Controlling Borders & Securing the State:
An Interpretative Analysis of International Human Sex Trafficking Policy

by

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BA, University of Alberta, 2016

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We acknowledge with respect the Lekwungen peoples on whose traditional territory the university stands and the Songhees, Esquimalt and W̱SÁNEĆ peoples whose historical relationships with the land continue to this day.

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Abstract

Employing the methods laid out by Carol Bacchi (2009), this policy analysis poses the question, *what is the policy problem represented to be in international human sex trafficking policy, and what gaps and silences emerge as a result of this representation?* This analysis examines the current international policy framework established by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as five historical agreements that have governed the international community's anti-trafficking efforts since 1904. I argue that international human sex trafficking, since its inception as a policy issue in the early twentieth century, has been problematized as an issue of border control and state security with policy interventions focusing on the criminalization of trafficking and the control of female migration. I further contend that this type of policy approach serves to, first and foremost, protect the state, oftentimes at the expense of the wellbeing of the victims. As such, I conclude that international anti-trafficking policy does little to protect victims of trafficking because policymakers primarily understand the phenomenon as a threat to the state, not to individuals. Section one traces the genealogy of international human sex trafficking policy through the analysis of the contextual factors that legislators faced while negotiating, drafting, and implementing these agreements. Section two involves a discourse analysis of the current policy and a discussion regarding the presuppositions and assumptions reflected within the policy. Section three examines alternative ways in which the issue of international human sex trafficking can be problematized and addressed as a policy issue. These alternative conceptualizations help reveal what is left unproblematized in the dominant narrative and bring attention to the silences within the current anti-trafficking framework.

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Acronyms

CTW – Committee on the Trafficking of Women and Children
HRC – The Human Rights Caucus
IAF – International Abolitionist Federation
ICJ – International Court of Justice
IOM – International Organization for Migration
INGO – International Non-Governmental Organization
NGO – Non-Governmental Organization
UN – United Nations
UNODC – United Nations Office of Drugs and Crime
WRP – What is the Problem Represented to Be

Table of Agreements & Conventions

Date	Agreement/Convention
16 May 2005	Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197
8 January 2001	United Nations Convention against Transnational Organized Crime, A/Res/55/25
12 December 2000	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, A/Res/55/25
15 November 2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, A/Res/55/25
2 December 1949	United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, Resolution 317 (IV)
11 October 1933	League of Nations International Convention for the Suppression of the Traffic in Women of Full Age
30 September 1921	League of Nations International Convention for the Suppression of the Traffic in Women and Children
4 May 1910	The International Convention for the Suppression of the White Slave Traffic
18 May 1904	The International Agreement for the Suppression of the “White Slave Traffic”

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Introduction

Over the past twenty years, international human sex trafficking has captured the attention of the general public. There have been multiple media exposés, documentaries, and Liam Neeson movies dedicated to the topic, and Jeffery Epstein and Ghislaine Maxwell have become household names as people around the world became fascinated with their cases. I became academically interested in the issue of international human sex trafficking in 2015 while participating in an internship program in Washington, D.C. As part of this internship, we attended a panel discussion on non-traditional U.S. Visas such as the U-Visa and the T-Visa[1]. One of the NGO representatives at this discussion made an off-handed comment about how D.C. is a known trafficking hot-spot but that there is little that law enforcement or the State Department can do as many of the accused traffickers hold diplomatic immunity. I was struck by how a seemingly unrelated tool of state diplomacy (immunity) could have such unintended consequences as to help facilitate human trafficking operations. Regardless of the validity of that statement, this experience started me down a path of attempting to understand the relationship between state sovereignty, international policy, human trafficking, and victim protection.

The starting point of this project was asking the question: *if one of the stated purposes of international human trafficking policy is to 'protect victims of trafficking', does the framework it creates serve to actually protect victims?* Here, I am not particularly interested in examining the outcomes of these policies (i.e., the effectiveness of victim protection strategies or how they are being implemented around the world). Instead, I am interested in a critical examination of the policies themselves, looking at how the issue of international human sex trafficking has been understood by policymakers, how it is therefore interpreted and reflected in policy, and what

[1] T-Visas and U-Visa are specific American entry visas available to certain victims of trafficking and victims of criminal activity, respectively.

gaps and silences emerge as a result of these understandings. This analysis will examine the current international policy framework outlined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereafter: the Palermo Protocol), as well as five historical agreements that have governed the international community's approach to anti-trafficking efforts since 1904. I argue that international human sex trafficking, since its inception as a policy issue in the early twentieth century, has been problematized as an issue of border control and state security with policy interventions focusing on the criminalization of trafficking and the control of female migration. I further contend that this type of policy approach serves to, first and foremost, protect the state, oftentimes at the expense of the wellbeing of the victims. As such, I conclude that international anti-trafficking policy does little to protect victims of trafficking because it is, and never was, designed to do so.

Methodology

This thesis seeks to explore international human sex trafficking policy beyond traditional, positivist understandings of policy analysis, which are premised on the assumptions that policy development and analysis are objective undertakings, that policy serves primarily as a solution to existing problems, and that policy analysis should be analytically focused on facts, evidence, and quantitative modelling (Browne et al. 2018, 3-4). Drawing from interpretive policy studies and social constructivist theory, the epistemological assumptions underpinning this project directly contradict the base assumptions of traditional policy analysis. First, instead of policy serving as solutions to existing social problems, this point of view argues that social problems are constructed within society, and our understanding of social problems is dependent on the historical and cultural contexts in which they developed (Hastings 1998, 194). Second, instead of

assuming that there are objective truths that policymakers can 'discover', it is recognized that policy development is predicated on the process of discourse and argumentation, which allows for certain versions of 'reality' to be legitimized within the political sphere (Browne et al. 2018, 7; Hastings 1998, 194). Practically, this means that a co-dependant relationship exists between policy and problem. Policy does not simply serve to solve problems, but policymakers are active participants in creating and legitimizing policy problems.

Table 1: Browne et al.'s Traditional Policy Analysis versus Interpretive Policy Analysis

Type of Analysis	Analytical Focus	Assumptions	Research Question Focus	Potential Methods
Traditional	Facts	Policies serve to solve existing problems	Policy Outcome & Solutions	Quantitative modelling, economic analysis, policy cycle models
Interpretive	Meanings	Problems are socially constructed, and policies and policy makers assist in establishing and legitimizing certain problematizations	Problem Representations & Policy Assumptions	Interviews, document analysis, discourse analysis, historical and ethnographic methods.

Adapted from data in Browne et al. 2018, 3.

This policy analysis poses the question, *what is the policy problem represented to be in international human sex trafficking policy, and what gaps and silences emerge as a result of this representation?* To answer these questions, I use the approach outlined by Carol Bacchi (2009) that she aptly named the 'what's the problem represented to be?' (WPR) approach. Bacchi grounds her methodology on the premise that how a problem in represented in a policy matters because its representation will have implications for both how a problem is viewed generally and how the proposed policy interventions affects the people involved. "A WPR approach has an explicitly normative agenda. It presumes that some problem representations benefit the members of some groups at the expense of others. It also takes the side of those who are harmed" (Bacchi 2009, 44). It examines problem representations in policies, identifies harmful or potentially harmful effects, and suggests or highlights alternative ways of understanding the "problem"

Functionally, this approach involves answering six interrelated questions: (1) What is the 'problem' represented to be in a specific policy?; (2) What assumptions underlie this representation of the problem?; (3) How has this representation of the 'problem' come about?; (4) What is left unproblematic in this problem representation?; (5) What effects are produced by this representation of the 'problem'?; and (6) How/where has the representation of the 'problem' been produced, disseminated, and defended? (Bacchi 2009, 2). This approached can be applied as a systematic analysis or an integrated analysis. A systematic analysis allows for the writer to work through each question individually and answer each question directly. However, it is vulnerable to repetition. An integrated analysis allows for the writer to focus in depth on specific questions of interest. Depending on the research question, it may not be necessary to directly answer each question (Bacchi 2009, 100-101). Given that my point of analysis is focused on understanding current approaches to international sex trafficking policy (question 1), the genealogical development of international sex trafficking policy (question 3), and the silences and oversights in current policy (question 4), I will be explicitly addressing those questions while briefly touching on the other questions throughout the analysis.

Traditional forms of policy evaluation already face immense scrutiny in terms of the availability, reliability, and comparability of data pertaining to international human sex trafficking. For example, in regard to the scope of the problem, in the early 2000s, the U.S. State Department claimed that anywhere from 700,000-2,000,000 people were trafficked each year – a claim they were forced, through international pressure, to reduce in 2006 to 600,000-800,000 people (Feingold 2010, 53). However, the same year that the U.S. reduced its estimates, the former head of the United Nations Office on Drugs and Crime went on record saying that the

number of trafficking victims worldwide reached closer to 4,000,000 (Feingold 2010, 53). [2] Many people, primarily academics, have studied the issue of quantitative data collection (Allain 2015; Aromma 2007; and Kangaspunta 2007), the relationship between data collection and the effectiveness of international monitoring systems (Cho, Dreher, & Neumayer 2014; Di Nicola & Cauduro 2007; Tyldum & Brunocski 2005; and Van Dijk & Klerx-Van Mierlo 2014), and the methodological issues in research design (Albanese 2007; and Lazos 2007). There are also a number of scholars who suggest moving away from a reliance on quantitative data as a way of measuring human trafficking and evaluating policy response (Feingold 2010; Kelly 2005; and Zhang 2009). Interpretative policy analysis does not attempt to engage with conversations regarding empirical measurement, nor does it use quantitative modeling or analysis as its primary method (Bacchi 2009, xiv). Specifically, the purpose of the WPR method is to understand how a policy problem is understood by policymakers and how the assumptions held by policymakers affect the policies that are implemented.

For this project, I examine international human sex trafficking legislation. Specifically, I focus my analysis on the Palermo Protocol.[3] Justification for the decision lies in the fact that the

[2] International human sex trafficking is a hidden phenomenon due to its clandestine nature. Hidden crime numbers are not a phenomenon exclusive to human trafficking - figures related to sexual assault and violence against women are also examples where actual crime statistics do not adequately reflect the true nature of the crime (Kangaspunta 2007, 29). However, in the cases of sexual violence or violence against women, victimization surveys act as a useful tool because governments and service providers can extrapolate the data received to the larger global context. Unfortunately, in this context, not only is trafficking a hidden phenomenon but it occurs within hidden populations. Both size and boundaries are unknown variables when dealing with victims of trafficking, therefore no accurate or reliable sample frame exists whereby authorities could extrapolate reliable data (Tyldum & Brunovskis 2005, 18; and Kangaspunta 2007, 29-30). Even further, given the illegal and stigmatized nature of sex work in many national contexts, those who do come forward may provide inaccurate information either for their own protection or out of fear towards either their traffickers or state authorities (Laczko 2007, 39; and Tyldum & Brunovskis 2005, 18). Despite many government agencies, researchers, and advocacy groups recognizing the hidden nature of human trafficking, they still continued to promote unverified estimates, often without mention of methodology, in official publications and documents (Zhang 2009, 182). Therefore, the actual ratio of reported to unreported cases of trafficking remains largely unknown.

[3] The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children is one of three supplementary protocols to the United Nations Convention against Transnational Organized Crime. It was adopted by the General Assembly on 15 November 2000 as part of resolution 55/25 and it entered into force on Christmas Day 2003.

international community drafted and implemented the Palermo Protocol intending for it to establish a universal framework for anti-trafficking efforts, thus setting the policy agenda and direction for most international anti-trafficking campaigns, regional agreements, and domestic laws. I also focus this analysis specifically on international human *sex* trafficking. The current definition codified in the Palermo Protocol encompasses many forms of human trafficking including sex trafficking, forced labour, slavery or practices similar to slavery, servitude, and organ trafficking. Each of these types of trafficking came to be included in the current definition in different ways – each has its own legal genealogy, its own historical debates, its own advocates, and its own critiques. This analysis could be done on each manifestation of trafficking. However, due to the size and scope restrictions of a master's thesis, I have chosen to conduct the analysis on international human sex trafficking as it is the more predominately discussed manifestation of the phenomenon.

Given the importance of history and context to interpretive analysis, additional sources will be used in section one for the purpose of tracking the policy's genealogy. These historical texts include the *International Agreement for the Suppression of the 'White Slave Traffic' (1904);* the *International Convention for the Suppression of the 'White Slave Traffic' (1910);* the *International Convention for the Suppression of Traffic in Women and Children (1921);* the *International Convention for the Suppression of the Traffic in Women of Full Age (1933);* and the *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949).* As international human sex trafficking is a phenomenon that blurs the lines between government, activism, and academia, I will draw on a large body of academic literature to assist with the analysis noting that many of the academics who study the issue are also involved in advocacy and lobby efforts.

The first section addresses the historical development of international human sex trafficking. Here I argue that, while feminist voluntary associations played a pivotal role in elevating trafficking onto the international agenda, policymakers consistently chose policy solutions that aligned with their own interests – particularly in the case of colonial powers endorsing provisions that supported state-sponsored prostitution regimes. Section two turns the analysis towards current international human sex trafficking policy, specifically the United Nation's Palermo Protocol. Here I argue that human trafficking continues to be problematized as an issue of state security and that, despite making minor concessions to human rights advocates, many of the provisions outlined in the protocol are still focused on border control, reparation, and migration. In this section, I also show the ways in which this perspective is further legitimized through government reports and academia and discuss the implicit assumptions made by policymakers. Lastly, section three deals with alternative ways of thinking about international human sex trafficking and addresses first how these alternative perspectives problematize international human sex trafficking and the ways in which they attempt to influence policy.

Section One: The History of International Human Sex Trafficking in Public International Law (1904-2000)

What is now known as international human sex trafficking became an issue of public international law in 1904 after leaders from twelve European states met in France and ratified the first multilateral agreement specifically designed to address human trafficking. In the subsequent fifty-year period, the international community ratified a total of five multilateral agreements pertaining to human trafficking. These included: the *International Agreement for the Suppression of the 'White Slave Traffic'* (1904); the *International Convention for the Suppression of the 'White Slave Traffic'* (1910); the *International Convention for the Suppression of Traffic in Women and Children* (1921); the *International Convention for the Suppression of the Traffic in Women of Full Age* (1933); and the *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949).* While the existence of these agreement highlights a clear interest on behalf of international policymakers in establishing a coordinated international anti-trafficking response, competing understandings of the phenomenon vying for policy influence and a lack of coherence between different levels of governance allowed for international sex trafficking to be consistently problematized as an issue of state sovereignty which, in turn, resulted in policy solutions focused on migration, border control, and repatriation.

If my overarching argument is that international human sex trafficking has been problematized primarily as a problem of state security, the purpose of this section is to explore the ways in which this representation of the problem was established and legitimized over time. Here I will trace how international human sex trafficking developed as a policy issue and discuss the contextual factors that have allowed for certain representations of the issue to influence decision-makers (Bacchi 2009, 10-12). In this section, I will break down the legal history of

international anti-trafficking policies into three time periods: Pre-World War I (1904-1910); the League of Nations Era (1919-1945); and the early United Nations era (1945-2000). For each time period, I will discuss the contextual factors that legislators faced while negotiating, drafting, and implementing these agreements, including the ways in which states and international governing organizations relied heavily on the work of voluntary associations and non-governmental organizations. Then, I will show that, while there were opportunities for alternate conceptualizations of international human sex trafficking to influence policy, particularly in the League of Nations era, policymakers almost always returned to an emphasis on state autonomy and supported policy suggestions that reflected this ideal.

1.1 The Emergence of Trafficking on the International Agenda

International human sex trafficking, referred to in this time period as 'white slavery', came onto the international agenda due to the advocacy work of voluntary organizations. The purpose of international action in this time period included increasing cooperation and information sharing among European states and raising public awareness of human trafficking. Interest in the topic stemmed from conversations regarding state-regulated prostitution, which centred on a conversation regarding public health. The international community officially met for the first time in France in 1902 for the *Conférence Internationale pour la Répression de la Traite des Blanches*, and two subsequent legal documents were created: The International Agreement for the Suppression of the 'White Slave Traffic' (1904) and the International Convention for the Suppression of the 'White Slave Traffic' (1910). While there was discussion regarding the protection of women from both feminist voluntary associations and some politicians, these agreements focused heavily on controlling migration, and the negotiations

almost always came to a head over the issue of state autonomy and the regulation of prostitution.

The modern-day relationship between prostitution and trafficking is hotly contested and debated within policy and advocacy circles; however, the context in which trafficking came onto the international agenda is inextricably linked to issues of prostitution and regulation. Historical precedence for the regulation of prostitution dates back hundreds of years to when Charlemagne first banished all prostitutes in 800 A.D (Harsin 1985, 57). While policies throughout Europe oscillated between prohibition, recognition, and toleration, there is evidence of local and municipal license houses dating back as early as the 1400s. These license houses were designed to monitor the movement and activities of prostitutes and often fell under the control or authority of noblemen, clergymen, or monarchs (Guy 2000, 19). The establishment of institutionalized state-sponsored prostitution is a direct result of the end of the French Revolution, as the revolution overturned all previous Royal ordinances and laws on prostitution. In the period directly following the revolution, France experienced a large increase in prostitution rates, and the rapid spread of venereal disease quickly became a widespread public health concern (Harsin 1985, 58-73). As a result, a law was passed in 1802 which required medical examinations for all prostitutes for venereal disease, and by 1810 a structural framework for the regulation of prostitution was firmly established. Though these laws did not necessarily make prostitution legal, so long as prostitutes registered with the police, underwent (and paid for) regularly occurring medical exams, and submitted to treatment if they tested positive for venereal diseases, they would be left to conduct their business free of police interference (Harsin 1985, 6-7).[4]

[4] In addition to the dispensary system, there were also limitations on where and when someone could solicit.

By the mid-to-late nineteenth century, many European states had implemented some form of state-regulated prostitution regime.[5] Regardless of whether the system was governed from the bottom up through local laws, such as in France, or if there were national laws enforced (Britain), the benefits for states remained consistent. Regulation provided states formalized infrastructural power to monitor, examine, and confine women suspected of prostitution and to benefit economically from the taxes prostitutes and madams paid (Limoncelli 2010, 25-26). There was also the added state-building benefit for colonial powers wherein Indigenous prostitution provided a sexual outlet for European men at military and colonial postings. Given that "men required sexual intercourse with women", colonial authorities argued that regulating prostitution protected European women in the colonies from rape, protected the wives of military men from the venereal diseases that could be picked up through unregulated prostitution, and limited the need for prostitutes from Europe to travel to the colonies (Limoncelli 2010, 54-55). By regulating prostitution regimes throughout the empire, and in some cases sponsoring them, imperial nations were able to uphold the fundamental policing of "preserving as far as possible the moral character of the governing race" (Fischer-Tiné 2003, 184). Soon public interest and debate surfaced regarding the relationship between this type of state regulation and human trafficking, a discussion that was further complicated by an increase in migratory prostitution at the time. The question that would dominate anti-trafficking efforts for many decades emerged: does the existence of state-regulated prostitution frameworks help to combat or contribute to human trafficking?

[5]Argentina, Austria-Hungary, Belgium, Brazil, Denmark, France, Germany, Great Britain, Italy, Japan, the Netherlands, Poland, Portugal, Romania, Russia, Spain, Sweden, and Switzerland all had laws regulating prostitution by the late 1890s. As colonial holdings, Algeria, Cape Colony, the Dutch East Indies, Egypt, Hong Kong, India, Indochina, Manchuria, Shanghai, Singapore, and Tientsin also had state-regulated prostitution regimes operating in their territories during this time period. As international borders shifted after WWI, newly established Czechoslovakia, Hungary, Turkey all implemented these laws, with Lebanon and Palestine implementing them after falling under the control of France and Britain, respectively (Limoncelli 2010, 24).

Approaches to early anti-trafficking efforts were influenced by two different perspectives that emerged in civil society. On the one side were early feminist abolitionists, represented most prominently by the International Abolitionist Federation (IAF), whose liberal and gendered approach argued that only by eradicating state-sponsored prostitution could anti-trafficking efforts be successful. IAF founder Josephine Butler herself denounced state-sponsored prostitution by deeming it the "legalised sexual enslavement of women" (Fischer-Tiné 2003).

On the other side were social and moral purity groups such as the International Bureau for the Suppression of the White Slave Traffic[6] (The International Bureau) who sought to address the issue of trafficking without discussing domestic prostitution, treating the two phenomena as separate issues. Their goals were much more nationalistic as compared to the IAF as they focused on protecting 'their' women from foreign exploitation and halting migratory prostitution. William A. Coote founded the Internal Bureau after working as the Secretary of the British puritan group, the National Vigilance Association, which, at the time, was investigating how women who went abroad on employment contracts ended up in either foreign brothels or foreign lockhouses suffering from venereal disease. From his perspective, states' abilities to address human trafficking were ineffective due to the fact that there were no formalized guidelines for states to follow. (Limoncelli 2010, 8-9; 56-57). As such, he advocated across Europe for the creation of an international body and invited delegates from a number of European nations to attend an unofficial conference, the first of its kind for trafficking issues, called the International Congress on the White Slave Trade (1899 Congress) (Siller 2017, 412). The work done at the 1899 Congress led to increased international interest in the topic of international trafficking,

[6] The group went through many different iterations of their name before finally settling on the International Bureau for the Suppression of Traffic in Person after the definition of trafficking expanded post-WWI (Limoncelli 2010, 6).

eventually leading to France hosting a subsequent conference in 1902, which laid the groundwork for both pre-war international agreements.

1.2 Pre-War Anti-Trafficking Efforts

It is during the pre-war era where we see anti-trafficking efforts shift from grassroots efforts to a topic of high politics. Multiple congresses and conferences were held, notably in 1899, 1902, and 1910, and two official agreements were signed into effect: the International Agreement for the Suppression of the 'White Slave Traffic' (1904) and the International Convention for the Suppression of the 'White Slave Traffic' (1910). The primary goal in this era was to increase cooperation and information-sharing capacities amongst European states. Human trafficking was conceptualized along nationalist and racist lines wherein it was believed only white women and children were in need of protection, and there was a focus on trafficking as a public health concern.

The 1899 conference, initiated by the International Bureau, was attended not only by government representatives but also by volunteer associations on both sides of the abolitionist debate, including moral purists, abolitionists, and anti-regulation groups. Both the IAF and the International Bureau were prominently represented. Conference participants agreed to a final resolution that called on states to adopt a formal agreement for trafficking, it also called for increased cooperation and information sharing, the criminalization of procurement, and it had a strong emphasis on controlling borders as a way to monitor migration and limit trafficking (Lammasniemi 2020, 70-71). In 1902, the French Ministry of Affairs invited representatives from thirteen European nations, as well as Argentina and Brazil, to a formal conference designed to build off the work that was done in 1899 (Siller 2017, 414). The *Conférence Internationale pour la Répresssion de la Traite des Blanches* took place over the span of ten days and had four

main goals: to discuss and compare the various national legislations pertaining to trafficking; to establish a system of cooperation and information sharing to assist with the detection of international trafficking; to establish a system of extradition; and to decide how offenders would be prosecuted and punished (Siller 2017, 413-414). Two documents emerged out of this conference; a draft agreement that focused on administrative actions and a draft convention which focused on legislative elements, including judicial actions and criminal punishments. Given potential or perceived threats to national sovereignty, many representatives refused to acknowledge the legislative aspect of the conference, arguing that international law should not play any role in the response to human trafficking (Siller 2017, 416). As such, the 1902 Draft Agreement was ratified and opened for signature in 1904, formally becoming known as the *International Agreement for the Suppression of the 'White Slave Traffic' 1904* (The 1904 Agreement). The legislative ambitions of the convention were temporarily tabled.

Given the tensions in the 1902 conference over implementing a legislative response, the 1904 Agreement served purely administrative functions and established a formal process based on investigation and repatriation. The agreement itself was clearly focused on defining jurisdictions over repatriation as well as on controlling borders (Lammasniemi 2020, 71). It sought to suppress the traffic of women and girls through the creation of central administrative bureaus that coordinated national authorities' information-sharing abilities (Article 1). It also introduced monitoring mechanisms for international ports and railway stations (Article 2), as well as employment agencies (Article 6). The system of investigation was premised on identifying foreign women at ports of entry who were either suspected of entering for the purpose of prostitution or who were at risk of entering prostitution once they entered. As Lammansniemi (2020) notes, this system targeted "women and girls of a particular class and

appearance" (pg. 72) as it led to the interrogation of primarily foreign, working-class women or those with previous domestic convictions in other states (71-72).

In addition to the administrative functions of implementing an information sharing and cross-state investigation system, a majority of the agreement focused on repatriation. Signatories were bound in agreement to "receive the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status…[and] the information received will be communicated to the authorities of origin, with a view to their eventual return" (Article 3). Despite the already established tensions over the relationship between prostitution and human trafficking, this agreement specifically calls for not only the repatriation of confirmed victims of trafficking but also the repatriation of women suspected of prostitution (Lammasniemi 2020, 71). Women and girls identified under this system as 'destined for an immoral life' were responsible for the cost of their repatriation but, in the event that they could not pay, it was stipulated that her country of residence was responsible for paying her transport to the nearest port, with the rest of the trip being the responsibility of the woman's country of origin (Articles 2 & 4). During the intermediate period between identification and repatriation, if a woman appeared entirely destitute, she was entrusted to the care of charitable institutions that could provide the necessary security required to limit the risk of the woman either being re-trafficked or re-entering prostitution (Article 3).

The 1904 Agreement was the first international agreement enacted that specifically addressed human trafficking. However, neither the agreement itself nor any of the documents from the preceding conferences legally defined the crime of trafficking or what constitutes a victim of trafficking. Article 1 outlines a potential legal framework when it refers to "the procuring of women or girls for immoral purposes abroad". The framework that was established

by this agreement was representative of nationalist and racialized attempts to balance states' concerns about 'their' women falling into prostitution abroad and the 'need' military men and men working in the colonies had for sexual outlets (Limoncelli 2010, 7; Bassiouni et al. 2010, 436). The agreement only pertained to white women and girls, it specifically excluded all intra-state movement (including the movement of women between a state and its colonies), and it left states with minimal obligations regarding the protection of victims (Siller 2017, 418). By focusing only on interstate trafficking and not criminalizing the act of trafficking, signatories were able to effectively evade issues of state sovereignty and appease those engaging in state-sponsored prostitution regimes.

Whilst implementing the 1904 Agreement, states soon began to realize that an exclusively administrative approach would be insufficient in successfully addressing international human trafficking. In 1910, after recognizing the need for a criminal justice response, Germany proposed another conference, this time attended by thirteen states and dedicated explicitly to revisiting the provisions laid out in the 1904 Draft Convention (Siller 2017, 429). *The International Convention for the Suppression of the White Slave Traffic 1910* (the 1910 Convention) sought to build off and complement the 1904 Agreement, shifting the focus from the administrative and social aspects of anti-trafficking efforts to the criminalization of trafficking and the prosecution and punishment of offenders (Gallagher 2010, 57). The key factor that distinguished the 1910 Convention from the 1904 Agreement was that it set international standards that legally bound signatories to propose amendments to domestic legislation to ensure consistency. Also, by acknowledging international trafficking as a crime, the 1910 Convention established the first internationally agreed-upon definition:

> Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or

> girl underage, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries. (Article 1)

Here, states were once again able to avoid instigating tensions over state-sponsored prostitution and simultaneously appease both abolitionists and moral reformers by limiting the scope of the criminal offence by only requiring states to punish traffickers if the victim was underage (Metzger 2007, 57).

Understanding that international agreements are not created within an isolated bubble, the success states had in ratifying the 1910 Convention came at a time when a more extensive international conversation was occurring in regard to the protection of women and children. In the North American context, the United States released the 1908-1909 United States American Immigration Commission report on the 'Importation and Harbouring of Women for Immoral Purposes a year prior to the 1910 Convention being entered into force. As a result, the United States passed the Mann Act in 1910, which criminalized the international trafficking of women and girls (Legg 2012, 656). Similarly, after the passing of the 1910 Convention, Britain passed the *Criminal Law Amendment Act* in 1912, which outlined punishments for those convicted of trafficking and procuring. The implementation of the 1912 Act in Britain began an influx of legislative changes throughout the British Empire based on the standards it established (Legg 2012, 656). It is in this time period that states began to make marginal concessions regarding the need for a codified international criminal justice approach to the issue. However, the outbreak of World War I brought a temporary halt to international anti-trafficking efforts.

1.3 Anti-Trafficking Efforts During the League of Nations Era

The shock of World War I forced Europe to revaluate the way in which it conducted diplomacy. A number of initiatives focused on international cooperation were established, none more notable or important than the League of Nations (the League). The League was built on the

principles of liberal internationalism, and supporters believed that the League could provide states a venue for peaceful dispute settlement, conflict mediation, and post-war disarmament (Legg 2012, 647). While history does not look favourably on these political aspirations, the League did find some success in the technical and social work it conducted on a variety of issues, including international health, economics, communications, and (important for the purpose of this paper) human trafficking (Legg 2012, 647-648). Coming out of WWI, the international community's response to human trafficking remained legally inconsistent at domestic levels and, without an institutional home, the administration of the 1904 agreement and the 1910 convention was unreliable. During the interwar period, the League adopted two conventions: first, in 1921, *the International Convention for the Suppression of Traffic in Women and Children* (the 1921 Convention); and then in 1933, *the International Convention for the Suppression of the Traffic in Women of Full Age* (The 1933 Convention). Additionally, the 1921 Convention established the Advisory Committee on the Traffic in Women and Children.

When the League was formed in 1919, the Covenant of the League of Nations Article 23(c) explicitly stated that "members of the League will entrust the League with the general supervision over the execution of agreements in regard to the traffic in women and children." As such, both the 1904 Agreement and the 1910 Convention fell under the authority and administration of the League. In the immediate post-war aftermath, reports were quick to emerge of trafficking operations resuming their pre-war activities. The Dutch were concerned about the use of their ports as transport hubs, while a 1921 International Bureau to the Official Conference at Geneva report raised concerns about the resumption of trafficking between Japan and Manchuria, and between China and other South Asian states and colonies (Metzger 2007, 58). Not only were states concerned with trafficking remerging but also with how traffickers adapted

to new transportation and communication technologies. In 1919, a Dutch police commander, worried about trafficking becoming increasingly internationalized, reached out to counterparts around the world in hopes of coordinating a more sophisticated international approach to law enforcement (Knepper 2014, 401). Additionally, a League report assessing the domestic trafficking legislation of 34 states found deep inconsistencies in the ways in which states translated the 1904 Agreement and the 1910 Convention to domestic law (Metzger 2007, 58). In the summer of 1921, representatives from 34 states met in Geneva for the six-day Conference on Traffic in Women and Children to discuss the League's approach to human trafficking going forward (Siller 2017, 435).

The League continued to recognize the importance of private organizations and activists and ensured this conference held multiple public sessions allowing for open debates. As a result, many of the final recommendations were drafted by members of NGOs who saw firsthand the limitations in how states approached the implementation of the previous two international agreements (Metzger 2007, 58-59). After the conference, the British delegation pushed for the final recommendations to be submitted to the Assembly of the League in convention form as to provide a formal institutional framework under which the League could conduct its anti-trafficking efforts, as mandated in the Covenant (Siller 2017, 425; Metzger 2007, 59). While the 1921 Convention was designed to supplement and strengthen the two pre-existing agreements, there were two contributions from the final committee report and subsequent convention that significantly changed the way in which the international community addressed international human trafficking in this time period: first, the expansion and deracialization of the definition of human trafficking; and second, the establishment of a technical committee, the Advisory Committee on the Traffic in Women and Children.

By removing the Euro-centric term 'white slavery' from both the title and the content of the 1921 Convention, the League reshaped how human trafficking was understood as an international crime. In addition to eliminating the racial qualification, protections were expanded to "children of both sexes" (Article 2), and it raised the age of consent from twenty to twenty-one (Article 5). While the shift away from the concept of 'white slavery' to 'trafficking in women' is, from a human rights and humanitarian perspective, an advancement in our understanding of the phenomenon, the 1921 Convention expanded the applicability of the term 'trafficking' without adequately defining the criminal offence. Delegates negotiating the 1921 Convention understood trafficking as procuring for the purpose of prostitution and did not entertain further discussions regarding the means or the act components of the definition (Siller 2017, 436). This decision resulted in a vague understanding of the term trafficking that was, at times, stretched or conflated to match ideological or political goals.

The second notable feature of this time period was the establishment of the Advisory Committee on the Trafficking of Women and Children (CTW). The CTW would become the core pillar of the League's administrative framework overseeing anti-trafficking efforts in this time period. While its role was largely investigative and educational in nature, its composition and influence stretched far beyond the capacities of traditional international governance. The CTW was comprised of nine delegates representing nation-states[7] and five assessors from notable voluntary organizations[8] that worked together to examine member states' domestic anti-trafficking laws, take in reports of trafficking, and monitor the anti-trafficking efforts of states

[7] Representatives from both Germany and the United States of America were also invited to participate in the CTW as unofficial representatives (Knepper 2014, 405).

[8] These include the International Women's Organizations, l'Association catholique des ceuvres de protection de la juene fille (International Catholic Association for the Protection of Girls), Fédération des unions nationales des amies de la jeune fille (Federation on National Unions for the Protection of Girls, the Jewish Association for the Protection of Girls and Women, and the International Bureau for the Suppression of the Traffic in Women and Children (Pliley 2010, 95).

and volunteer associations internationally (Pliley 2010, 93). The CTW became dependent on the work and involvement of voluntary associations and, particularly in the early years of the committee's work, the influence of feminist abolitionist groups helped to shift international attention away from trafficking as an issue of public health and venereal disease to an issue of protecting vulnerable women (Pliley 2010, 93).

In this time period, an odd dynamic began to emerge wherein the League intentionally deracialized the definition of trafficking and relied on the work and leadership of feminist voluntary associations but simultaneously embraced a growing position focused on xenophobic policies that advocated for restricting the movement of women as a solution to the trafficking problem. This desire was lightly reflected in the 1921 Convention as it called for increased regulations for women travelling abroad and reaffirmed the extradition practices of the 1910 Convention. It was in the work of the CTW where these positions gained visibility and reflected the divide between state delegates and voluntary association representatives. In 1921, both Canada and Britain tabled amendments that would limit the ability of female minors (under the age of 21) to obtain a passport and require any application for one be supported by at least one reputable male (Metzger 2007, 65). In 1923, Poland proposed banning all foreign-born women from state brothels which, despite outcry from France and many women's organizations, passed through the committee. This decision opened the door for a series of even more restrictive immigration proposals that focused on the mandatory and timely repatriation of all foreign-born prostitutes and, in 1930, a resolution passed that not only urged for the timely repatriation of all foreign-born prostitutes but also for penalties to be imposed on these women once returned to their home nation (Lammasniemi 2020, 74-75). One proposal went so far as to suggest restricting international travel for all working-class women (Lammasniemi 2020, 75). While this proposal

ultimately failed to pass the committee, by the late 1920s, the CTW experienced a shift in ideology as many of the feminist abolitionist groups who advocated for a more humanitarian focused anti-trafficking response were pushed out or silenced in favour of more state-friendly and paternalistic voices (Lammasniemi 2020, 75).

It was, again, debates over state-sovereignty and the growing tensions between internationalism and imperialism that dominated the conversation. During the 1921 Conference, three distinct positions emerged. One that advocated measures that limited trafficking but did not discuss state-sponsored or regulated prostitution (supported by France); one that opposed all prostitution and favoured means that were premised on controlling the movement of women internationally (supported by the Dutch); and one called for the abolition of the state-sponsored regime but refused to back any suggestion that targeted or controlled the movement of women (primarily supported by the voluntary associations) (Pliley 2010, 97). The question of state-sponsored prostitution continued to plague the CTW, with the French pushing back on all proposals and resolutions that implicated regulation or called for the abolition of regulated brothels. Despite member states agreeing to submit annual reports on their anti-trafficking efforts, many were reluctant to submit or elusive in their submissions as they did not want to self-incriminate. Some states, such as France, ratified the agreements for domestic purposes but excluded their colonial holdings from the agreement's jurisdiction. Others, such as Britain, supported abolition domestically. However, the decentralized regulatory regimes within their colonies and protectorates led to many British holdings still upholding some forms of regulated prostitution, including funding and recording medical tests for prostitutes in India and regulating prostitution on naval bases in Malta (Gorman 2012, 98-103). Some British colonial governments advocated for the reintroduction of state-regulated brothels well into the 1920s (Gorman 2007,

202-203). Even after the CTW released their 1927 report on trafficking in Europe, North Africa, and South America, which directly incriminated state-sponsored regulatory systems and contradicted medical justification for such regimes, many states (including France) denounced the practice but made little to no changes at the domestic level.[9] The CTW did a lot of work in deciphering how trafficking networks operate, conducting comparative analyses of domestic legislations and anti-trafficking efforts, and attempting to compile best-practices. However, the CTW was an advisory committee and tangible legislative changes required buy-in from the member-states. While volunteer associations and the CTW focused on a broad sense of humanitarianism, security and order remained the primary purpose of the League and states cooperated with the League's anti-trafficking efforts insofar as their national sovereignty was not threatened.

Two additional conventions were drafted under the authority of the League of Nations prior to the outbreak of WWII. *The International Convention for the Suppression of the Traffic of Women of Full Age, 1933* (the 1933 Convention) was introduced just a year after the CTW released a report on the state of trafficking in Asia. The 1932 report supported the findings of the 1927 report in regard to the relationship between state-sponsored brothels and human trafficking (Siller 2017, 438). The 1932 report also highlighted that women of all ages were being trafficked; as such, the 1933 Convention removed the age of consent clause and the negating consent element by stating, "whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl for immoral purposes to be carried to another country, shall be punished" (Article 1). This change signified a shifting recognition that any woman or girl could be the victim of trafficking regardless of her age.

[9] In 1927, nine countries still had some form of state-regulated prostitution regime in place, including France, Belgium, Austria, Hungary, Italy, Turkey, Serbia, Romania, and Portugal (Gorman 2007, 212).

However, by removing the age of consent clause, the 1933 Convention brought the issue of abolition and state-sponsored prostitution back into the limelight. Consequently, drafters purposefully omitted any direct reference to prostitution and avoided all legislative action pertaining to the act of prostitution. In her analysis of all the formal legal instruments on human trafficking and their preparatory documents, Nicole Siller (2007) found that the term 'immoral purposes' was never clearly explained nor defined, only that the term was "well understood" amongst signatories (pg. 440). The 1933 Convention acted to supplement the previous agreements, therefore provisions outlined in the 1904 Agreement, the 1910 Convention, and the 1923 Agreement and the commitments made to information sharing, legislation cohesion, and international cooperation remained intact.

As the 1930s progressed through the Great Depression, the League's social committees began to change in both demographic and organization. Many of the feminist abolitionists that had been instrumental in both representative and leadership positions within the CTW and associated voluntary associations were aging and retiring or were removed from CTW leadership (Pliley 2010, 105). In 1936, the CTW was completely restructured – accessors from voluntary associations were removed and given correspondent status, and the Child Welfare Committee and the CTW were amalgamated into one committee with a reduced number of government representatives participating in these meetings. While many of these administrative changes came at a time when both the League's budget and prestige were unstable, Pliley (2010) notes that many voluntarily associations worried that the restructuring gave states the ability to avoid scrutiny and criticism as international anti-trafficking decisions were now firmly and exclusively in the hands of government officials (pg. 104-105). The League hosted one last conference on human trafficking in early 1937, which resulted in a draft convention, *the International*

Convention for Suppressing the Exploitation of the Prostitution of Others (1937 Draft Convention). This iteration of international law moved closer towards abolition by specifically naming prostitution but attempted to appease states still involved in regulation by including the motive of gain for the trafficking offense (Siller 2017, 441). The 1937 Draft Convention never reached the final stages of negotiation and was not able to open for signature prior to the outbreak of WWII.

1.4 Anti-Trafficking Efforts After World War II

After the end of WWII and the establishment of the United Nations, international perception and reaction the international human trafficking shifted dramatically. By the 1950s, almost all states had abolished state-regulated prostitution - either due to the wave of independence movements within the colonies making its existence mute or due to increased international pressure on the issue (Limoncelli 2010, 24). The *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others 1949* (the 1949 Convention) superseded all previous international agreements and conventions and marked a distinct shift in how trafficking was understood. Whereas earlier instruments were primarily proactive, focusing on protecting women and girls from being trafficked through awareness campaigns and the monitoring of ports of entry and employment agencies, the 1949 Convention promoted a distinctly abolitionist perspective that focused on ending trafficking through the abolition of prostitution altogether (Siller 2017, 443-444). Age and gender distinctions were removed, as well as the differentiation between international and domestic trafficking. The 1949 Convention does stop short of requiring signatories to criminalize the act of prostitution. Instead, Articles 1 & 2 calls for the punishment of a person who “exploits the prostitution of another person”, “keeps, or manages, or knowingly finances or takes part in the financing of a brothel”,

or “knowingly lets or rents a building or place or any part thereof for the purpose of the prostitution of others”. The 1949 Convention also built on many of the earlier mechanisms’ ideas regarding information sharing (Article 13, 14, 15), the monitoring of ports of entry and the movement of immigrants or emigrants, particularly women and children (Article 17), and repatriation (Article 18, 19). Despite opening for signature in 1950 and entering into force in 1951, the 1949 Convention was highly unpopular amongst the international community.

The 1949 Convention marked the final international agreement explicitly enacted on the issue of international human trafficking prior to the adoption of the current agreement in 2000. However, its focus on the end result of trafficking (prostitution), combined with its perceived or real infringements on national sovereignty and the lack of enforcement mechanisms, made it so that few major powers actually ratified it (Siller 2017, 445). By the post-WWII era, international concern for human trafficking plummeted. When it was discussed on the international stage, it was typically done so within the parameters of tangential issues. A notable example of this was when interest in human trafficking and female migration spiked within the context of international discussions on the spread and transmission of HIV/AIDS in the 1980s and 1990s (Gallagher 2010, 16). While international human trafficking rose to be an issue of high politics in the early twentieth century, by the mid-to-late twentieth century, it almost completely disappeared from the minds of international authorities. It was not until the late 1990s that it re-emerged as an international policy issue.

1.5 Summary

Since human trafficked entered the international legal lexicon in the early twentieth century, it has been redefined many times. What began as a phenomenon associated with only women and girls of European descent grew to recognize victims of all races and genders. Early

anti-trafficking efforts remained mostly administrative before states realized the necessity of a legislative approach - at the very least in terms of establishing an international strategy premised on the coordination of domestic policy. Looking back at the five international instruments created in this period, it is clear that the content and goals outlined in each are reflective of the changing historical contexts in which they were developed. However, at their core, how policymakers viewed the problem of trafficking and the challenges that policymakers faced remained consistent throughout all three time periods. First, anti-trafficking efforts were negotiated and implemented within the shadow of state sovereignty as international organizations precariously balanced the desire for an effective international anti-trafficking strategy with the individual goals of each state – particularly in regard to state-sponsored prostitution regimes, border control, and policy implementation within the colonies. Second, due to the vital role voluntary organizations played in researching, drafting, and monitoring international agreements, harmonizing the various perspectives of these groups became a diplomatic endeavour in and of itself as voluntary organizations vied for influence at negotiations. Lastly, the lack of coherence between levels of governance ensured that international anti-trafficking efforts were not as effective or meaningful as organizers in the late nineteenth and early twentieth century had envisioned.

Section 2: Current Policy (2000 Onward)

Since international human sex trafficking re-emerged on the international agenda in the late 1990s, one of the most discussed conceptualizations of the phenomenon is that of its nature as an illicit market and its link to transnational organized crime. This perspective engages with international human sex trafficking primarily through a traditional, positivist, security approach that situates the state as the primary object which needs to be protected from international trafficking (Siller 2017). Many adherents to this view focus on understanding the link between transnational organized crime and international human sex trafficking (Bruinsma and Meershoek 1999). In terms of policy construction, the 'problem' that exists is a problem of border security and state sovereignty, and the solutions proposed focus on controlling migration through more integrated law enforcement and legal approaches – both domestically and internationally (Torg, 2006; Smith 2011). The idea that international human sex trafficking is an illicit market operated primarily by transnational organized criminal groups is reiterated and legitimized by international organizations, national governments, media groups, and academics. International policymakers and international organizations formally institutionalized this approach in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (hereafter: the Palermo Protocol), which established the current international anti-trafficking framework.

The first part of this section looks specifically at the Palermo Protocol. Through conducting a brief analysis on the protocol, I argue that despite utilizing human rights and victim-focused language, there is a strong disconnect between the normative intentions of the protocol's stated purpose and the actual provisions articulated within the policy. The context in

which the protocol was developed, the overwhelming focus on security provisions, and the differentiation between mandatory and voluntary clauses reveal that policymakers favoured a transnational organized crime conceptualization of human trafficking with an international response rooted in state-security measures. One of the goals of conducting an interpretive policy analysis is not only to examine how an issue has been problematized but also the presuppositions and assumptions that constitute and support that specific narrative (Bacchi 2009, 5). As such, the latter part of this section will discuss the assumptions that are implicitly established through this dominant problematization of trafficking through an examination of the key concepts used and the binaries established in international policy. Finally, I will highlight how the conceptualization of international human sex trafficking as an issue of transnational organized crime is supported and further legitimized both within international governing organizations and in academia.

2.1 The Palermo Protocol

By the mid-1990s, the need for a new international anti-trafficking framework became clear. NGOs around the world drew attention to the issue through victim advocacy and political lobbies, international organizations such as the International Organization for Migration (IOM) predicted that instances of trafficking would continue to increase, and law enforcement agencies around the world worried about the growth and influence of transnational organized crime syndicates and their interest in trafficking (particularly after the end of the Cold War). The need for a new framework was compounded by the fact that trafficking was largely absent in most domestic legislation and, by this time period, the previous international frameworks were ineffective and outdated, with many major powers still not having ratified the 1949 Agreement (Hyland 2001, 30). Due, in part, to the lobbying efforts of NGOs, many of the representatives who were present at the negotiations for the Palermo Protocol recognized trafficking as a

multifaceted issue involving gross human rights violations as well as ties to transnational organized crime. As a result of these efforts, the Palermo Protocol employs extensive use of human rights vernacular. Supporters of the framework promoted it as a "comprehensive international anti-trafficking agreement with tough law enforcement and victim protections" believing that it could be the first effective human rights tool in the fight against international human trafficking (Hyland 2001, 31). The framework established in the Palermo Protocol aimed to balance addressing the criminalization of trafficking while also recognizing the human rights violations associated with the act and the need to protect victims. Through examining the context in which the protocol was developed, the content and purpose of the protocol, and the differentiation in content between mandatory and optional clauses, an evident tension exists between the normative intentions of policymakers and the policy outcomes. Policymakers understood the human rights violations associated with trafficking and believed in the need for victims to be protected; however, their implicit understanding of international human sex trafficking as an issue of state security ensured that the policy itself primarily reflected the needs of states to control migration and protect their borders.

It is important here to note that the Palermo Protocol is not an independent policy. It is one of three supplementary protocols attached to the United Nations Convention against Transnational Organized Crime, which is under the authority of the United Nations Office on Drugs and Crime (UNODC). The convention itself is seen as the primary international legal instrument dealing with organized crime, but each supplementary protocol addresses explicitly what the international community views as the primary manifestations of organized crime: human trafficking, human smuggling, and the manufacturing and trafficking of illegal firearms ("United Nations Convention against Transnational Organized Crime"). In regard to the context

and purpose of the protocol, there are two critical things to consider: the role of the UNODC and the overall purpose of the Convention against Transnational Organized Crime. The UNODC's focus and mandate pertain directly to the challenges of addressing international crimes with specific focuses on transnational crime, corruption, and terrorism. While its mandate has evolved over time to include topics such as human trafficking and HIV/AIDS, its strategic plans are overwhelmingly preoccupied with international and regional security and crime control. In fact, the portion of the UNODC's 2012-2015 Strategic Plan that discusses these matters takes the time to note that they are only interested in reducing HIV/AIDS, "as it relates to injecting drug abuse, prison settings and trafficking in human beings" (*2012/12. Strategy for the Period 2012-2015 for the United Nations Office on Drugs and Crime* 2012, 72). The international community chose the UNODC as the venue in which to institutionally house their anti-trafficking campaigns, knowing its mandated commitment to international security. There are many other branches of the U.N. that could have housed such a framework, including the International Organization for Migration or the United Nations Human Rights Council, but the selection of the UNODC supports the argument that while the Palermo Protocol may recognize the human rights or migratory aspects of international human sex trafficking, at its core it situates trafficking primarily as a crime and security issue.

The dominance of security discourse within the convention framework is further exemplified by the stated purpose of both the convention and the protocol. The main convention to which the protocol is attached outlines an exclusive purpose of "promot[ing] cooperation and combat[ing] transnational organization organized crime more effectively" (Convention, Article 1). The General Assembly chose to supplement the convention with the Palermo Protocol because they were convinced that providing an additional international legal instrument for the

"prevention, suppression, and punishment of trafficking in persons" would "be useful in preventing and combating that crime" (Preamble Protocol). However, as a supplementary protocol, the Palermo Protocol does not and cannot exists outside the purpose and organized crime mandate of the United Nations Convention against Transnational Organized Crime. With this crime and security foundation, the Palermo Protocol's purpose is threefold: to prevent and combat trafficking, to protect and assist victims of trafficking, and to promote cooperation between state parties. Here we see an understanding on behalf of policymakers of the need for victim protections, and the Palermo Protocol is the first of its kind to include victim protections as an overarching purpose. However, the actual contents of the protocol offer very little in terms of protection or assistance for victims of trafficking.

Although it is clearly stated that one of the purposes of the protocol is to "protect and assist the victims of such trafficking, with full respect to their human rights" (Article 2), only one subsection in the eleven-page policy outlines any standard for victim protection outside of discussions on legal proceedings. Section II, titled "Protection of Victims of Trafficking in Persons," contains three articles, two of which deal with questions of repatriation and citizenship, outlining how issues of nationality and the availability of travel documents should be handled by state parties. Article 6 pertains specifically to victim assistance and protection, but it does so mainly within the context of protecting victims during legal proceedings by dealing with issues such as anonymity, legal counselling, and safety during trial. Article 6(3) is the only place where specific standards are set for victim protection, stipulating that states should ensure that victims have access to housing, legal counselling, employment and education opportunities, and medical, psychological, and material assistance while they are within the territory of that state. Despite being the one section dedicated specifically to the protection of victims, by first tying certain

protections and assistances directly to a victim's participation in criminal proceedings and then suggesting the provision of services for victims while they are in a specific state's territory (read: that it will be their home state's responsibility once the victim in repatriated back), the underlying understanding of trafficking as a crime and security issue remains clear.

The rest of the protocol deals with issues of state cooperation, state security, and streamlined criminal procedures. Articles nine through thirteen specifically focus, in great detail, on the ways in which states will cooperate to secure their borders, prevent trafficking from occurring, and ensure the integrity and validity of travel documentation. The provisions in Article 10 outline how state parties must cooperate to ensure that law enforcement and immigration control inspect travel documents while monitoring the means and methods that traffickers use in order to recruit and transport victims over international borders. Moreover, Article 12 outlines how state parties are required to ensure that the travel documents they are issuing are secure and not easily counterfeited and that state actors are not participating in creating or issuing false documents. It is also the responsibility of each state to, in a reasonable time, authenticate identity documents that have been flagged by other nations that are suspected of having been used in trafficking operations (Article 13). In terms of the border, Article 11 calls for a strengthening of border controls, with additional attention being paid to monitoring commercial carriers and ensuring that border officials have the domestic legislative authority to deny entry and revoke visas. Like its historical counterparts, the Palermo Protocol also outlines specific repatriation procedures. Under Article 8, it is the responsibility of the state in which the victim hold citizenship to facilitate their return and, in the case where the victim does not have proper identification or travel documents, to issue a new set that will allow the victim to re-enter the state in which they originated. States are not obligated under the Palermo Protocol to ensure

that victims are returned to safe situations and originating states are not obligated to investigate the conditions which allowed for the victim to be trafficked in the first place. The implicit purpose of Article 8 is to ensure that the proper state (i.e., the originating state) is ultimately responsible for the victim, both in terms of short-term financial responsibility but also in terms of long-term residency/citizenship responsibilities. It is also stated in Article 8(2) that the responsibilities of the originating country must be acted upon "with due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking" thus reiterating to victims of trafficking that state offered protections are linked to their participating in criminal proceedings. While victim protections are outlined as one of the three driving purposes of the protocol, they are unrepresented throughout the overall construction of the policy.

Lastly, the differentiation between mandatory and voluntary clauses within the protocol further highlights the signatories' willingness to implement crime and security measures over human rights measures. Not only are the articles intended to protect victims scarce in quantity, but the requirements for implementation are weak and the language used is passive (Hyland 2001, 2). In the provisions focused on border measures, security and control of documents, information exchange, and the criminalization of trafficking, phrases including "shall take or strengthen measures," "shall adopt legislative measures," and "shall take such measures as may be necessary" are used to reinforce the obligatory nature of said provisions. Conversely, the clauses pertaining to victim protection are framed using passive language, emphasizing the discretionary power of each state. The most notable example is again Article 6(3), which outlines that "each state party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons." Additionally, Article 7

suggests states "consider adopting" legislative measures that would allow victims to obtain residency permits so that they could remain in the territory. Employing phrases such as "shall consider" ensures that states will not breach the convention, in letter or in spirit, if they refuse to offer material, medical, or other assistance to victims. Moreover, states are well within their rights under the protocol to only offer services if the victims agree to participate in legal proceedings (Gallagher 2010, 83). Due to these loopholes, many victims either fall through the cracks, face prosecution on other crimes, or are put into a situation where they are re-trafficked, and their exploitation continues.

While the state security provisions are clearly articulated throughout the policy, the lack of attention paid specifically to the protection and assistance of victims combined with the difference between the mandatory and voluntary clauses creates a situation where member states are left with little guidance in regard to what types of assistance to offer and how to implement victim protection programs. As such, many of the programs, when they exist, are unregulated and often counterproductive in their victim protection efforts. There have been numerous reports of victims being confined and sent to detention centres, immigration centres, or other involuntary shelter facilities; of victims being tried under prostitution laws, illegal immigration laws, or illegal work laws when they are supposed to be protected from prosecution; or of victims being forcibly repatriated to high-risk states where the chances of retaliation or re-trafficking are high (Gallagher 2010, 394). Moreover, some states use the mandate of the protocol to validate measures that restrict labour emigration, or they only offer support and victim assistance if the victims agree to cooperate with the criminal investigations (Gallagher 2010, 394). Even more troubling is the fact that some states are either themselves conducting, or allowing foreign non-state actors to conduct, anti-trafficking raids under the guise of implementing the statutes of the

protocol. Oftentimes these raids raise ethical, moral, and legal questions regarding the human rights and the protection of the victims involved. Sometimes, anti-trafficking raids are even used as a tool to crackdown on illegal immigration or labour operations (Gallagher 2010, 394). Despite the protocol outlining certain obligations and responsibilities that the international community has towards victims of trafficking, neither the Palermo Protocol nor conventional international law provide individuals any recourse if they believe these obligations are not met.

The Palermo Protocol outlines precise dispute settlement guidelines that rely exclusively on state-based interaction. Article 15 states that the first line of recourse is negotiation between states. If the dispute cannot be settled through negotiation, the dispute will be submitted to arbitration. If, after six months, states are unable to come to an agreement through the arbitrators, the dispute may be referred to the International Court of Justice. The International Court of Justice (ICJ) is the principal legal organ of the U.N. and all members who have signed the UN Charter, and therefore all states who have become signatories on the protocol, are parties of the Statute of the ICJ (Scott 2010, 95). The ICJ maintains jurisdiction over the settlement of disputes submitted by states in reference to specific international treaties and conventions. To this end, only states can submit legal questions to the court, and only state parties can be brought before the court. It is typically assumed that if an individual wants to raise a claim against a state, another state will bring action through the ICJ on behalf of the individual (Higgins 1978, 6).

This situation is further complicated by the fact that international law in and of itself is premised on a state-based model. In its modern iteration, international law is primarily seen as “a system of law applicable between states” (Higgins 1978, 1-2). Sovereign states are granted legal personality and act as the primary subject of international law. In this system, individuals may benefit from the laws enacted between states, but they are typically not granted rights or

responsibilities within the international legal arena (Higgins 1978, 1-2). Having said this, there has been a move in recent decades to allow for the greater integration of non-state actors into international law. Transnational corporations have gained the ability to engage in international agreements with states that have mandatory enforcement mechanisms, some international organizations have gained international personality in select cases, and the establishment of the International Criminal Court granted individuals personality in the sense that they could now be tried in an international venue under international law (see: Whytock 2018). Despite these advancements, individuals still have limited options available to them if they feel that the protections granted to them in the Palermo Protocol have been withheld or their rights have been violated during the implementation of the anti-trafficking framework outlined in the protocol.

The international community drafted and implemented the Palermo Protocol intending for it to establish a universal framework for anti-trafficking efforts, thus setting the policy agenda and direction for most international anti-trafficking campaigns, regional agreements, and domestic laws. Therefore, the way in which it problematizes and addresses human trafficking affects all international efforts on the issue and sets the tone for regional and domestic policy. The fact that the international community chose the UNODC as the venue for housing its anti-trafficking policy set the foundation for a state security and criminal justice-based response. Moreover, the immense focus on border and migration controls and the differentiation between mandatory and voluntary clauses further solidifies this understanding, despite the original intention of policymakers to focus also on protecting human rights and assisting victims.

2.2 Conceptual Logics: Key Concepts, Binaries, and Assumptions

There are a few key assumptions that exist within this problematization of international human sex trafficking worth discussing. By examining the key concepts and binaries that exist

within a particular problem representation (in this case, international human sex trafficking being problematized as an issue of organized crime and state security), we can begin to reveal some of the deeper values and cultural understandings that are informing said policy (Bacchi 2009, 7). Binaries exist, in part, to help bring order and understanding to complex relationships. They make a world full of grey situations fit into a black-and-white analysis by offering a clear-cut way to categorize relationships. By discussing the binaries that underpin our understanding of a problem, it becomes easier to see how these logics may limit how a problem is understood (Bacchi 2009, 7). Identifying and understanding the key concepts used within a given policy and the meanings in which policymakers have attached to them functions in a similar way to the discussion of binaries. Examining binaries and concepts helps to reveal the assumptions underpinning a problematization as well as point us to what is being left unproblematized within a policy – which will be elaborated on in the next section (Bacchi 2009, 9). In this section, I look at the ways in which '*exploitation'* and '*consent'* are used and understood within the Palermo Protocol, as well as how the regular-versus-irregular migrant dichotomy influences international anti-trafficking efforts.

In the historical policies discussed in section one, policymakers specifically did not offer a conclusive definition of the act of trafficking. One of the goals policymakers had going into negotiations for the Palermo Protocol was to establish a definition for human trafficking and explicitly codify it in legislation. As such, Article 3(a) of the Palermo Protocol defines 'trafficking in persons' as:

> The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, or abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving and receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at the minimum, the

> exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition is comprised of three core elements. For something to be deemed trafficking, there must be an act ("the recruitment, transportation, transfer, harbouring or receipt of persons"), a means ("by the means of threat or use of force or other forms of coercion…"), and a purpose ("for the purpose of exploitation"). The act, in and of itself, has remained relatively uncontested in terms of recent discussions on trafficking. However, both the terms *coercion* and *exploitation* have been the subject of debate and analysis.

First, the Palermo Protocol does not define the term exploitation. Many conversations regarding human trafficking, including this thesis, focus on human *sex* trafficking. In the historical context, policy specifically focused on trafficking for the purpose of *sexual* exploitation. With the Palermo Protocol, the U.N. agreed to "at the minimum" make the policy applicable to instances of sexual exploitation, forced labour, child labour, and organ trafficking (Article 3(a)). Moreover, it removed the gendered qualifications that many of the historical policies held. Where this analysis gets particularly revealing is in how the Palermo Protocol deals with provisions regarding age and the way in which child labour is conceptualized in the policy. Article 3(c) establishes that in situations where the act and the purpose are present, and the person in question is under the age of eighteen, it is considered a case of trafficking regardless of if there are coercive elements. Post-colonial scholarship often critiques the international legal system as being a tool of the international, capitalist, western hierarchy of power. Geeta Chowdhry (2004) comments specifically on the international community's interpretation of child labour, arguing that many of the international legal tools used to criminalize child labour invoke human rights and protectionary language but overlook the

colonial histories and economic realities in many developing countries. Without a nuanced understanding of the economic and social intricacies of life in developing countries, children who work (particularly those over the age of sixteen) are at risk of accidentally becoming victimized through western-led anti-trafficking efforts.

The concept of consent and how it is used within anti-trafficking policy was one of the first and, arguably, the biggest obstacle that negotiators of the Palermo Protocol faced. The core of the debate was rooted in whether or not people believed that the crime of trafficking could exist regardless of if a person consented to participate in sex work. Some negotiators feared situations where accused traffickers could use someone's supposed or perceived consent as a way to avoid culpability. Others argued that the consent-nullifying indicators included in the definition (which were widely accepted during negotiations without much debate) would ensure that a defense premised on a victim's consent could not be successful (Gallagher 2010, 26-27). This discussion, as well as the inclusion of the non-applicability of consent clause in the final draft, evoked confusion about if someone could potentially consent to exploitation and enslavement - a position that directly contradicts the foundations of human rights law (Gallagher 2010, 28). Much of the conflict over the consent clause is rooted in its relationship to prostitution, a relationship that will be discussed in greater detail in section three. However, it is essential to note that the inclusion of consent in the final definition and the relationship between consent and agency plays a vital role in distinguishing between human trafficking and human smuggling – thus reinforcing the binary of legal-versus-illegal migration or regular-versus-irregular migrant.

Although both trafficking and smuggling involve a person being in a destination country illegally, international human trafficking and human smuggling are understood within

international policy as two separate phenomena. The former, trafficking, is premised on the fraudulent movement of people where the ultimate outcome is the exploitation the victim faces. The latter, smuggling, is seen as a more clear-cut issue of a third-party facilitating the illegal movement of a person across international borders (Gallagher 2010, 26). The legal differentiation between trafficking and smuggling can be traced back to how coercion and exploitation are understood. In the case of smuggling, it is understood that a smuggled person engaged with smugglers, free from coercion, and agreed to pay said smuggler in exchange for entry into a destination country through irregular pathways (Scarpa 2020, 634). Conversely, the Palermo Protocol makes clear that, in the case of trafficking, a trafficked person has lost the ability to consent due to at least one of the consent nullifying clauses being present. Another key difference between the two is the role of exploitation. In the case of trafficking, exploitation is considered to be the inevitable end result and, in the international case, the reason for which a person has been moved across a border. In the case of smuggling, the relationship between a smuggled person and a smuggler is considered over once they reach their destination. While the U.N. Smuggling Protocol does concede that there may be cases in which a smuggled person faces exploitation during their journey, this is deemed an aggravated circumstance and an exception to the norm (Scarpa 2020, 635). The idea that smuggling and trafficking are two different crimes is further articulated by the fact that the U.N. Convention against Transnational Organized Crime has another, separate, supplementary protocol dealing specifically with the smuggling of migrants by land, sea, and air.

While international policymakers may view trafficking and smuggling as categorically differentiated issues, in reality, there are a number of overlaps that exist. After working with victims of sex trafficking in Italy, Rutvica Andrijasevic (2010) argues that the economic and

social discrepancies that exist within Europe serve to increase the prevalence of human trafficking networks. However, in many of these situations, poverty-stricken women will agree, sometimes even signing contracts with third parties, to enter into sex work in exchange for forged travel documents and safe passage to destination countries in Western Europe (pg. 35-36). Despite initially agreeing to work in the sex industry, many of the victims Andrijasevic worked with were unaware of how their income would be split, the exact nature and conditions of their work (e.g., agreeing to work in a dance hall versus being forced to work on the street), or the constant physical, psychological, or economic control that traffickers may hold over their lives (Andrijasevic 2010). Moreover, both trafficking and smuggling involve illegally moving humans across borders, something that takes skill and premeditation. Therefore, there is usually a considerable overlap between traffickers and smugglers in terms of transportation methods used, the types of false documents used, and other tactics used to circumvent border patrols. As a result, if someone is caught at a border, their status as either a victim of trafficking or a smuggled migrant is dependent upon a law enforcement and/or a border control officer's ability to understand and recognize the nuanced difference between the two phenomena (Scarpa 2020, 635). One of the unintended consequences of this binary is the establishment of the 'perfect victim paradigm'.

The perfect victim stereotype (Shoaps 2013) or the iconic victim concept (Srikantiah 2007) is premised on the idea of someone falling directly within the specific victim stereotype described in the Palermo Protocol. This hypothetical person is entirely under the control of their traffickers, unable to free themselves or get help. Someone who never would have crossed a border if it were not for the coercive actions of their trafficker. Moreover, this is someone who, once rescued (presumably by state law enforcement), agrees to cooperate as a prosecution

witness during the criminal trial of their traffickers (Srikantiah 2007, 187-200). In practice, very few victims of trafficking actually fit this stereotype. Many of the 'push' factors (whether political, social, economic, or cultural) that might cause someone to engage with smugglers to emigrate are the same 'push' factors that leave people vulnerable to trafficking. In fact, two of the most effective forms of coercion used by traffickers – deceit and seduction[10] – involve the victim willingly crossing an international border. Abduction is one of the least used methods of recruitment for traffickers as it is inherently riskier for them in terms of detection (Kara 2017, 7-9). The perfect victim stereotype does not allow for nuance or ambiguity. The U.N. Convention on Transnational Organized Crime contains a supplementary protocol on trafficking and a supplementary protocol on smuggling, but it does not offer much guidance on distinguishing between the two - other than through their definitions, which are differentiated solely by the concepts of exploitation and consent.

The fact that the Palermo Protocol exists in and of itself is a recognition on behalf of the international community that there are types of irregular migrants who are victims. However, the lack of understanding of the varied experience of people along the irregular migration spectrum highlights that they are less concerned with individuals being exploited than they are with individuals illegally crossing their borders. A person who pays a smuggler to assist in their journey to another country may be exploited along their journey and they may face exploitative conditions once reaching their destination country, despite the legal system assuming that the relationship between smuggler and migrant ends upon arrival in the destination country.

[10] Deceit typically involves some sort of false job offer. For example, people in low-income countries are offered seemingly legitimate jobs in other countries. These offers may involve what seem to be legitimate application and interview processes, job offer letters, and contracts. However, once the person gets to the destination country, they are exploited. Similarly, the seduction method involves the trafficker convincing the victim that they are in love and that the victim should come to the trafficker's home country to be with them. The trafficker will either provide false documents that would allow the victim to enter the destination country, or the victim will enter on some sort of temporary or tourist visa. In each of these cases, the victim crosses the border willingly (Kara 2017, 6-9).

However, the framework established by the Palermo Protocol and the smuggling protocol, and the binary between victim/criminal ensure this person would be categorized as a smuggled person, an irregular migrant, and a (most likely) a criminal. When international human sex trafficking is problematized as an issue of organized crime and state security, the exploitation of individuals will always come second to the protection of the state – regardless of all well-meaning intentions of policymakers.

2.3 Empirical Evidence in Scholarly Research

During the period in which the Palermo Protocol was negotiated, two often-cited government and international reports came out, both of which supported the conceptualization of international human sex trafficking as an issue of transnational organized crime. The Budapest Group released their study on "The Relationship between Organised Crime and Trafficking in Aliens" in 1999, which examined the horizontal and vertical interconnections between organized crime and trafficking and smuggling in persons. This report argued that international organized crime networks were becoming increasingly "mobile, international and violent" (Gallagher 2010) and that "the relationship between organised crime and trafficking in and smuggling of persons is already strong and growing" (The Budapest Group 1999, 43). Within the American context, Amy O'Neill Richard supported the U.N. Convention against Transnational Organized Crime's approach to trafficking, arguing that, while both Russian and Asian organized crime syndicates operated in the U.S., the U.N. definition more appropriately reflects the "broader spectrum of crime affiliation encompassing smaller crime groups, loosely connected criminal networks, or large organized families" that are involved in trafficking (Richard, Amy O'Neill 2000, vi-viii).

Within academia, there are a number of authors who further support this conceptualization by drawing the connection between transnational organized crime, state security, and international human sex trafficking (Hodge & Lietz 2007; Risley 2010; Shannon 1999; Smith 2011; Torg 2006) without necessarily examining existing data or offering an empirical analysis to support this relationship (Tripp and McMahon-Howard 2016, 739). These studies focus on understanding how the illicit markets operate (Hodge & Lietz 2007; Risley 2010; Shannon 1999) or discussing the legal enforcement regimes that assist in efforts to interrupt the markets (Smith 2011; Torg 2006). For those who do attempt to understand the empirical link between transnational organized crime and international human sex trafficking, the results remain mixed. Bruinsma and Meershoek (1999) examined 23 cases of sex trafficking in the Netherlands over a three-year span from 1995-1997. Through an examination of police files, they identified 161 suspects with links to sex trafficking cases and found links to twelve organized crime groups, eight of which operated or were headquartered primarily in the Netherlands (Bruinsma and Meershoek 1999, 115-116). Another eleven groups were identified as 'cliques of professionals' who were "traditional pimps having or aiming at personal relationships with women" (Bruinsma and Meershoek 1999, 115). These traffickers tended to end up involved in trafficking accidentally, and their connections to any organized crime groups were incidental (Bruinsma and Meershoek 1999, 115). Overall, slightly over 50% of the cases had ties to organized crime, with less than 18% having ties to international organized crime.

In 1999, Sarah Shannon argued the organized crime groups were "the most important actors in the world of illicit sex" and that "mafia groups are an essential part of the structure that controls this market" (Shannon 1999, 126). Two years later, the U.S. Department of Justice funded a study which found, through the use of case analysis, content analysis of male internet

writings, and interviews with sex workers, law enforcement officers, social workers, and community advocates, that organized crime networks were "instrumental" in the recruitment and trafficking of 60% of international victims and 40% of domestic U.S. victims (Raymond and Hughes 2001, 7-29). Recently, however, Tara M. Tripp and Jennifer McMahon-Howard (2016) attempted to bridge the empirical gap by conducting a long-term systematic examination of all trafficking-related cases in Atlanta, Georgia, from 2000-2013 in hopes of evaluating the alleged relationship between human trafficking and organized crime. What they found was that in a majority of cases, there was no link to organized crime or organized crime syndicates.[11] Additionally, only one of the cases examined showed a link to organized crime syndicates.

Despite a lack of agreement on the degree of relation between international human sex trafficking and transnational organized crime, given this conceptualization of international human sex trafficking emphasis on the illicit market aspect of trafficking, the work done in this field has significantly added to our understanding of how criminal networks operate their trafficking businesses (Kara 2017; Shelley 2010; Salt and Stein 1997). In 1997, as calls for U.N. action on trafficking issues were intensifying, John Salt and Jeremy Stein proposed a model for addressing trafficking that understood trafficking as an intermediate component of the global migration business (Salt and Stein 1997). For Salt and Stein, trafficking operations are composed of three stages: mobilization, en route, and insertion & integration. Their proposed model sought to understand the operational networks of institutions, agents, and individuals that comprise each of these stages (Salt and Stein 1997, 467-468). They closed by outlining a research agenda for

[11] For the purpose of this study, "organized crime syndicate refers to the traditional depiction of organized crime which operates in a vertical hierarchy with a kingpin and decreasing levels of authority." Examples of organized crime syndicates include contemporary understandings of the mafia. Conversely, "organized criminal networks are smaller than organized crime syndicates…the network model does not necessitate long term relationships and can reorganize rapidly." Examples of organized criminal networks include private arms brokers working within a loose network of criminal business partners (Tripp and McMahon-Howard 2016, 737-738).

the future that called for greater conceptual clarity around ‘trafficking’ and asserted that the primary goal should be to gain a more precise understanding of the operational mechanisms used by traffickers through an analysis of the actors identified in their model (Salt and Stein 1997, 484).

Both Shelley (2010) and Kara (2017) continued this line of research by further refining the different categories and offering geographically specific analysis. Generally speaking, the first stage, referred to by Kara as ‘acquisition’ and Shelley as ‘recruitment’, primarily occurs either through deceit, sale by family, abduction, seduction, or recruitment (Kara 2017, 6-7). The second stage, the ‘transport’ or ‘movement’ stage, provides the greatest logistical challenges for trafficking networks as it typically involves the crossing of a border. Depending on the route, all forms of transportation are used (Kara 2017, 10), and organized crime groups use a variety of methods to circumvent law enforcement, including fraudulent travel visas, false marriages, and false employment, education, or residence documents (Shelley 2010, 104-105). The final stage, ‘exploitation’ or ‘control’, includes the use of or the threat of physical violence, intimidation, and real or perceived threats to the victim’s family (Shelley 2010, 107). This exploitation can occur in a number of low-risk venues (brothels, massage parlors, apartments), as well as high-risk venues such as clubs, hotels, or the streets (Kara 2017, 12-13).

These authors both suggest focusing anti-trafficking efforts on market interventions, with Kara suggesting that illicit markets operate like legitimate markets in the sense that, if the international community interrupts the demand side of the business by making the operations too costly for criminal networks, the industry will go into decline. It is only then that we can begin addressing the underlying social conditions that allow these networks to flourish (Kara 2017, 200-201). Shelley offers a more nuanced approach to market interventions by further subdividing

the market into six distinct types of criminal trafficking enterprises, each with different business strategies, profit margins, and operational goals (Shelley 2010, 114-131).[12] Unlike Kara, she proposed that anti-trafficking efforts should focus on the supply side of the operation but implementing specific prevention methods that target each enterprise's recruitment strategies (Shelley 2010, 132).

International human sex trafficking, in its contemporary iteration, emerged on the international agenda after the end of the Cold War, in part, due to increased concerns regarding post-Soviet organized criminal networks and the increased flow of migrants into Europe from former Soviet states. When international human sex trafficking is conceptualized as a state security issue, it threatens state sovereignty insofar that it highlights the inability of states to control their borders and maintain the rule of law (Lobasz 2019, 30; Adamson 2006, 176). It is then no surprise that anxieties around increased migration helped to catapult this conceptualization to the forefront of lawmaker's policy agendas.

2.4 Summary

When policymakers began negotiating the Palermo Protocol in the 1990s, there was a clear recognition of the impacts international human sex trafficking has on the lives of its victims. This recognition is reflected in the final version of the protocol, which lists protecting

[12] These categorizations include: *the trade and development model* – used by Chinese criminal groups and categorized by its less violent tendencies and desire to establish long-term profits; *the natural resource model* – used by former-Soviet organized criminal groups and is categorized by its treatment of humans a renewable natural resources; *the violent entrepreneur model* – used by Balkan groups that exploit the vulnerabilities of already traumatized individuals to bring them into a cycle of violence and exploitation; t*he American pimp model* – used exclusively in the USA, this model relies of physiological manipulation and drug addition to ensure control and submission; *the supermarket model* – used in Latin America and characterized by the movement of large number of people at low cost and is often integrated with human smuggling operations*;* and lastly, the *traditional slavery with modern technology model* – used in the African context and characterized by the multifaceted nature of the operations that mix labour, sex, and drug trafficking operations. (Shelley 2010, 114-130).

victims as one of its key purposes. The inclusion of victim protections was never a really contested issue, and the point of this section was not necessarily to paint policymakers as heartless state bureaucrats with no regard for human life. Instead, this section serves to highlight how our implicit understandings of a problem can influence the policies that are enacted. Because policymakers inherently understand international human sex trafficking to be a threat to the state, their policies are going to be reflective of that understanding – regardless of their desire to protect the individuals involved. In the case of the Palermo Protocol, this understanding is reflected in the context in which the protocol was drafted and where it is institutionally housed, the content of the provisions within the protocol, and the differentiation between voluntary and compulsory clauses. The Palermo Protocol is predicated on assumptions related to consent and exploitation that serve to reinforce the illegal versus legal migrant dichotomy, which in turn establishes a perfect victim paradigm. Policymakers did not create this conceptualization in a vacuum – problematizing international human sex trafficking as an issue of transnational organized crime and state security has been reinforced and legitimatized through government reports and academic research.

Section 3: Alternative Conceptualizations

The fourth aspect of Bacchi's WPR approach to policy analysis is to question "what is left unproblematic in [the dominant] problem representation? Where are the silences? and Can the 'problem' be thought about differently?" (Bacchi 2009, 12). Here we can consider the limitations of the dominant discourses regarding international human sex trafficking and reflect on the perspectives that have been silenced in official channels (Bacchi 2009, 13). The analysis done in the two previous sections to trace the historical development of international human sex trafficking policy through to its current iteration with the Palermo Protocol laid the groundwork for this discussion. The legal versus illegal migration binary and the tensions and contradictions inherent to debates over key concepts such as 'exploitation' and 'consent' help to highlight how the dominant understanding of international human sex trafficking as an issue of crime and security attempts to simplify an otherwise complex issue. In doing so, certain aspects of the problem may be misrepresented or distorted to fit the dominant narrative. By tracing the historical development of the current policy, we can see where competing narratives had the potential to influence policy but did not gain institutional support (e.g., when feminist voluntary organization leader was initially given the opportunity to work with the League of Nations on the Committee on the Trafficking of Women and Children in the inter-war period but was forced out of roles of influence and replaced with state representatives in the early 1930s) (Bacchi 2009, 13-14). The purpose of this section is to examine alternative ways in which the issue of international human sex trafficking can be problematized. These alternative conceptualizations help reveal what is left unproblematized in the dominant narrative and bring attention to the silences in the current anti-trafficking framework.

International human sex trafficking is a complex issue that draws attention from and blurs the line between government, academia, and activism. Many of the academics who write on the issue are also engaged in activism and lobby efforts. While the late 1990s and early 2000s marked an increase in policy attention at both international and national levels, this period also saw an influx in financial resources dedicated to funding trafficking research (Kelly 2005, 235). Due to the links between academia, government, and activism, much of the scholarly attention on international human sex trafficking approaches the issue from an action-based perspective, focusing on immediate policy issues (Lobasz 2009, 325). This heavy focus on trafficking as a policy issue and academic engagement with current policy has allowed for alternatives conceptualizations to emerge and grow. The three alternatives that will be discussed here include international human sex trafficking as: a human rights issue; a feminist issue; and an issue of migration. While traditional conceptualizations of international human sex trafficking place the states as the primary referent object, these three begin shifting the focus of security from the state towards individuals.

Table 2: Alternative Anti-Trafficking Frameworks

Anti-Trafficking Framework	**How is trafficking problematized?**	**Referent Objects**	**Threats**	**Proposed Solutions**	**Related advocacy partners and lobby groups**
Crime & Security Framework	A State Problem	Nation states	Transnational organized crime networks and illegal migrants	Interrupt trafficking networks at the border; criminalize trafficking; prosecute traffickers	
Human Rights Approach	A Human Rights Problem	Individuals – trafficked persons	Traffickers - the state	Varies – Shifting the framework to a different venue such as the UNCHR, adding human rights provisions to existing framework, drawing on other agreement's and conventions	Varies - Other human and civil rights group depending on the issue

Abolitionist Feminist Approach	A Prostitution Problem	Individuals – people forced into sex work	The global sex industry and commercial sexual exploitation	Abolition of prostitution	Faith-based groups, conservative lobbies.
Sex Workers Rights Approach	A Labour Problem	Individuals – sex workers, low-waged economic migrants	Coercion and exploitation	Full-scale decriminalization of sex work; regulation and protections for sex workers.	Labour unions, civil rights organization
Migration Approach	A Migration Problem	Individuals – the irregular migrant	Traffickers, border patrol, and immigration & law enforcement	Re-examining migration and labour policies; global commitment to reducing 'push' factors	Varies

3.1 Human Trafficking Conceptualized as a Human Rights Issue

If traditional understandings of human sex trafficking place the issue within the realm of security studies and situate the state as the referent object, human rights approaches do the exact opposite. Proponents of a human rights-based approach blatantly reject many of the assumptions made in the security and organized crime conceptualization and, instead, place individuals as the referent object with the lived experiences of victims becoming more important than political categorizations (Aradau 2008, 33-34). They critique current anti-trafficking efforts as ineffective due to their focus on criminalization and prosecution, which end up, at best, exasperating, and, at worst, producing, the conditions in which the rights of trafficking victims are violated. While the human rights approach encapsulates several perspectives, the overarching themes of this approach include a rejection of the emphasis on border control and criminalization measures as anti-trafficking measures and a focus on the underlying economic, social, cultural, and legal factors that create the context in which trafficking occurs (Kaye, Millar, and O'Doherty 2002; Worden 2018).

During the two-year period in which the Palermo Protocol was negotiated, several human rights-focused lobby groups formed an alliance known as The Human Rights Caucus. This group was a joint lobby comprised of labour rights organizations, human rights organizations, some anti-trafficking organizations, and sex workers' rights activists. As Ditmore & Wijers (2003) note in their coverage of the early negotiations, not only was this the first time representatives from all four lobbies worked together but the fact that the joint lobby included representatives from both sex workers' rights organizations and anti-trafficking organizations highlighted the unprecedented dynamics that emerged as various NGOs vied for influence over the negotiations (80-81). The Human Rights Caucus had four broad foci for their advocacy campaign: a) ensuring the Palermo Protocol's definition of trafficking encompassed all forms of trafficking, not just sex trafficking; b) a clear separation between sex work (voluntary) and trafficking (coerced) with sex work being excluded from the mandate of the protocol; c) the inclusion of clauses protecting the human rights of victims regardless of their immigration status or willingness to cooperate with the criminal prosecutions of alleged traffickers; and d) a guarantee that victims of trafficking could not be discriminated against or have their alleged character used to preclude them from being treated as a victim of trafficking and that methods of investigation would in no way degrade the victims (Ditmore and Wijers 2003, 81). The Human Rights Caucus leaders[13] worked from and published a detailed outline of their demands in the 1999 "Human Rights Standards for the Treatment of Trafficked Persons." This document outlined specific recommendations for how trafficking should be addressed at the international level and, while dated, many of the principles still guide human rights groups today. The Human Rights Caucus successfully

[13] The Global Alliance Against Traffic in Women (GATTW), the Foundation Against Trafficking in Women, and the International Human Rights Law Group provided leadership to the Human Rights Caucus as representative of the various perspectives situated within the group (sex workers' rights/anti-trafficking/human rights respectively) (Ditmore and Wijers 2003, 80).

advocated for a broader definition of trafficking that included various types of trafficking. However, many of their other recommendations were not reflected in the Palermo Protocol.

As discussed in previous sections, the Palermo Protocol's final draft was largely rooted within a crime and security framework with little meaningful action taken to promote and ensure the human rights of trafficking victims. The Palermo Protocol itself still faces intense criticism from human rights advocates, especially for its treatment of trafficking as a border control issue, its sparse recognition of human rights, and its coupling of victim's rights and criminal enforcement. The Palermo Protocol provides states a reason (i.e., cracking down on international trafficking operations) to discriminate against 'others' and potentially limit the freedom of movement for already vulnerable people (Kaye, Millar, and O'Doherty 2002, 605). From a border control/immigration control perspective, the subjective discretionary powers of border patrol and immigration officers becomes a factor in and of itself, and availability of support and protections comes down to these authorities being able to see someone involved in human trafficking as a victim (Ham, Segrave, and Pickering 2013, 56-61). If they do not, a victim can be labelled an 'illegal immigrant' and forced through a process of deportation that almost certainly infringes on their dignity and rights. Conversely, if trafficking is treated as a human rights issue and victims of trafficking are treated as people who have had their rights infringed upon, access to support services would be made available, and individuals would have the opportunity to make lawful asylum claims if desired (Jones 2020, 1809). While the international community acknowledges the need for victim protections and the Palermo Protocol references the protection of human rights, the non-binding nature of the clauses pertaining to protections, combined with states' focus on security, creates a situation where the availability of protections and supports is

directly correlated to a victim's level of participation in the criminal process (Roth 2011, 90-91; Pearson 2002; Aradau 2008, 33-34).

Another characteristic of this perspective is a focus on preventing trafficking by examining the root causes of trafficking above and beyond simply prosecuting traffickers in an attempt to stop them from further participating in trafficking activities. While one of the primary stated goals of the Palermo Protocol is to prevent further instances of human trafficking, the current legal framework does nothing to address or understand the systemic causes of trafficking. As Danielle Wordon (2018) argues, "sex trafficking is caused by human behaviour" and any effective anti-trafficking response must address the variety of economic (poverty, employment vulnerabilities), legal (governmental corruption, weak judicial systems, legal incoherence), social and cultural (gender and racial discrimination and violence, access to education), and international (restrictive immigration policies) factors that facilitate the trafficking of women and children (Wordon 2018, 711-713; Kaye, Millar, and O'Doherty 2002, 606-607; Einarsdóttir & Boiro 2014). Many authors also point explicitly to the gendered and racialized contexts in which trafficking occurs and the systemic violence linked to trafficking and enforcement in settler-colonial spaces (Hua 2011; Kotiswaran 2014).

Underwhelmed by the effectiveness of the Palermo Protocol in protecting the rights of victims, many proponents of this perspective either turn to other legal international instruments (Blom 2020; Farrior 1997; Gallagher 2009; Rodríguez-López 2020; Worden 2018) or begin to lay the framework for what a new international instrument, premised primarily on the protection of human rights, could look like (Wordon 2018; Jones 2020). Instead of looking at trafficking as a singular crime, they examine the individual rights[14] that a victim of trafficking has had, or

[14] These rights include but are not limited to: the right to life; the right to liberty and security of the person; the right to privacy; the right to physical integrity; the right not to be subjected to inhumane or degrading treatment or torture;

potentially had, violated and find entry points in which other international instruments may intervene and claim jurisdiction (Kaye, Millar, and O'Doherty 2002; Blom 2020; Farrior 1997). These authors point to specific international instruments such as the Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, and the Convention on the Elimination of All Forms of Discrimination Against Women that, with effective implementation, could strengthen the international response to trafficking in a way that fully recognizes and respects the basic physical, emotional, and psychological needs of people who have a been trafficked. If they were not successful in their advocacy for grounding the Palermo Protocol in a human rights context, the next best option would be to create a network of international instruments around the Palermo Protocol that provide a more holistic approach to dealing with trafficking where they can shift the focus back onto the victims rather than the prosecution of the traffickers. Human rights activists have had some success at regional levels - most notably with the passage of the Council of Europe Convention on Action against Trafficking in Human Rights, which not only adheres to the criminal law requirements of the Palermo Protocol but also includes detailed, mandatory clauses outlining specific protections necessary for the "physical, psychological and social recovery of victims" (Article 12, *Council of Europe Convention on Action against Trafficking in Human Beings* 2005).

The following two perspectives (human trafficking as a feminist issue and human trafficking as an issue of migration) stem, in part, from the underlying principles of the human rights perspective but have taken on unique characteristics in and of themselves.

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the right to physical and mental health; the right to be free from all forms of discrimination; the right to equality; the right to marriage; and the right to work (Blom, 2020).

3.2 Human Trafficking Conceptualized as a Feminist Issue

International attention to and interest in international human sex trafficking has fluctuated greatly since it first gained international attention in the early twentieth century. Through these fluctuations, feminist perspectives and advocacy efforts have remained strong and persistent. As discussed in section one, feminists' organizations were some of the first groups to push international human sex trafficking on to the international agenda in the early twentieth century, and they remained committed to the issue during the Cold-War period after much of the international community had moved on. When it came to advocating for a new international tool, feminist groups were once again a prominent voice at the table during the Palermo Protocol negotiations in the late 1990s. While feminist groups fundamentally disagree on issues of consent, agency, and the role of government in anti-trafficking efforts, the overall influence and advocacy power of feminist perspectives have greatly affected international policymaking for decades.

Similar to the human rights approach, feminist perspectives maintain that the traditional, security-centered approach to international human sex trafficking is insufficient in addressing the issue due to its focus on international human sex trafficking as a threat to state security rather than a violation of human rights (Jones 2020). Using a gendered lens, feminists move from the state as the referent object to individuals and argue that law enforcement and border patrols can be just as much of a threat to trafficking victims as traffickers and abusive clients (Lobasz 2009, 321). Having said this, feminist theory is a broad categorization of knowledge that encapsulates a transdisciplinary field of understanding that has fractured across many fault lines – most notably for this project on the issues of prostitution and sex-trafficking (van Niekerk 2008, 18; Miriam

2005, 1). How feminists approach human sex trafficking[15] is dictated, in part, by how they interpret the relationship between the state and prostitution. When it comes to policies on prostitution, states have four options: abolition, toleration, decriminalization, and legalization (Westmarland and Gangoli 2006, 13-14).[16] Feminist schools of thought are divided between those who believe prostitution is a viable labour option for women (sex-workers' rights approach and/or regulationist approach) and those who do not (radical feminist approach and/or abolitionist approach).

The roots of this divide run as far back as the international community's interest in international human sex trafficking. As was discussed in the previous section, international human sex trafficking became an issue of concern for feminist groups in the mid-to late-nineteenth century. Beginning with France in 1802, European states involved in nation-building exercises around the globe began implementing several forms of state-regulation prostitution regimes premised on various types of licensing schemes and registration systems that forced sex-workers to pass mandatory medical exams and undergo confined treatment if they failed medical testing (Siller 2017, 411; Limoncelli 2010, 23). The International Medical Congress endorsed regulation in 1871, Great Britain passed the Contagious Disease Acts in 1864 and 1866, and by the turn of the century, twenty-two countries and eleven colonial holdings had implemented state-regulated prostitution regimes (Limoncelli 2010, 24; Barry 1979, 14-15).

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[15] I specifically did not include the term "international" in this case, as many feminists who write on the topic do not distinguish between international and domestic forms of human sex-trafficking.

[16] As per Westmarland & Gangoli (2006), *abolition* refers to the full criminalization of all aspects of sex work, including the purchase of sex, the sale of sex, and profiting from sex. Abolitionists differ from the other three approaches in that they do not share the underlying assumption that prostitution is necessary to maintain a "stable social order" (Westmarland and Gangoli 2006, 14). Unlike abolitionists, those who favour *toleration* argue that prostitution must be controlled but not necessarily banned. *Decriminalization* would remove legal barriers on specific aspects of prostitution (i.e., profiting from sex-work would no longer be criminalized). However, it would stop short of treating sex-work as a legal form of labour. Lastly, full *legalization* would treat sex-work as a form of labour and would require registration and licensing. It could also set healthcare standards, minimum wage, and working conditions (Westmarland and Gangoli 2006, 13-14).

As a result of these policies, a number of grass-roots organizations were established to address the relationship between state-sponsored prostitution and international human sex trafficking (then referred to as the 'White Slave Traffic'). While most promoted humanitarian approaches to trafficking, the two main international voluntary associations that arose fundamentally differed in their views on the state's role in controlling sexuality both domestically and internationally. Established in 1875, the 'British, Continental, and General Federation for the Abolition of the Government Regulating Prostitution' (later known as the International Abolitionist Federation)[17] believed that abolishing state-regulated prostitution would result in a decrease in the exploitation faced by women and children through both trafficking and prostitution (Limoncelli 2010, 8-9; Siller 2017, 411). As a voluntary organization, the IAF held lectures, published pamphlets, and disseminated information through a number of local committees. At a legislative level, their advocacy efforts focused on repealing state-sponsored regimes in a number of European countries, as well as their colonial holdings (Limoncelli 2010, 47-48).[18] While the IAF is credited as one of the first organizations that helped put trafficking onto the international policy agenda, their goal was always to use trafficking as a way to draw attention to prostitution as a whole. They wanted trafficking to be defined as "the procuring of any woman or girl for prostitution, with or without her consent, within or across territorial borders" (Limoncelli 2010, 47). This definition would effectively criminalize all third-party profiteering, as well as the purchase of sex in all instances regardless of age and location.

[17] Notable feminist, Judith Butler, began the Ladies National Association in Great Britain in the 1960s to directly respond to the government passing the Contagious Disease Acts. In 1875, the group turned its attention to international responses, establishing The British, Continental and General Federation for the Abolition of the Government Regulation of Prostitution. By 1898, they formally changed their name to the International Abolitionist Federation (Limoncelli 2010, 46).

[18] The IAF had local operational committees in Great Britain, India, Hong Kong, the Cape of Good Hope, Italy, the Netherlands, Switzerland, France, Germany, Belgium, Egypt, the Straits Settlements, the Federated Malay States, and the Dutch East Indies, all advocating for the repeal of laws that allowed or supported state-sponsored prostitution (Limoncelli 2010, 49-50).

In 1886, British religious purity reformers established the National Vigilance Association, which would go on to become the International Bureau for the Suppression of the White Save Traffic (hereafter referred to as "The International Bureau").[19] Unlike the IAF, the International Bureau favoured a more nationalistic view of prostitution that allowed them to work closely with government and state officials to increase the control the state had on prostitution and sexual relations (Limoncelli 2010, 7-9). Instead of working to establish a formal link between trafficking and prostitution, the International Bureau sought to influence policy by advocating for increased governmental controls on which type of women could work in brothels and ensuring the repatriation of foreign prostitutes caught working in regulated brothels (Limoncelli 2010, 57). The International Bureau appealed to nationalistic sentiments, using a "gendered, class-based xenophobia" (Attwood 2015, 329) focused on a distinction between 'our women' and 'their women'. As such, a number of government representatives chose to work more closely with the International Bureau while creating policies. The IAF and the International Bureau continued to influence international trafficking policy through WWI and into the League of Nations years.

The second wave of feminism began in the 1960s and brought a revived interest in human sex trafficking. In this time, two discourses emerged: the abolitionist perspective with roots back to the traditional abolitionism of the first wave of feminism (see: Barry 1979; Barry 1996; Jeffreys 1997; Jeffreys 2009; Miriam 2005; Dempsey 2010; MacKinnon 2011) and the sex-worker's rights approach (see: Alexander & Delacost 1987; Pheterson 1989; Chapkis 1997; Hagg 1999; Doezema 2005; Doezema 2010). Both perspectives ground their analysis in the feminist perspective, interpreting human sex trafficking as a human rights issue with gendered

[19] It is important to note here that the IAF was founded and guided by principles associated with the first wave maternal feminist movement. The International Bureau drew on aspects of feminist discourse and included members such as noted suffragists Elizabeth Sedman Lidgett and Laura Ormiston Chat. However, the group itself did not identify primarily as a feminist group (Attwood 2015, 326).

components, and they both agree that trafficking is a growing issue requiring international attention but, as Lobasz (2009) notes, "members of each camp are loath to accept the feminist credentials of the other camp" (p. 334).

The abolitionist perspective, supported by radical feminist discourse, argues that not only does human sex trafficking harm the victims, but it does so in a way that "sustain[s] and perpetuate[s] patriarchal structural inequalities" (Dempsey 2010). Beginning with the writings of Kathleen Barry in 1979, this perspective is rooted in the idea that "female sexual slavery, in all its forms, is the mechanism for controlling women through the sex-is-power ethic, either directly through enslavement or indirectly using enslavement as a threat that is held over all other women" (Barry 1979, 194). So long as women's bodies are objectified for the sexual service of men and their experience reduced to the sexualization of their bodies, a violation is occurring, and the question of consent holds no meaning (Barry 1995, 21-24). As such, radical feminists do not distinguish between victims of trafficking and prostitution, as both are considered forms of sexual slavery.[20] In response to the popular criticism that radical feminists erase female agency, Michelle Madden Dempsey (2010) defends the position arguing that, even if the concession is made that some women may genuinely consent to participate in sex-work, the value of prostitution in these situations does not outweigh the overwhelming harm that a majority of prostituted people experience.

In terms of policy influence and advocacy power, the abolitionist approach to trafficking is strongly represented. Domestically, the primary policy goal is to end human sex trafficking through the abolition of all forms of prostitution and sexual exploitation. Not all supporters advocate for the full-scale criminalization of sex-work. Instead, some seek to abolish prostitution

[20] In this vein, Barry treats wife battery, polygamy, forced marriages, incest, prostitution, trafficking, genital mutilation, marital rape, bride price, and veiling, all as forms of female sexual slavery (Barry 1979; Barry 1995).

by intervening in the demand side of the interaction. Many abolitionists endorse the 'Swedish Model', which criminalizes the purchase of sex and the third-party profiting from sex but provides services and job training for prostituted women (MacKinnon 2011, 275). Internationally, when the UN began negotiating the Palermo Protocol, over 140 organizations formed the International Human Rights Network, led by the Coalition Against Trafficking in Women (CATW). This group advocated for a definition of human trafficking that could protect all victims of sexual exploitation and sought to remove the clause in the definition that required there to be proof of a victim's lack of consent (Simm 2004, 138; CATW 2011; Outshoorn 2005, 150). CATW claims their advocacy efforts at the Palermo Protocol negotiations were successful based, in part, on that the final definition adopted specifically included 'sexual exploitation' and 'prostitution' within the definition (Simm 2004, 147).

On the other side of the debate, sex-workers' rights advocates began engaging with abolitionist feminists who viewed all prostitution as violence against women by challenging the idea that social conditions render sex-workers incapable of legitimate consent. Many of these early texts sought to resituate prostitution in feminist terms, give voice to sex-workers, and begin distinguishing between voluntary prostitution and forced prostitution (Delacoste & Alexander 1987; Haag 1999; Nagle 1997; Chapkis 1997; Pheterson 1989). Proponents of this position argue that sex work is a legitimate labour option for women and that the true problems are the context and conditions associated with sex-work. In this view, many women may migrate internationally to work in the sex industry, and they should be as free to do so as they would if they were working in any other industry (Outshoorn 2005, 145-147). In terms of trafficking, sex worker's rights advocates define trafficking as the movement of people into forced labour. This labour could be sexualized, such as forced prostitution but should also include other labor forms such as

domestic, industrial, and/or agricultural (Simm 2004, 139). This perspective gained support from third world and postcolonial feminists who critique abolitionism as a racist and imperialist movement established by western feminists seeking to 'protect' women of the third world (Doezema 2001; Kempadoo & Doezema 1998; Simm 2004, 140).[21]

Legally, sex worker's rights advocates support either the full-scale decriminalization of prostitution or its legalization. Many of the issues facing sex-workers, such as precarious working conditions and workplace vulnerability, are the same as other sectors but are made worse by criminalization and stigma (Bindman & Doezema 1997, 6-7). Suppose sex-work was recognized as a legitimate form of labour. In that case, sex-workers could be protected from exploitation through international labour laws, and states would be better able to address abuses at a domestic level (Bindman & Doezema 1997, 6-7). Internationally, the Global Alliance Against Trafficking in Women (GAATW) was formed in 1994 and established grass-roots campaigns designed to "educate, empower works, and aid victims of forced trafficking" (Sullivan 2003, 72). GGATW proposed human rights standards for international trafficking laws, advocated for the decriminalization of prostitution internationally, and worked with other sex-workers' rights groups to oppose changes to the Convention Against Sexual Exploitation (Sullivan 2003, 73). During negotiations for the Palermo Protocol, sex-workers' rights advocates partnered with anti-trafficking groups to form the Human Rights Caucus, which participated as a lobby group in every meeting (Doezema 2005, 76). While their initial proposal to remove all mentions of prostitution from the final definition was ultimately rejected, their efforts to include

[21] For postcolonial critiques, see also: Augstín, Laura. 2002. "Challenging 'Place': Leaving Home for Sex Development." *Development* 45, no. 1 (110-117); Liddle Joanna & Rai Shirin. 1998. "Feminism, Imperialism and Orientalism: The Challenge of the 'Indian Woman'." *Women's History Review* 7, no. 4 (495-520); and Kempadoo, Kamala, Joyti Sanghera, and Bandana Pattanaik, eds. 2005. *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work and Human Rights*. Boulder, CO: Paradigm Publishers.

a negation-of-consent requirement in the definition of trafficking was successful (Doezema 2005, 79).

3.3 Human Trafficking Conceptualized as a Migration Issue

Like feminist scholars and human rights scholars, those writing from a migratory point of view critique the traditional state security framework for its lack of recognition of the complexity of people's lived experiences. Arguments have been put forth that the focus on the border and immigration controls in anti-trafficking legislation serves to disadvantage victims of trafficking by reinforcing the dichotomies between legal/illegal, wanted/unwanted, and voluntary/involuntary migration. (Chapkis 2003; Ausserer 2008; Segrave 2009; Andrijasevic 2010). Moreover, Agustín (2006) argues that an entire category of migrants – migrants who sell sex – has been completely erased from migration and diaspora studies, only to remerge in criminological and feminist studies as criminals or victims, respectively. While early writers attempted to understand the migration-trafficking nexus through the exploration of the definitional ambiguity between 'trafficking' and 'smuggling', it has been noted that this work was primarily descriptive and lacked both a theoretical framework (Haque 2006) and a systematic research program that provided comparative and empirical evidence (Acharya 2006). While the conceptualization of trafficking as a migration issue is relatively new, many have set out new research agendas that attempt to encompass the complex realities of international migrants.

While international law attempts to establish distinct categorizations of irregular migration (trafficking, smuggling, asylum-seeking, and refugees), the complexity of the social, economic, labour, and migratory realities for irregular migrants often makes it hard to distinguish between these categorizations. Most notably for this case study, between trafficking and

smuggling. The Palermo Protocol is situated within the same framework as the protocol against the Smuggling of Migrants by Land, Sea and Air, and its focus on coercion and exploitation serves to contrast the latter's focus on the economic benefit of illegal entry into a state (Lobaz 2019, 41). The current international definition of trafficking requires a perfect victim who was deceived throughout their entire experience. Consequently, erasing the experiences of 'trafficking victims' that may have consented to crossing a border but not the exploitative conditions they found themselves in and of smuggled or other irregular migrants who face abuse and exploitation (Quirk 2007; Andrijasevic 2010). As such, Moisés Naím suggests that, rather than existing as two separate categorizations, trafficking and smuggling should exist on a spectrum of understanding, which would help to account for the varying levels of agency and coercion that may be present in the experiences of irregular migrants (Naím 2005, 89). Above and beyond definitional understandings of irregular migrants, many authors have laid out ways in which the study of international human sex trafficking could be better understood from a migration-focused conceptualization.

The first step to establishing a migration-focused perspective on addressing international human sex trafficking is to engage critically with the political discourses surrounding modern-day migration and recognizes shifts in gendered migratory patterns (Segrave 2009; Ausser 2008). Augstín (2006), Desyllas (2007), and Andrijasevic (2010) all advocate for a shift towards a migration framework that gives agency back to migrants without forcing them into definitive legal categorizations of 'victim', 'criminal', or 'prostitute'. Andrijasevic, an academic, activist, and consultant, argues that current EU border structures and the social and political attitudes towards migration and sex-work create conditions that leave many migrant workers vulnerable to confinement and sexual exploitation. She further undermines the notion that all trafficking

victims are deceived women by highlighting how many of the women she spoke to in Italy willingly participated in controlled third-party migration and prostitution as they felt it was the only way to ensure their economic or social survival. While some aspects of migration may be forced or unwilling, and some migrants may find themselves in horribly exploitative situations, traditional security approaches to anti-trafficking efforts fail to recognize both the different degrees of coercion that exist and the different levels of agency that exists amongst migrants.

Traditional anti-trafficking approaches that focus on border interventions and state security serve to disadvantage women who chose to migrate for sex-work and, in many cases, re-victimize actual victims of exploitation and trafficking. At the domestic level, many advocates for a migration centred approach to anti-trafficking efforts advocate for the inclusion of all relevant government departments in policymaking (Binh 2006), with attention put on fostering job creation in sending countries and access for victims to essential services such as medical care in receiving countries (Sulaimanova 2006). While comprehensive and systematic national approaches are the first step, Haque (2006) argues that effective migration management requires a commitment to establishing frameworks for cooperation at the regional level as well (Hauque 2006, 13-15). Internationally, it is argued that anti-trafficking policies that focus on increasing border security, restricting migration, and prioritizing repatriation increase instances of trafficking and smuggling, and force illegal economic immigration further underground (Desyllas 2007, 73; Segrave 2009, 258; Ausserer 2008, 100). Instead, Chapkis (2003) argues that the social response necessary to limit trafficking is “more open borders, not bigger fences” (pg. 935). In addition to the recognition that people may legitimately migrate to work in the sex industry, Chapkis notes that additional focus should be put on increasing the quality of life in sending countries as to decrease the possibilities of economically or socially vulnerable people

being forced into exploitative situations where they feel the need to trade sex to survive (Chapkis 2003, 935). Ultimately, conceptualizing international human sex trafficking as a migration issue requires policymakers to reassess assumptions made about migration and sexuality while taking a step back and examining the migratory process as a whole, including reasons why people chose to migrate, how they migrate, and the conditions they face in the receiving country.

Table 3: Alternative Conceptualizations of Human Trafficking Summary	
Crime & Security Approach	International human sex trafficking is a threat to the nation state by virtue of the fact that it highlights a state's inability to protect their own borders (external sovereignty) and maintain rule of law (internal sovereignty).
Human Rights Approach	International human sex trafficking is a threat to individuals by virtue of the fact that the act of being trafficked legally violates a number of human rights granted to individuals by the Universal Declaration of Human Rights.
Abolitionist Feminist Approach	International human sex trafficking, as well as all commercial sex work, is a threat to individuals, particularly women, by virtue of the fact that it equates to female sexual slavery and perpetuates patriarchal structural inequities.
Sex-Workers Rights Approach	International human sex trafficking is a threat to individuals, specifically to sex-workers, by virtue of the fact that trafficking is a form of coerced and forced labour, from which legitimate and consenting sex-workers need protection.
Migration Approach	International human sex trafficking is a threat to individuals, specifically to vulnerable migrants, by virtue of the fact that traditional understandings of migration do not account for the complex social, economic, political, and cultural realities faced by irregular migrants.

3.4 Anti-Trafficking Policy Going Forward

Advocates against the current state-based conceptualization of anti-trafficking efforts essentially have three options (from least radical to most radical): (1) Accept that the international framework will not change and turn to non-state entities to provide a more nuanced, victim-centred approach to anti-trafficking efforts; (2) Accept that the international criminal justice framework will not change but lobby for increased protections for trafficking victims under various international legal tools dedicated to human rights protections; or (3) Refuse to accept that the international criminal justice framework will not change and advocate for the

establishment of a new anti-trafficking framework. Each of these options faces its own limitations.

NGOs have been involved with international anti-trafficking efforts since its inception as a policy issue. As of 2016, there were 1,861 active anti-trafficking NGOs providing services in 168 countries (Limoncelli 2016, 320). The most common services offered by these NGOs are public awareness and educational campaigns, legislative and policy advocacy, and legal services, with only 27-29% of NGOs offering rehabilitation or protection services, including education, employment or vocational training, emergency shelter, and/or counselling (non-legal) (Limoncelli 2016, 323-324). While NGOs are operating worldwide, most of these groups are funded by the Global North (Limoncelli 2016, 325). Moreover, when NGOs rely on government funding for support, the dominant narratives of crime and security can begin to affect funding regimes' institutional nature. For example, in the British context, the Salvation Army (a faith-based organization) holds the primary victim care contract with the Ministry of Justice and the Home Office to provide rehabilitation services, specifically accommodation and other care services for victims of trafficking in the United Kingdom (Munro 2020, 1492). The British government made it clear in 2016 that their immigration policy aimed to create a 'hostile environment' for illegal migrants. While the NGOs themselves do not limit support based on immigration status, there are worries amongst survivior regarding their ability to access support after they have reached the maximum duration with the NGO. Once the funding ends, if a person holds a precarious immigration status, they are ineligible for additional public services. They may even avoid seeking additional support due to fear of recourse (Munro 2020, 1500). When governments partner with NGOs, their understanding of trafficking and their own interest inevitably becomes embedded within the anti-trafficking response. While we see changes over

time in how the support sector and governments work together, the services and supports offered by NGOs who receive funding from or who are partnered with governments must balance their desire to assist victims with the influence of states' immigration views and policies.

The second option would be to accept the international framework's dominant conceptualization but advocate for a stronger focus on human rights in regional and domestic approaches. This model has been attempted with varying degrees of success. As mentioned above, the Council of Europe Convention on Action against Trafficking in Human Beings, at the regional level, adheres to the crime and security framework established by the Palermo Protocol but also promotes a human-rights approach to the development, implementation, and assessment of anti-trafficking initiatives focused on prevention (Article 5). This convention also offers more specific details regarding the types of victim supports that member states are expected to provide, and most of the provisions are mandatory. At the domestic level, Silvia Rodríguez-López notes that, while positive efforts have been made in an attempt to establish a more human-rights focus, holistic approach within the current framework, most attempts still fall short due to the overarching securitization bias of states, as well as a focus specifically on sex trafficking (at the expense of other forms of trafficking (Rodríguez-López 2020, 316-318; see also Rodríguez de Liévana & Waisman 2017). In Spain's case, the government's human-rights-centered approach has resulted in information campaigns, collaboration between various levels of law enforcement and NGOs, and additional victim-centered training for law enforcement, civil servants, and social workers. However, efforts to establish a human-rights approach in Spain have faced obstacles because their Immigration Law still views trafficking as a form of irregular migration. Additionally, the crime and security framework continues to influence victim

protections in that most protections were still tied to a victim's wiliness to cooperate with the police (Rodríguez-López 2020, 316-318).

If looking to NGOs or regional/domestic policy creates an inconstant patchwork of human-rights protections as they seek to operate within a larger framework of crime and security, the next option would be to create a new anti-trafficking framework that would work from the top down. Some human rights advocates have begun looking beyond the Palermo Protocol, imagining what an international tool entirely grounded in a human rights framework could look like. Broadly speaking, principles of universality, inalienability, indivisibility, interdependence, non-discrimination, accountability, and the rule of law would underpin any legislative instrument (Rijken and de Volder 2009, 53), with survivors of trafficking and relevant INGOs and NGOs playing meaningful leadership roles in the drafting process (Jones 2020, 1814). Others go further, arguing that, in order to avoid the underlying conceptual limitations of the Palermo Protocol, any new international instrument must not exist within a criminal law framework (Worden 2018, 715). Several normative discussions have occurred regarding what this new framework would entail. However, little action has been seen at the international level that would signify a significant departure from the current criminal law/securitization model. While this model would theoretically be the most effective in ensuring that international anti-trafficking efforts focus primarily on protecting individuals, there is little evidence to suggest that the United Nations or the international community is prepared to make these changes.

Activists and academics working on international human sex trafficking have established alternative ways of conceptualization and problematizing human sex trafficking. While all diverse in specific policy recommendations, these alternative perspectives all reject the state's posiyion as the referent object of policy and shift the focus towards the individual. Human rights

activists, abolitionist feminists, sex-worker rights advocates, and migration activists share the perspective that anti-trafficking policy should be drafted first and foremost with the individual in mind, paying special recognition to the nuanced social, political, economic, and cultural realities that exist around the world which influence the lives of trafficking victims and vulnerable migrants. Once we have established that there are alternative ways of problematizing an issue, we can begin to think of how to affect policy. NGOs are active all around the world and offer a variety of services. However, the services offered are not always necessarily focused on victim protection or rehabilitation. A number of the primary funding sources for these groups are linked to national governments and international governing organizations, which are inextricably tied to the dominant crime and security framework. Working human rights ideas into regional and domestic policies that are still under the larger framework established by the Palermo Protocol has had some success but still faces obstacles when said human rights clauses conflict with state interests. Completely overturning the existing framework and establishing a new one could be the most effective route but would be impossible without the international community's political will and support.

3.5 Summary

The purpose of interpretive policy analysis, specifically a WPR analysis, is to interrogate how an issue is problematized within a current policy and, in turn, how that problematization influences the creation and implementation of said policy. One factor that makes this type of examination a critical policy analysis is that it scrutinizes dominant problem representations and considers these perspectives' limits and constraints (Bacchi 2009, 12-13). As discussed throughout this thesis, international human sex trafficking is primarily problematized by policymakers as a state problem insofar as transnational organized crime networks pose a

specific threat to a nation-state's security. As such, the policy response focuses on interrupting these trafficking networks at the border, criminalizing trafficking, and prosecuting those who participate in trafficking operations. The alternative perspectives discussed in this section all reject the foundational premise that international human sex trafficking primarily threatens the state. In these perspectives, the referent object shifts to the individual: a trafficked person (human rights approach), a woman forced into sex work (abolitionist, feminist approach); an exploited sex-worker (sex workers rights approach); or a vulnerable, irregular migrant (migration approach). This section aims not to advocate for one perspective over another – the goal here is to look at how the issue of human sex trafficking has been problematized outside of official policy to highlight how a problem is understood in policy can give shape to the policy problem itself. If the referent object is a woman exploited into sex work, the problem is the global commercial sex industry. If the referent object is a sex worker experiencing an exploitative and violent work environment, the problem is rooted in attitudes towards labour and sex work. If the referent object is the vulnerable and irregular migrant, the problem is in the global migratory regime. Current and historical international human sex trafficking policy is viewed as a problem of transnational organized crime because it is understood as a threat to the state. Combined with the previous analyses of the genealogy of trafficking policy and current policy approaches, this section further highlights the ways in which the dominant crime and security approach was taken up by policymakers and how it has served to constitute and perpetuate international human sex trafficking as an issue of state security and transnational organized crime, despite the existence and influence of alternative conceptualizations.

Conclusion

Dr. Wayne Dyer is a self-help author and motivational speaker best known for his famous catchphrase, "if you change the way you look at things, the things you look at change." The saying has mainly become cliché and overused, but at its core, it speaks to something more profound about the role perception has over one's worldview. The same is true in policy development. While the traditional, positivists approach to policy analysis tells us that policies serve to solve objective problems, critical policy analysis calls for a deeper understanding of how social problems are understood, developed, disseminated, and legitimized. An interpretive policy analysis specifically looks at how problems are constructed by analyzing documents, discourses, narratives, and historical contexts. The purpose is to understand how policymakers understand and problematize a policy issue and the effects the dominant problematization has on the way policy is created. Simply put, how policy creators and influencers understand a problem affects the policies that are created. If their understandings change, theoretically, so do the policies.

This thesis posed the question, *what is the policy problem represented in international human sex trafficking policy, and what gaps and silences emerge from this representation?* Following the WPR approach to policy analysis developed by Carol Bacchi, I analyzed current international human sex trafficking policy. I argued that, since entering the international legal lexicon in the early nineteenth century, international human sex trafficking has been understood and problematized by policymakers as a threat to state security. As such, policy interventions have focused on the criminalization of trafficking and the control of migration with a specific focus on female migration. Based on this conceptualization of the problem, these policy solutions do make sense. If international human sex trafficking is perceived primarily as a threat to the state – as something that challenges states' abilities to

maintain control over their external (border security) and internal (the rule of law) sovereignty – it makes sense that policy interventions would focus on border controls and criminalization, respectively.

In the early 1900s, voluntary associations played a fundamental role in the negotiation, formation, and implementation of international human sex trafficking policy. However, nation-building exercises and colonial aspirations, supported in part by state-sponsored prostitution regimes, also influenced policy. Thus, a tension was established between those who sought to fight international human sex trafficking through the abolition of prostitution and the nationalistic goals of states, particularly regarding state-sponsored prostitution regimes within colonial holdings. States favoured regulationist approaches that allowed for the continuation of state-sponsored prostitution – especially within colonial holdings.

While the influence of voluntary associations cannot be understated, states in this period only relied on voluntary associations when it benefitted their narrative. We see this reflected in the League of Nations era when members of voluntary organizations worked together with state representatives on the Advisory Committee on the Trafficking of Women and Children, examining domestic legislation, conducting research into trafficking operations, and monitoring the implementation of the 1921 Convention. However, coinciding with the release of two reports critical of state-sponsored prostitution regimes and a shift in international funding and priorities, the CTW was restructured. The League removed assessors from voluntary associations from positions of power and influence with the CTW. While there were opportunities throughout all three historical eras for alternative conceptualizations of international human sex trafficking to emerge and influence the global response, policymakers always emphasized the importance of state autonomy. They viewed the issue as a threat to state security. As a result, the historical

policies mainly focused on states' administrative capabilities (information sharing and response coordination). When the international community did implement legislative policies, they focused on tightening border controls, setting repatriation standards, and ensuring consistency among domestic legal instruments.

Today, the international anti-trafficking framework is established within the Palermo Protocol, which has a trilateral purpose: to prevent and combat trafficking in persons, to protect and assist the victims of such trafficking, and to promote cooperation among states. However, the ability to fulfill these purposes to their full capacities is hindered by the fact that international human sex trafficking is problematized and understood as an issue of state security and transnational organized crime. As such, the Palermo Protocol was institutionally housed within the UNODC and drafted within the context of the United Nations Convention against Transnational Organized Crime. The protocol itself deals primarily with strengthening borders patrols, stipulating repatriation procedures, and strengthening inter-state coordination. Despite representing one-third of the protocol's overall purpose, only one voluntary subsection of the entire agreement focuses specifically on the protection and assistance of victims. What this shows is that, despite policymakers' best intentions and their desire to protect victims of human trafficking, how they understand international human sex trafficking prioritizes the protection of the state, with victim protections coming second.

The problematization of international human sex trafficking as an issue of transnational organized crime is supported and legitimized in international governing organizations, government reports, and academic studies. It is also predicated on several key assumptions – particularly regarding the concepts of 'exploitation' and 'consent'. These concepts are viewed as static in current policy, often ignoring the nuance and variation within human experiences. They

are informed by and, in turn, reinforce the legal-versus-illegal migrant binary that conceptually separates trafficking and smuggling as separate phenomena. Additionally, this problematization of international human sex trafficking unintentionally establishes a 'perfect victim' paradigm. If a victim does not look or behave exactly like authorities expect a victim of trafficking to behave, they risk being miscategorized as a criminal rather than a victim.

One of the aspects that makes interpretive policy analysis a form of critical policy analysis is the way in which it examines the silences that exist in a policy framework. Due, in part, to the popularity of international human sex trafficking as a focus of interest within academia, activist groups, and government organizations, a number of alternative problematizations have emerged that assist in revealing what is left unproblematized by the dominant narrative. At their core, all the alternatives discussed in this thesis reject the premise that international human sex trafficking is primarily a threat to the state. The human rights approach problematizes international human sex trafficking as a threat to individuals because the act of being trafficked legally violates a number of the rights granted to individuals by the Universal Declaration of Human Rights and other international tools. As a result, policy solutions vary but typically focus on shifting the international anti-trafficking framework out from under the authority of the UNODC towards offices focused on the protection of human rights rather than crime reduction.

The feminist perspectives build off the human rights approach as they both problematize international human sex trafficking as a threat to individuals; however, each perspective specifically focuses on different individuals. The abolitionist approach problematizes international human sex trafficking as a threat to all women because it, as well as other facets of the commercial sex industry, subjugates women into sexual slavery. The resulting policy suggestions focus on the abolition of all commercial sex work. The underlying logic being that

all sex work is inherently exploitative. Therefore, the abolishment of the entire commercial sex industry will eradicate the market for sex. Conversely, sex-workers' rights activists problematize international human sex trafficking as a labour issue that threatens sex-workers. The premise is that sex work is a legitimate form of labor. The problems posed by international human sex trafficking are the context and conditions associated with coerced and exploitative sex work. Policy solutions put forth by sex-workers' rights organizations call for the full decriminalization of sex work and the implementation of regulations to protect consenting sex workers.

Finally, the migration approach problematizes international human sex trafficking as an issue in the global migratory regime that threatens vulnerable and irregular migrants. Proponents argue that the illegal-versus-illegal binary established within the current framework disadvantages victims and potential victims of trafficking and entirely erases the category of 'migrants who sell sex' from the narrative. Since this perspective views international human sex trafficking as a threat to irregular migrants, it calls for a re-examination of migration and labour policies. It also pushes international governing organizations and domestic governments to reduce the 'push' factors that may cause someone to seek irregular migration channels.

Even though my personal dissatisfactions with the dominant policy discourse are articulated throughout the work, the purpose of this thesis was not to advocate for one specific problematization or policy approach over the others. Instead, the purpose was to highlight how the ways we perceive and understand the problem of international human sex trafficking significantly affects the solutions that are proposed and the policies that are enacted. 'International human sex trafficking' is not an objective problem existing outside of its social, political, and historical contexts. Yes, the international community must respond to the phenomenon somehow, but the way it understands and problematizes the issue lays the

foundation for what policy solutions are considered viable by policymakers and which ones are not. I argued that both historical policies and current policy problematize the issue of international human sex trafficking as a threat to the state. Therefore, all policy solutions stemming from that understanding will serve to protect the state in some way - whether this is through controlling the border, regulating migration, or focusing on criminalization trafficking and prosecution of traffickers. Consequently, it is understandable that the current international anti-trafficking framework does little to protect and assist the victims of trafficking because it was never designed to do so.

Finally, I would like to note that, while this thesis examines international human sex trafficking policies and discusses biases and assumptions in a methodical and academic way, it cannot be overlooked or forgotten that these policies directly influence the lives of vulnerable people living in extremely precarious situations. Policymakers and academics all over the world sit in the comfort of their offices discussing international human sex trafficking, debating the intricacies and applicability of its definition, and fighting with each other about the validity and relevance of their findings and perspectives. All of which can be productive exercises and fruitful endeavours so long as these people remember that the issue that they are discussing is a very real, very human issue. Moreover, as I argued throughout this thesis, how policymakers understand international human sex trafficking will affect their anti-trafficking policies and, therefore, directly affect current and potential trafficking victims' lives. Men, women, and children all around the world face exploitative conditions every day – some of whom will fall into the legal definition of a trafficking victim, some will not. Regardless of how the international legal community decides to categorize their experience, their exploitation and

suffering should never go unrecognized or unacknowledged by the people who chose to study and address the phenomenon.

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