Trafficking in Women: International Political Economy and the Politics of Sex." *Gender Issues* 18, no. 1 (Winter 2000): 4.

¹⁰ Bertone, Andrea Marie. "Sexual Trafficking in Women: International Political Economy and the Politics of Sex." *Gender Issues* 18, no. 1 (Winter 2000): 4.

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Groody Daniel, Lisa Sowle. Cahill, and Elaine Mary Wainwright. *Human Trafficking*. London: SCM Press, 2011. 15- 17

they are used as either drug carriers or are forced into labor positions while their earnings are taken by the traffickers. The US State Department estimates that over 8 million people fall victim to forced labor.¹⁷ Sexual exploitation is the more common end of human trafficking, though there is a lack of data regarding the percentage of victims that are actually used for sexual exploitation. It is estimated that all people who are victims of trafficking, especially women, are used for sexual exploitation at some point.¹⁸

Justification

The issue of human trafficking is important because of three significant factors. The first is that it is an offense against humanity. The sole action of buying and selling humans, which is a common action in trafficking, exemplifies the devaluing of the human life. The second factor is the transformation of the person being trafficked from victim to criminal. In countries where selling sex is illegal, victims, once found, are often treated like criminals.¹⁹ For example, in Chicago, there were 1,266 convictions of sex workers in 2012 only.²⁰ Most trafficking victims are eventually forced into prostitution, so it is likely that a large percentage of these convictions were made of victims of trafficking. Once arrested for violating the anti-prostitution laws, they are considered criminals and suffer legal consequences. This victim-blaming further subtracts humanity from the victim. Thirdly, this multibillion-dollar industry is growing exponentially, becoming a threat to the sovereignty and national security of the involved states. The National Security Council under the President of the United States published strategies to combat

¹⁷ Groody Daniel, Lisa Sowle. Cahill, and Elaine Mary Wainwright. *Human Trafficking*. London: SCM Press, 2011: 17-18

¹⁸ Ibid 18

¹⁹ Grant Gira Melissa, "The War on Sex Workers," *The War on Sex Workers* 44, no. 9 (February 2013): 6-9, accessed September 16, 2013, Academic Search Premier.

²⁰ Grant Gira Melissa, "The War on Sex Workers," *The War on Sex Workers* 44, no. 9 (February 2013): 6-9, accessed September 16, 2013, Academic Search Premier.

transnational organizes crimes. This strategy recognized human trafficking as a threat to national security and one that needs attention.²¹

Literature review

The collapse of communism and the spread of the Western capitalist market model have prompted the drive for economic globalization and thus flourishing criminal groups.²² This free market economic system functions with a high emphasis on supply and demand, a fiercely competitive market and an unregulated transfer of money across borders. Raymond Miller, an economist, argues for a position saying that for the market system to function, it will need to have a supply-demand chain and unregulated mobility of money. To keep up with the growing demand, suppliers work towards satisfying this need. In an attempt to find a more viable method of creating an economic system that supports a healthy supply and demand, states have turned towards the free market system. As exchange between states is encouraged, commodities are then bought and sold without limitation. To understand this relevance of perspective on human trafficking we will look at the impact or process of globalization, enforceability of anti-trafficking laws and non-governmental organizations.

Globalization

Globalization is defined by Reinert as “a very rapid economic integration of rich and poor countries, both as regards trade and investment”²³. With blurred borders and encouraged commerce between states, human beings are treated as commodities willingly and unwillingly. As human beings are moved across borders, human trafficking has become the second most

²¹ Transnational Organized Crime: A Growing Threat to National and International Security." The White House.: 1

²² Reinert, Erik S. *How Rich Countries Got Rich and Why Poor Countries Stay Poor*. 100

²³ Ibid 101

profitable business in the world, and with poor states serving as origination and transit states supplying the demand in developed areas is significantly easier.²⁴ States with high poverty levels fail to provide the proper living conditions to protect their citizens. With limited education, jobs and/or social services available to the public, individuals are forced to move in search of a better life. These conditions create victims, vulnerable to exploitation from traffickers.

The market system perpetuates poor and weak states, which is a very important factor in understanding human trafficking. Scott Carney, in his book *The Red Market*, argues that human bodies are harvested like used cars which they then “transform it from tiny piece of humanity into something with a market value.”²⁵ This is exemplified in the monetary system. According to the U.S. Trafficking in Persons report:

*Market demand – especially from male sex buyers – creates a strong profit incentive for traffickers to entrap more victims, fueling the growth of trafficking in persons.*²⁶

Siddhartha Kara, in his book *Inside the Business of Modern Slavery*, argues that sex trafficking grew exponentially due to the economic disparity created by globalization.²⁷ Economic globalization generated poverty in poor nations through the “net extraction of wealth and resources from poor economies into the richer ones.”²⁸ This then creates the supply and demand network with poor states serving as supply states for trafficked victims, and rich states presenting the demand. Because demand for trafficked individuals in developed nations has increased, the supply from poor states has increased to compensate. Other Scholars David Kyle and Rey Koslowski argue that “the concern about human trafficking maybe largely symptomatic

²⁴ Ibid

²⁵ Scott, Carney. *The Red Market: On the Trail of the World's Organ Brokers, Bone Thieves, Blood Farmers, and Child Traffickers*. New York: William Morrow, 2011

²⁶ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 26

²⁷ Kara, Siddharth. "Civilization at a Crossroads." In *Sex Trafficking: Inside the Business of Modern Slavery*.

²⁸ Ibid

of global and domestic economic disparity.”²⁹ As exchange is encouraged between these economically variant states, commodities are moved across state’s borders.³⁰ This ambiguous definition of “commodity” then allows marketers to sell and buy any products, including humans. In the free, competitive market, victims are treated just like commodities that can be bought and sold across borders.

Enforceability of Anti-trafficking Laws

Throughout history, states have attempted to utilize different policies with the help of the international system. During the last 80 years, the United Nations, along with the international labor organization, has approved different agreements that outlawed human trafficking.³¹ In 1949, the United Nations passed a convention for the suppression of the trafficking in persons and of the exploitation of the prostitution of others.³² Again in in 1957, the international labor organization adopted Convention 105, Concerning the Abolition of Forced Labor.³³ The most recent and widely accepted by international UN-member states is the United Nations protocol, adopted in 2000. This protocol not only helped define what human trafficking means, but also encouraged UN-member states to pledge to eradicate the root causes of human trafficking such as poverty.³⁴ Without the ability of the United Nations to physically monitor and enforce these agreements, the laws and regulations were then left in the hands of the states. Cullen-DuPont argues although there have been ant-trafficking laws and mobilization of the citizens of those

²⁹ Kyle, David, and Rey Koslowski. *Global Human Smuggling: Comparative Perspectives*.

³⁰ Ibid

³¹ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009:28

³² Ibid 28

³³ Ibid 29

³⁴ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 181

states that have signed on to the anti-trafficking laws, there is still a struggle in enforcing the conventions.³⁵

The drafting of the anti-trafficking convention was based on the common characteristics of human trafficking such as “fraudulent recruitment, exorbitant travel and recruitment fees, the withholding of the victim’s visas and other identifying documentation, controlling and limiting the victim’s movements, threatening deportation, threatening to harm the victim or his/her family, and physically harming the victim”,³⁶ which existed in the first, second, or third world. What makes identifying each nation’s unique anti-trafficking issues and obstacles critical is not only to recognize potential victims but also to point to common practices or even national objectives that may be in direct conflict with the specific nation’s own anti-trafficking efforts.

Stephanie Hepburn and Rita Simon, both political science scholars, did a multiple case study to understand the failure of the enforcement of these anti-trafficking laws. They argue that the environment that fosters human trafficking in different states is unique to each individual state.³⁷ The study looked at 25 nations throughout the world and discovered that “each country has its own environmental factors that create a unique set of anti-trafficking issues and obstacles.”³⁸ For example, in India, one cannot address the issue of trafficking without also discussing the caste system, as these two issues are inextricably linked. In the US one cannot properly address the post-trafficking experience of victims without mentioning the “hot button

³⁵Ibid

³⁶ Hepburn, Stephanie, and Rita Simon. "Hidden in Plain Sight: Human Trafficking in the United States." *Gender Issues* 27, no. 1/2 (June 2010): 1-26.

³⁷ Ibid

³⁸ Ibid

issue of immigration.”³⁹ Human trafficking is a very complicated issue that needs the attention of not only government but also non-governmental organizations.

Non-governmental Organizations

As the United Nations is unable to enforce the anti-trafficking agreements, NGOs have been both fighting against human trafficking and rescuing victims. Most NGOs are involved in direct rescue missions, whereby they either buy freedom for trafficked women from the traffickers, or even “knock down doors and help slaves escape”.⁴⁰ By effectively utilizing both the UN protocol and the laws set up by the state governments, NGOs have done thousands of rescue missions. For example, an NGO in Thailand, known as the Global Alliance against Human Trafficking in Women, encompasses more than 80 different NGOs from all over the world, with the same mission of fighting to eradicate human trafficking.⁴¹

NGOs are unable to keep up with the increasing rate of victims trafficked. Currently there are over 2.5 million people still in slavery.⁴² NGOs are struggling. NGOs lack the people-power as well the economic ability to free the victims from slavery, and so they resort to paying for the freedom of some of the victims from the traffickers. For example, the Global Alliance against Human Trafficking has recorded many rescue missions, where they buy the victims away from the traffickers.⁴³ Another famous NGO that uses rebuying victims as a means to address trafficking is known as CSI. CSI is famous for raising funds in hopes of rebuying victims.⁴⁴ In

³⁹ Ibid

⁴⁰ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 33

⁴¹ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 32

⁴² UN.GIFT *Global Initiative to Fight Human Trafficking*

⁴³ Ibid :33

⁴⁴ Ibid: 34

data released by CSI, it showed that in the year 2003, the organization was able to buy the freedom of 80,000 people.⁴⁵

The method of rebuying victims from traffickers has been criticized by most international bodies such as UNICEF. And although UNICEF has made the argument that the action of rebuying victims fosters an increase in human trafficking as it increases demand, many other NGOs have followed the steps of CSI in fighting human trafficking.⁴⁶

The actions of the NGOs have not been sufficient to keep up with the ever-increasing human trafficking. Human trafficking is currently the fastest growing transnational crime and threat to human rights and international security.

Research Gap

Human trafficking is a complicated criminal activity that requires more comprehensive research. Numerous researches have looked into different variables to understand why states continue to fail in eradicating human trafficking. However, little has been written about how corruption, money laundering and prostitution laws create obstacle for states to eradicate human trafficking. Scholars like Erik Reinert focus on the effects of globalization and the free market system on the individual states. He argues that the free market system has created wealth disparity between poor states and rich states. However he does not recognize that the rich states, like the poor states are victims of corruption and money laundering. He fails to make a connection between these two factors and the increase in human trafficking. States that struggle with eradicating human trafficking share these variables. Research such as this draws the image

⁴⁵ Ibid

⁴⁶ Ibid

that human trafficking is one directional, from poor states to the rich states; but it fails to make the connection between the poor states and rich states.

Despite the fact that my research is very limited due to the lack of data, I believe that my research has the potential to fill some gaps in the existing literature.

Research Design

Why do states fail to eradicate human trafficking? This is the puzzle I will be attempting to answer in my research. Human trafficking is one of the most difficult cases to research due to the nature of the crime. I have struggled in acquiring data on human trafficking. This is why I have decided to do a comparative research, testing specific independent variables. In my research, my dependent variable is states' failure to effectively combat human trafficking. Different states have taken different methods to address human trafficking within their borders, though none have been able keep up with the ever-increasing quantity of victims. I wish to research possible explanations as to why this is the case. The independent variables I have chosen to test are police corruption, money laundering and prostitution laws.

Based on these independent variables, I propose the following hypothesis: States with high level of police corruption struggle more with enforcing the existing anti-trafficking laws. The United Nations Development Program defines public office corruption as, "the misuse of the public power office or authority for private benefit such as fraud, speed money or embezzlement". According to the United Nations and Transparency International report, corruption hinders the law-enforcing process and allows the trafficking to take place, and more importantly, protects traffickers from prosecution. The report argues that an increase in corruption in the public sector is directly and positively correlated with human trafficking rates.

For my research I will be using the 2012 corruption perception index, measured by Transparency International. The data in this index was collected from 176 countries and territories. The data was collected by means of a survey asking local citizens the degree to which they perceived corruption within their respective countries. I chose to look into the data on police officers. Police officers play one of the most important roles in the identification and rescuing of victims and apprehending traffickers.

My second hypothesis is that states with higher levels of money laundering activities struggle in identifying possible traffickers. This makes the fight against trafficking more complicated. Because I have struggled to find data that accurately shows how much money was illegally moved, I have decided to look into reports from countries that have signed onto The Financial Action Task Force (FATF) agreement. FATF is made up of 36 countries and functions as a policy-making body that creates and recommends different policies that countries could instate to reduce money laundering, based on figures from reports from the member states.⁴⁷ According to the international agreement, banks are required to report any suspicious money transactions to the established anti-laundering unit.⁴⁸

I focused on the country transaction reports (CTR) given by banks. I chose to focus on CTR because these reports show the transactions that occur between banks and their customers, which would include criminal groups such as human traffickers. By looking at the CTRs, I will illustrate a positive correlation between money laundering and human trafficking.

My third hypothesis is that states with ambiguous prostitution laws are more likely to struggle in identifying and reducing sex trafficking victims. Countries' prostitution laws are

⁴⁷ Does de Willebois, Emile van der, J. C. Sharman, and Robert Harrison. 2011. *The puppet masters how the corrupt use legal structures to hide stolen assets and what to do about it.* : Appendix A

⁴⁸ Ibid

directly linked with criminal activity and sex trafficking.⁴⁹ Many women are trafficked into countries for sex work, and this sex work is recognized as either legal or illegal. I will look into the laws that regard sexually-based work and evaluate how it is affecting human trafficking.

To test these independent variables, I will be analyzing the United States and India, countries that have a considerable in common, rendering them ideal countries for a case study on human trafficking. They both are part of The Financial Action Task Force FATF, they both foster high levels of police corruption, and they both have implemented anti-prostitution laws that are vague and open to interpretation.

Case Study -

India

Meena Khatun, a young child, was abducted from her northern Indian village. She was beaten and forced to drink alcohol and raped. Her situation did not stop there, for the rest of her life she was forced into prostitution. She was forced to court 10 to 25 men a night. She never received the chance to be a kid.⁵⁰ Today, Meena and her children are free, but her story is only one of thousands of others from young girl,⁵¹ and too frequently most of the children that are forced into prostitution die without ever having freedom.

India serves as a source, destination and transit state for human trafficking. With growing illicit trade, sex trafficking of women and girls is widespread within the country. Different NGOs

⁴⁹ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 94

⁵⁰ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009:95

⁵¹ Ibid

have reported that religious centers, where thousands of people come for pilgrimage, have expanded the market for sex trafficking⁵².

Given the caste system, coupled with religious practices and corrupted governments, human trafficking has gone rampant. Women are left behind in the social structure.⁵³ A study by the National Commission for Women found that 62% of women in commercial sex work in India, while 30% of those women were forced into the business based on the caste system.⁵⁴ The rise in this modern day slavery can be explained through the culture, religion and poverty that come with the lower caste system. In India everyone is born into a caste. When one looks at the women that are born into the lower caste system one can see that they are not provided the same access to education and business. Instead they are forced, either by their families or community, into unhealthy cultural practices. For example, the ritual of Devadasi, where young and poor girls are sold by their parents to the temples in hopes of pleasing the community and the gods. These girls are then forced to live in the temple all their life, servicing with the temple men.⁵⁵ These sorts of cultural practices, those that force young women into lifestyles against their will, are interconnected with the caste system.

It is estimated that there are currently 29 million people trafficked in India. The government has signed an agreement to the United Nations Convention against Human Trafficking, utilized NGOs, and has issued state laws intended to attack trafficking. Though it is one of the leaders in economic growth in Asia, India struggles with money laundering and corruption by transnational criminal groups and corrupted state officials.

⁵² US department of state

⁵³ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 102

⁵⁴ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 103

⁵⁵ Skinner, E. Benjamin. 2008. *A crime so monstrous: face-to-face with modern-day slavery*.

According to the U.S. State Department, India is under a three year plan that requires the redistribution of funds across different states, as well as the creating of anti-trafficking units within police stations. The plan also includes opportunities for the police officers to take classes on human trafficking at the Gandhi National Open University.⁵⁶

Even though the government has instated various policies to combat human trafficking, they have seen little success. The corruption of police officers, the high level illegal money-flow in the financial sector, and federal prostitution laws are the three possible explanations that I will be testing to understand the failure of India's government to eradicate human trafficking.

Corruption

Corruption in India is considerably high. Being a third world country, corruption is fueled by insufficient salary, the ever-increasing income difference between individuals within the country because of the rapid impact of globalization and weak enforcement of state anti-corruption laws by the governments.⁵⁷ To analyze the effects of corruption on criminal activities I will be looking at corruption in police officers. Police officers in India have firsthand access to victims as well as criminals. They are the first to respond to criminal and suspicious activities. These police officers are in a unique position of power, not accessible by any other branch of the government. Police officers are members of an institution responsible to enforce the laws passed by the government.⁵⁸ However, since they are paid a low wage, they are easy targets for rich officials and criminal groups to manipulate to their own benefit.

⁵⁶ Randhir B. Jain, Dr and P.S Bawa, *National Integrity Systems: Transparency International Country Case Study Report*, publication (India, 2003), 67-71

⁵⁷ Ibid

⁵⁸ Ibid

The Indian government has passed different laws and regulations in attempt to limit the corruption of police officers. To assess the data collected on corruption, I looked at the city of Delhi. The annual reports of Delhi police shows the actions taken by higher officials on the city policy in response to corruption during a four year period.⁵⁹ The data shows a high level of violations of state law due to corruption within the police force.

Figure 2: Collected from Annual Reports of Delhi Police.⁶⁰

Action	1999	2000	2001	2002
Dismissal/Removal	150	127	99	78
Reduction in Rank	13	9	76	5
Forfeiture of Service	365	232	248	224
Withholding of Increment	165	163	143	51
Reduction in Pay	57	23	-	12

Another set of data provided the level of bribery in institutions across six countries in south Asia. The data showed India as leading in the level of corruption, especially in the police force. This data was collected through a survey of public opinion on corruption within in their respective countries. The data shows a strong correlation between high levels of police corruption with high level of human trafficking. This high level of corruption also creates

⁵⁹ "Trafficking in Persons Report 2013," U.S. Department of State, 195-198, accessed November 10, 2013, <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.

⁶⁰ Randhir B. Jain, Dr and P.S Bawa, *National Integrity Systems: Transparency International Country Case Study Report*, publication (India, 2003), 67-71, accessed November 8, 2013, Academic Search Complete.

obstacles for the enforcement of anti-trafficking laws. I looked at the level of police corruption and any correlation with the failure of the police to enforce the anti-trafficking laws.

Figure 3: Bribery by institution across six countries in the South.⁶¹

Institutions with the highest percentage of having paid bribe or other form of corruption	BANGLADISH	INDIA	MALDIVES	NEPAL	PAKISTAN	SRI LANKA
Education System	15%	23%	3%	12%	17%	17%
Judiciary	64%	45%	2%	21%	29%	19%
Medical Services	18%	26%	3%	10%	20%	6%
Police	75%	64%	2%	24%	63%	32%
Registry and permit Service	49%	62%	6%	25%	52%	16%
Utilities	36%	47%	5%	9%	49%	5%
Tax Revenue	40%	51%	3%	29%	43%	63%
Land Services	48%	63%	7%	31%	63%	30%
Customs	12%	41%	9%	45%	50%	33%

⁶¹ AsiaTalbot, David. "Saving Holland." *Technology Review* 110, no. 4 (July 2007): 50-56. *Academic Search Premier*, EBSCOhost (accessed December 14, 2007).

Money laundering

Due to India's continued poor governance coupled with the absence of a legal framework, international criminal groups can move their money across the state relatively easily. Traffickers that work with large criminal groups are able to keep their money in the state banks, and are able to remain undetected. I hypothesize that the greater the number of reports on suspicious transactions in the banks, the greater probability that it was part of human trafficking. Even though the suspicious transactions in the banks may also include other criminal activities such as drug trafficking, we can assume that some percentage is the result of human trafficking.

The long history of money laundering in India pushed the country into the international anti-money laundering agreement. India passed the anti-money laundering act in 2002.⁶² Soon after in 2005 and then in 2009, it amended more regulations to the act, as the state began to recognize the scale of the threats posed by transnational criminal groups.⁶³ To address the increase in transnational criminal activity within the financial sector, India implemented FIU-IND, also known as the Financial Intelligence Unit-India. FIU-IND is the central national agency of India responsible for receiving, processing, and analyzing information of suspect financial transactions. FIU-IND began working after India passed PMLA in 2002. This act requires all banks in India to report all suspicious cash transactions that are valued at more than a rupee, as well as cash transactions in foreign currency within one month.

⁶² India. Financial Action Task Force. FATF and GAFI. *Mutual Evaluation Report*.

⁶³ Ibid

Figure 4: Suspicious Cash Transaction Report Statistics. Financial Intelligence Unit-India, 2010/2011.⁶⁴

Type of Reporting Entity	CTRs Received 2007-08	CTRs Received 2008-09	CTRs Received 2009-10	CTRs Received 2010-11	CTR Received 31st March 2011
Public Sector Banks	2062742	3108675	4413849	5463252	15970115
Private Indian Banks	1654749	1980045	1784665	2442286	8994883
Private Foreign Banks	84407	88239	84428	105288	422866
Cooperative Banks & Others	158015	334191	411462	676281	1605478
Total		5511150	6694404	8687107	26993342

I wish to show the relationship between suspicious financial activities and possible criminal activities by traffickers. As there is no data that accurately shows how much money-activity human traffickers are responsible for, I will be using the data established by FIU-IND, noting those that have been flagged as possible suspicious activity. For example, when one looks at the data, one can see that in 2007-2008, there were more suspicious cash transactions in the public sector banks than the cooperative banks and others.⁶⁵ It is my hypothesis that this increase indicates that there was more criminal activity during this time period.

⁶⁴ India. Financial Action Task Force. FATF and GAFI. *Mutual Evaluation Report*.

⁶⁵ India. Financial Action Task Force. FATF and GAFI. *Mutual Evaluation Report*.

Prostitution laws

India has amongst the most restrictive yet self-defeating prostitution laws. In India, prostitution is legal; however it is illegal in the form of solicitation or prostitution by a pimp or in brothels. The Immoral Traffic (Prevention) Act of 1956 defines a brothel as, “any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for the purposes of sexual exploitation or abuse for the gain of another”.⁶⁶ According to India’s laws, women who are prostituted by pimps or in brothels are in violation, while it is legal for women to be prostitutes outside of brothels. What this law also means is that women are free to use their bodies to earn money; however, they must do it from their home and cannot do it in the same home as other women in the same profession. This law also restricts sex work within 200 yards of a public place. The prostitution laws in India are unclear and undefined. It creates further victimization of women not only by the state but also by the pimps who help them out of the legal situations.

UNICEF estimates that there are about 1 million children who are part of the sex industry, and half of those children are in India.⁶⁷ India’s vague prostitution laws have created a system that punishes the prostituted instead of the traffickers. According to data released by the Global Alliance against Traffic in Women, “laws that are intended to punish traffickers are being used to arrest and charge prostituted women.”⁶⁸

“A particular troubling consequence of the convicting of the large number of women who have been trafficked for the purpose of prostitution is that the criminal justice system becomes the means through which trafficked women became even more deeply enslaved. They are then

⁶⁶ MOHAN, ASHA. "Immoral Traffic Prevention (Amendment) Bill, 2005." August 2006.

⁶⁷ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 94

⁶⁸ Ibid 95

bailed out by brothel-owners who add an amount paid to secure their release to the debt the women were previously working to pay off”⁶⁹

The distinction between sex trafficked victims and sex workers is unclear, adding another unnecessary complication to the issue. The ones who are arrested for violating the laws are mostly women, while the sex buyers are allowed to walk without any legal repercussions. Another phenomenon related to this is that after the women are arrested, they are bailed out by the pimps or brothel owners. This relationship leads to the women owing the pimps more than what they were originally paying. This projects the women into a labor system where all their earnings are taken up by the brothel owner. Furthermore, the victimization of women supports a system where women are forced to stay in the business of sex work far longer than they would normally would. Therefore, India’s ambiguous prostitution laws have made it difficult to identify and protect trafficking victims.

United States

Lucita was born in Mexico to a poor mother and a father. Growing up, she sold fruit to help take care of her mother and her brothers. Lucita’s life turned for the worse when she was raped by a neighbor at the age of 14. Her rapist got her pregnant and then forced her to marry him. When Lucita turned 15 she had her baby. Being in severe poverty and having no job with none available, Lucita struggled to provide for her son, mother and brothers. “Desperately, I wanted to get out of this misery, a neighbor offered me a different life, sent me to Los Angeles so I can provide for my brothers and sisters, I said to her that sounds beautiful. What will I have to do? I don’t speak English. She said there are jobs in factories.”⁷⁰ Lucita soon found herself in

⁶⁹ Cullen-DuPont, Kathryn. *Human Trafficking*. New York, NY: Facts On File, 2009: 95

⁷⁰ Films Media Group. 2006. *Lives for Sale: Human Trafficking*. <http://digital.films.com/play/5VQTNY>.

a white van that was waiting on the other side of the Arizona border. She watched as the person that was designated to bring her across the border was paid \$1000. She was then taken to a house where she would spend months as a prisoner in a brothel.

Lucita recounts the day that she was rescued by police officers by saying: "I heard footsteps, at first I felt relieved, but at the same time I became terrified, thinking back to what the pimp had told me. I did not want to be sent back because I was told. So I hid in the closet until I was instructed by the police officer to come out".⁷¹ Just like Lucita, many victims are recruited into the United States every day.

Unlike Lucita, many victims do not get out alive. Continuous beatings and physical abuse of the victims leads to a high mortality rate. They never get to help the family they set out to do. In other cases girls like Lucita are then sold to pimps where they are forced into a life of prostitution. A lifetime service as a source of money to the pimps.

The United States serves as the second largest destination state for trafficked victims in the world. US Department of Health and Human Services estimates that currently, 14,500 to 17,500 people are trafficked into the United States.⁷² Being a developed nation, the United States provides much of the demand for this massive market. The following data was released by the U.S. Department of Health and Human Services and U.S. Department of Justice, titled: Free the Slaves. According to figure 4, 46% percent of people that are trafficked into the United States are forced into a life of prostitution.

⁷¹ Films Media Group. 2006. *Lives for Sale: Human Trafficking*. <http://digital.films.com/play/5VQTNY>.

⁷² "Trafficking Victims Protection Act: Minimum Standards for the Elimination of Trafficking in Persons." U.S. Department of State. 308

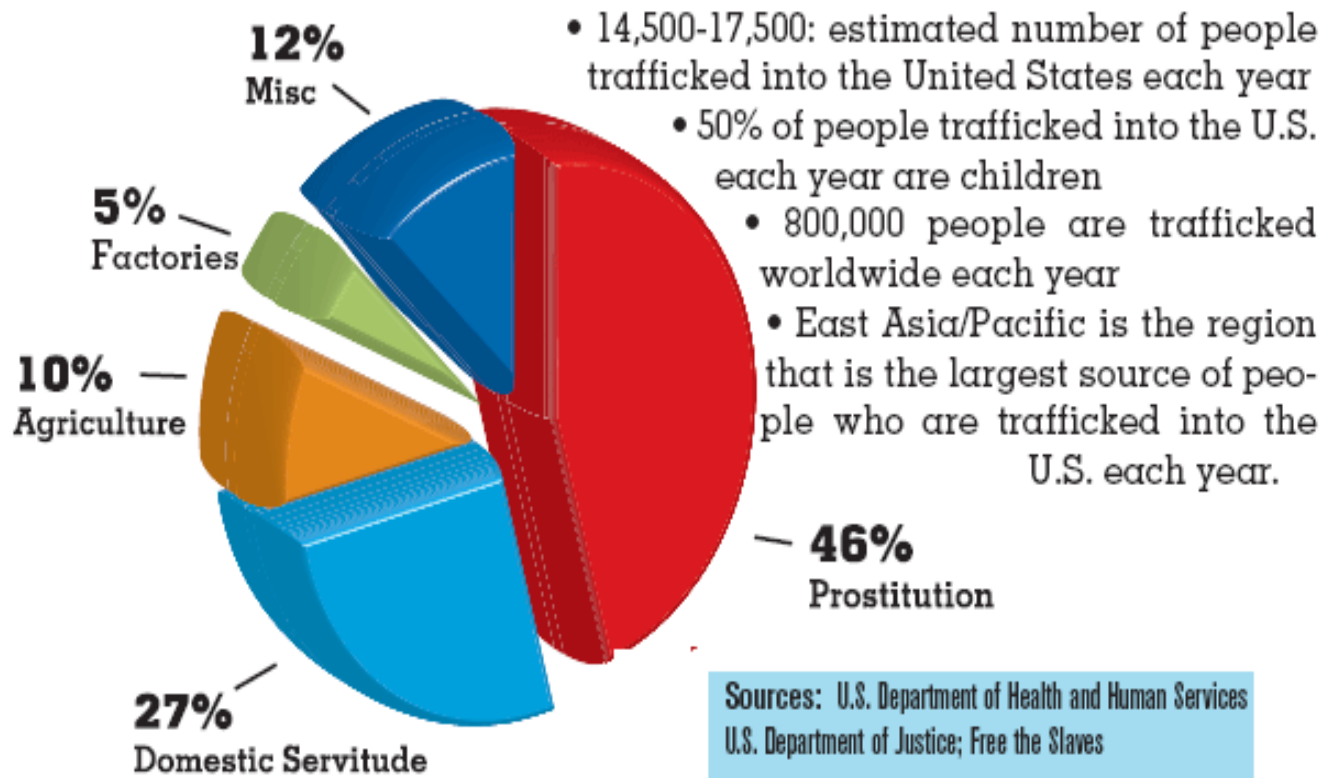


Figure 5: Human Trafficking statistics by percentile.⁷³

Corruption

Corruption among officers has become a common occurrence in the United States.

Bribes, payoffs, and shake downs are some of the most recent cases of police officer corruption.

According to Herbert Beigel, police corruption can be divided into two major categories:

External corruption, which takes place in the public, usually during traffic stop or drug bust; and

⁷³ U.S. department of Health and Human Services U.S. Department of Justice: Free the slaves "Don't Sell Bodies | Sources: U.S. Department of Health and Human..." Don't Sell Bodies.

internal corruption, which takes place amongst the police officers themselves.⁷⁴ Most of the cases that have been reported so far have been external corruptions.

On Jun 4th 2013, in the city of Philadelphia, two police officers were arrested for corruption. The two police officers were accused of repeatedly robbing drug dealers by using their access to confidential material to help them identify their victims.⁷⁵ This is a clear indicator that some police officers are failing to adequately uphold the law. Cases like these only make the fight against human trafficking more difficult.

In a national survey, citizens were asked to indicate whether or not they believed that each of the listed parts of the government were corrupted. The following is the result after two years of data collection.

Figure 6: Data from Transparency International Global corruption barometer.⁷⁶

Political parties	76%
Parliament / Legislature	61%
Military	30%
NGOs	30%
Media	58%

⁷⁴ Beigel, Herbert. "THE INVESTIGATION AND PROSECUTION OF POLICE CORRUPTION." *Journal Of Criminal Law & Criminology* 65, no. 2 (June 1974): 135

⁷⁵ "Police Accused of Corruption." NBC 10 Philadelphia. Accessed November 17, 2013

⁷⁶ "United States." *Global Corruption Barometer 2013*. Accessed November 20, 2013.

Religious bodies	35%
Business	53%
Education system	34%
Judiciary	42%
Medical and Health Services	43%
Police	42%
Public officials and Civil servants	55%

Money laundering

The United States government has been using the organization FinCEN as the primary combating force against transnational organized crimes. FinCEN is responsible for detecting suspicious financial activities both internationally and domestically.⁷⁷ The United States is the leading country for international anti-money laundering agreements, and FinCEN has been functioning as the intelligence unit contributing to that cause. Like India, the United States has agreed to the international Financial Action Task Force (FATF), and under the agreement, US banks are required to report transactions that look suspicious. For example, any transaction that

⁷⁷ The Financial Action Task Force assessing anti-money laundering reflected a high number of suspicious transactions in US banks

involves the physical transfer of currency or other payment of more than \$10,000.⁷⁸ Data released in June of 2006 by The Financial Action Task Force assessing anti-money laundering reflected a high number of suspicious transactions in US banks. Figure 6 shows the number of CTRs filed from 2001 to 2004.

In 2004 there were 13,355,837 reports of suspicious transactions by banks.⁷⁹ This large quantity of suspicious financial activity reflects on two things. First, it suggests the possibility that transnational criminals are making large amounts of money from their illegal markets, indicating that they are big and powerful groups. The second is that it indicates that transnational criminal groups may be utilizing the legal financial system for their illegal business. States have had a difficult time eradicating human trafficking possibly because transnational criminal groups have been able to utilize the legal financial system to transfer and move money. While the government has been working towards addressing this, so far it has only been able to identify illegal money transactions but not the source of the money.

Figure 7: Reports of Cash Payments over USD 10,000 Received in a Trade or Business.⁸⁰

Year	Currency Transactions Reports Filed 2001-2004
2001	12,711,154

⁷⁸ Ibid

⁷⁹ June of 2006 by The Financial Action Task Force assessing anti-money laundering reflected a high number of suspicious transactions in US banks

⁸⁰ June of 2003 by The Financial Action Task Force assessing anti-money laundering reflected a high number of suspicious transactions in US banks

2002	12,576,736
2003	13,299,135
2004	13,355,837
Total	51,942,862

Prostitution Laws

In an arrest made in 2010, the Anaheim police department in Orange County, California, reveled a relationship between arrested prostitutes and human trafficking. Lieutenant Marcin of the California police department reported that that most of the women who were arrested for prostitution described similar situations, all of which were in conformity with the situations that trafficking victims describe. Lieutenant Marcin stated his findings by explaining that most of the prostitutes that were in the business were lured, tricked or forced by their pimps and that once they were in the business of sex work there was no way for them to get out, even if they knew that it was illegal to be a prostitute.⁸¹

Currently in the United States, from all the arrests made for prostitution, 85% are women, while the men who are coming to buy sex continue to create the market for it.⁸² Research done by an ABC news program showed that most of the women who are arrested usually do not have

⁸¹ ABC News Productions, Films for the Humanities & Sciences (Firm), and Films Media Group. 2009. *The Underground world of commercial sex*. New York, N.Y.: Films Media Group.

⁸² Ibid

identification cards, and when they are arrested they are forced to go to jail, as they do not have identification to get citation. Thousands of women are trafficked and prostituted while their traffickers and pimps are allowed to walk freely.⁸³

These occurrences continue in the United States as the government struggles to differentiate between human trafficking victims and sex workers. According to the FBI, it is estimated that there are one to two million individuals involved in the business of prostitution in the United States.⁸⁴ What makes this estimate even more confusing is that currently, the United States sees prostitution as an illegal business anywhere other than in the State of Nevada.⁸⁵ Appealing to the tenth amendment of the US Constitution, the state of Nevada has made prostitution legal within the jurisdiction of nine out of seventeen counties.⁸⁶ Even though not all prostitutes live in the state of Nevada, many victims, as well as pimps and John's (men who buy sex) have traveled to these counties to participate in this cyclical sex industry with individuals that are most likely to have been trafficked.

This relationship between states, as defined by the Constitution, has created a barrier for the federal government to fully utilize the prostitution laws in all of its states. This unclear enforcement of the anti-prostitution laws directly affects the country's ability to instate and enforce effective laws to eradicate human trafficking.

Conclusion

Human trafficking is one of the most challenging research topics in regards to data and accuracy because of the nature of the crime. It is an underground business that is exposed only

⁸³ Ibid

⁸⁴ "By Steve Marcin." FBI. January 22, 2013. Accessed November 18, 2013

⁸⁵ Ibid

⁸⁶ Ibid

when victims are rescued and are able to tell their stories, or when traffickers are tried and punished. From my research, I am able to draw the conclusion that human trafficking is influenced by more than just three variables. It is a drastically complicated issue and seems to be intertwined across variables. For example, if a woman who is a victim of trafficking is arrested for prostitution, the victim is rendered a criminal. Once processed through the legal system, they find that she is an illegal immigrant from a poor family. In this simple story we can identify poverty, prostitution, victimization, and illegal immigration all as important variables that must be accounted for.

I looked into different databases to understand human trafficking. I have found research conclusions that are very important to acknowledge. These explanations I would like to test, and make possible recommendations for future research.

I have to acknowledge that my research is very broad. It takes the liberty of generalization. But this, again, is due to the lack of research on this topic. This will lay the foundation for more through research. While doing the research I came across important findings I that I believe should be mentioned. For example, in the cases of US and India, I found a strong correlation between policy corruption and human trafficking. Police officers play a vital role in the fight to eradicate human trafficking, and corruption undermines that effort. The level of corruption was higher in India than The United States. What made India have higher corruption than the United States? In India, corruption took place in the form of simple monetary bribes by prostitutes to get out of convictions. While in the United States, corruption was done by abusing one's power to get money out of drug dealers. Sometimes by exchanging payment for releasing convicted felons.

Another finding is the relationship between money laundering and human trafficking. I looked into research regarding suspicious money transactions that have been reported by banks. Even though focusing on suspicious money transactions creates a significant gap for possible errors, I believed that by looking at them, one will be able to be led into a broader understanding of money laundering on a smaller scale. Looking at the money trail will lead to a research opportunity in the interworking of human trafficking networks and the illicit market. Even though the money transaction could have been other criminal activities such as terrorism, there is high likely hood that the suspicious transactions could have been human trafficking.

Yet another finding focused on analyzing prostitution laws in states with high levels of human trafficking. In my findings, I made the conclusion that anti-prostitution laws are ineffective in the fight against human trafficking. Almost all prostitution laws that were passed by India as well the United States were full of gaps and unclear definitions that resulted in the victimization trafficked individuals, instead of the traffickers.

Based on the effectiveness and the relationships between variables, I believe that the movement of illegal money is more important to look at. Even though money laundering lacks through research, in a world where we are able to track the movement of money, we have the potential to follow it up to the perpetrators. I believe that this may create a better foundation for the enforcement of anti-trafficking laws both domestically and internationally.

During my research I came to an understanding that human trafficking is very complicated and cannot be tested with individual variables. The variables usually chosen to be tested are linked together, and one affects the other. In the United States, for example, it is very important to look into coyotes, for these are the textbook and easily identified traffickers. One

cannot discuss human trafficking without discussing illegal immigration, and one cannot discuss illegal immigration without discussing coyotes and poverty. My measurements and interpretations were undoubtedly influenced by the lack of empirical data on this issue.

My research outcome was affected by a variable that was directly and indirectly linked to the results of my research; and this variable is poverty. For example, in India, the level of corruption within the police force is directly correlated with the level of poverty. Many police officers are not paid a substantial amount to support their families. They are also placed in a system that allows for continues misuse of labor without proper compensation. These factors pushed the police officers toward corruption, where they could get a supplementary income to support themselves and their families. In the United States, poverty is seen as being unrelated to corruption. That is why I did not test poverty as a variable that may affects both case studies. I believe that if I included poverty and tested it, it would have functioned as an explanation to my corruption variables.

Though I believe my research has contributed to the existing literature, I would like to continue this research and test other possible explanations. The following are the three explanations I would like to test in future research.

The research that has been done so far focuses mainly on the relationship between origination to destination states, where poor people are trafficked to the developed nations. However, one of the highest demands for sex workers comes from customers flying into countries like India from developed nations like United States. This unique phenomenon in human trafficking contributes a large income for traffickers, as it is easier for legal citizens to

travel to another country than transporting a girl across borders. This particular aspect of the relationship has not been research or quantified.

The second explanation I found was the importance of the issue to policy makers. Since the effects of human trafficking on other citizens of the state are not visible, it is recognized as a threat but not given priority on a national political agenda. The lack of attention from policy makers creates a barrier on eliminating the problem. For example, after the 9-11 attack on the twin towers in New York, there was a massive movement against terrorism. It was seen as a national threat that needed to be dealt with promptly. I am not suggesting that one bombs a building in order to get the attention of our policy makers, but human trafficking is responsible for the loss of the lives and dignity of thousands of children and young adults and that need attention.

The third explanation I would like to research is the abnormal reverse influence of human trafficking on the free market system. Previous research done on human trafficking has criticized the free market system as the enabler of conditions for human trafficking. However, I believe there is an influence of human trafficking on the free market system. As state governments toil over corruption and money laundering, they struggle to uphold state legitimacy. The compromise of state legitimacy also compromises the state's ability to participate in the international economic system.

Ultimately, I would like to recognize that this research is not over. I plan on continuing the research by adding more variables and the possible explanations that I have mentioned above. Human trafficking is an important issue that has not been given the necessary attention. The number of victims that are part of the human trafficking market is staggering. Two important

factors to consider is that in researching human trafficking, we must not forget that these people are actual victims and not just statistics. Second is that human trafficking needs to be receive the same amount of attention as other national security threats, and the only way that can happen is through the continues efforts of individuals like me and you.

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