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Migration and its Intersection with Sex and Labor Trafficking: Incorporating Gender Analysis to  
Migrant Experiences

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## ABSTRACT

The human rights issue of human trafficking is a complex and contentious matter, with multiple dimensions and facets worth exploring. It spans a range of social, economic, and political considerations, making it imperative to delve into various aspects to comprehend the full scope and impact of this pervasive problem. One aspect that has been ignored and will be addressed in this thesis is the intersectionality of migration with sex and labor trafficking, through a gendered lens. This research aims to shed light on the unique experiences of survivors of different genders and gender identities who have been trafficked to and within the U.S., with a focus on narratives of these migrants. An exploration of discriminatory labor, criminal and immigration laws will be utilized as a historical backdrop for understanding gender dynamics among different trafficked populations. Despite legal distinctions between sex and labor trafficking, this paper will argue that labor trafficking often encompasses sexual abuse and sex trafficking not infrequently involves forced labor. Challenging misconceptions, this research strives to offer a nuanced analysis of the complex dynamics of human trafficking that are shaped by societal factors. My thesis will underscore the significance of gender, sexual orientation, and gender identity in mediating the trafficking experience, providing a comprehensive understanding of sex and labor trafficking as interconnected issues within the broader framework of human rights. By emphasizing gender dimensions, this thesis aims to contribute to a deeper understanding of societal factors that contribute to exploitation and vulnerability, as well as inform interventions and support for victims.

## TABLE OF CONTENTS

<b>Introduction</b> .....	5
<i>Thesis Question</i> .....	5
<i>Significance</i> .....	6
<b>Background</b> .....	7
<i>What is Human Trafficking</i> .....	7
<i>Types of Labor Trafficking</i> .....	11
<i>Historical and Legal Background</i> .....	13
<b>Literature Review</b> .....	22
<i>Previous Research</i> .....	22
<b>Theoretical Framework</b> .....	28
<b>Methodology</b> .....	29
<i>Qualitative Data</i> .....	29
<i>Ethical Considerations</i> .....	31
<b>Findings</b> .....	34
<i>Gendered Roles within Society</i> .....	34
<b>Breakdown of Gender Dynamics</b> .....	39
<i>Women</i> .....	39
<i>Men</i> .....	45
<i>Sexual/Gender Minorities</i> .....	51
<b>Concluding Remarks</b> .....	54
<i>Looking Forward</i> .....	54
<i>Conclusion</i> .....	56
<b>Appendix</b>	
<i>Appendix A</i> .....	58
<i>Appendix B</i> .....	62
<i>Appendix C</i> .....	67
<i>Appendix D</i> .....	70
<b>Bibliography</b> .....	76

## **INTRODUCTION**

Examining migration and its intersection with sex and labor trafficking, this thesis delves into the vulnerability of those who have been trafficked, particularly highlighting the societal neglect faced by individuals who have been trafficked in industries rarely examined. It will shed light on the unique experiences that these migrants have undergone, and that legislators have ignored, through a gendered lens.

### **Thesis Question**

This thesis seeks to answer and understand the following question: What are the similarities and differences among the unique experiences of male, female, gender non-conforming, and transgender migrant sex and labor-trafficked victims who have ended up in the U.S.? Specifically, this research question will focus on narratives from immigrants who have been trafficked to cities with large migrant populations within the United States, such as New York, and San Francisco.

In addressing this question, this paper will discuss the United States' history of discriminatory immigration and criminal laws such as the Page Act, and Mann Act, as well as more recent gender-blind legislation, such as the Trafficking Victims Protection Act of 2000 and its seven reauthorizations between 2003 and 2022. Although these recent laws address sex and labor trafficking in separate provisions and although organizations providing services to victims often consider sex and labor trafficking as separate and distinct phenomena. In reality, labor trafficking often involves sexual abuse and exploitation, and sex trafficking often involves labor exploitation, especially when the victims are women and girls, nonbinary, and members of the LGBTQ2I+ community but also too often in the case of cisgender male victims as well.

## **Significance**

By considering these prevalent misconceptions, this research will provide a more nuanced understanding of the complex dynamics of sex and labor trafficking and how they are shaped by larger societal factors. Although this topic is a small part of a much wider human rights inquiry, it will demonstrate how specific characteristics of a migrant person, especially their gender, sexual orientation, and gender identity, can change the entire trajectory of their trafficking story. By emphasizing the significance of gender in the experiences of trafficking victims, this thesis will provide a more in-depth and complex understanding of the issue of sex and labor trafficking, recognizing that the impact of gendered dimensions of human trafficking can shed light on larger societal issues that contribute to exploitation and vulnerability as well as intervention and victim support.

## **BACKGROUND**

### **What is Human Trafficking**

Under the Trafficking Victims Protection Act of 2000, the federal definition of “severe forms of trafficking in persons” is defined in two separate sections, sex trafficking and labor trafficking. Sex trafficking is defined as, “the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age.”<sup>1</sup> Labor trafficking is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subsection to involuntary servitude, peonage, debt bondage, or slavery.”<sup>2</sup> However, sex and labor trafficking often intersect, with those who are labor trafficked frequently experiencing sexual exploitation in addition to being subjected to forced labor. Similarly, those who are sex trafficked are often forced into unfree labor. According to the International Labor Organization (ILO), while 43% of human trafficking is for commercial sexual exploitation and 32% for labor exploitation, no less than 25% is for mixed labor and sex trafficking.<sup>3</sup> It is acknowledged that a significant number of people who are initially forced to work in sexualized industries like strip clubs, oftentimes are coerced into prostitution by their employer, significant others, or customers who promise economic opportunities and a better life. According to the Trafficking Victims Protection Act, such

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<sup>1</sup> “Human Trafficking | Human Trafficking,” October 6, 2015, <https://www.justice.gov/humantrafficking>.

<sup>2</sup> Ibid.,

<sup>3</sup> Jill Laurie Goodman and Dorchen Leidholdt, *Lawyer’s Manual on Human Trafficking: Pursuing Justice for Victims* (New York: The Committee, 2013).

instances of forced work in sexualized industries often fall under the legal definition of labor trafficking.<sup>4</sup>

Human trafficking is ranked as the third-largest criminal enterprise globally, trailing closely behind the drug trade and arms trafficking in terms of scale and prevalence.<sup>5</sup> Among the various manifestations of human trafficking, sex trafficking holds a dominant position, constituting a staggering 79% of all human trafficking cases while labor trafficking follows behind with 18%.<sup>6</sup> However, it is important to note that labor trafficking is researched and reported at a much lower rate than sex trafficking and has far less media coverage than sex trafficking, likely contributing to its much lower percentage.

Human trafficking has developed into modern-day slavery that extends beyond sexual orientation, nationality, and gender lines, endangering people of all demographic backgrounds. It is estimated that the number of trafficked individuals ranges from 20 to 40 million worldwide, and although adult women make up 51% of trafficking victims worldwide, there's an alarming increase in the percentage of girls and a significant percentage of men and boys, making up more than a quarter of those affected.<sup>7</sup>

Although many Americans continue to believe that human trafficking takes place exclusively in distant lands, the United States is far from immune to the reality of human trafficking. The U.S. State Department estimates that between 14,500 and 17,500 people are trafficked annually into the United States over international boundaries, primarily for forced

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<sup>4</sup> “Human Trafficking | Key Legislation,” December 9, 2016, <https://www.justice.gov/humantrafficking/key-legislation>.

<sup>5</sup> Shelley, Louise I. *Human trafficking: A global perspective*. Cambridge UK: Cambridge University Press, 2010.

<sup>6</sup> “Global Report on Trafficking in Persons,” United Nations : Office on Drugs and Crime, accessed December 4, 2023, [//www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html](https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html).

<sup>7</sup> “Global Estimates of Modern Slavery: Forced Labour and Forced Marriage,” Report, September 12, 2022, [http://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_854733/lang--en/index.htm](http://www.ilo.org/global/topics/forced-labour/publications/WCMS_854733/lang--en/index.htm).



labor and sexual exploitation.<sup>8</sup> Many of these victims are from Latin America, Asia, and Eastern Europe, with New York City and other populous cities such as Houston, Los Angeles, San Jose, Chicago, etc. identified as main entry points for victims of human trafficking.<sup>9</sup> As a result of a combination of factors, including persecution in their home countries, poverty, undocumented status, and language barriers, migrants are one of the most vulnerable groups of people trafficked.

Additionally, internal trafficking within the U.S. is a significant concern, with at least ten times as many people trafficked within the country compared to those trafficked across international borders.<sup>10</sup> Those most impacted by this internal trafficking are young women and children, living in conditions of poverty and disproportionately of color, who are used for commercial sexual and labor exploitation.<sup>11</sup>

A substantial amount of trafficking is hidden, due to the nature of the crime and the characteristics of the victims. A report by the University of Texas estimates that in Texas alone there may be more than 300,000 victims of human trafficking, with 79,000 children forced into the commercial sex trade and 234,000 adult victims of labor trafficking, most undetected by authorities.<sup>12</sup> Trafficking across international borders into the United States typically targets undocumented immigrants, who are terrified to report the abuse and exploitation they experience to authorities out of fear of arrest and deportation. Sex trafficking victims suffer acute stigma, shame, and fear of being arrested and prosecuted for prostitution-related crimes. Traffickers

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<sup>8</sup> “Human Trafficking: Modern Enslavement of Immigrant Women in the United States,” *American Civil Liberties Union* (blog), accessed December 4, 2023, <https://www.aclu.org/documents/human-trafficking-modern-enslavement-immigrant-women-united-states>.

<sup>9</sup> “Human Trafficking: Modern Enslavement of Immigrant Women in the United States

<sup>10</sup> Brian Willis, Norene Roberts, and Sara Ann Friedman, *And Boys Too*, 2013.

<sup>11</sup> *Ibid.*,

<sup>12</sup> “Editorial: Human Trafficking Happens Everywhere. Yes, Even Here,” Congresswoman Kay Granger, August 7, 2017, <https://kaygranger.house.gov/2017/8/human-trafficking-happens-everywhere-yes-even-here>.

instill fear in their victims, often threatening their family members if they seek help from authorities.

Generally, human trafficking is concealed and underreported on account of a combination of the fear, isolation, coercion, control traffickers instill in their victims, the lack of public awareness of the problem, the stigma imposed on victims, the ignorance and apathy of society, and frequent corruption of law enforcement. Due to these factors, the true number of trafficking victims cannot be determined. The disparity between the actual number of trafficking victims versus the reported number can be 82% to at most 86%, according to the National Institute of Justice.<sup>13</sup> In one jurisdiction that was studied the official trafficking number reported only 14% to 18% of the potential total trafficking victims in the community.<sup>14</sup>

Although women and girls are more likely to be subjected to sex trafficking, men and boys are also victims of sex and labor trafficking and are subjected to demeaning situations that are exponentially less likely to be reported. On top of the typical factors that lead to the underreporting of their victimization in trafficking, male victims bear the burden of societal expectations regarding masculinity. Men and boys tend to be more hesitant to report exploitation, particularly sexual exploitation, compared to women and girls, as such victimization contradicts the masculine values and stereotypes they are expected to adhere to.<sup>15</sup> Further, due to the common misconception that men can't be trafficked, this population is largely ignored by law enforcement and current literature.<sup>16</sup>

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<sup>13</sup> “Gaps in Reporting Human Trafficking Incidents Result in Significant Undercounting,” Gaps in Reporting Human Trafficking Incidents Result in Significant Undercounting, August 4, 2020, <https://nij.ojp.gov/topics/articles/gaps-reporting-human-trafficking-incidents-result-significant-undercounting#note1>.

<sup>14</sup> “Gaps in Reporting Human Trafficking Incidents Result in Significant Undercounting,”

<sup>15</sup> Brian Willis, Norene Roberts, and Sara Ann Friedman, *And Boys Too*, 2013.

<sup>16</sup> Goodman, and Leidholdt, *Lawyer's Manual on Human Trafficking*, 150.

## Types of Labor Trafficking

Labor trafficking takes place in diverse industries and is carried out through many different methods of exploitation. Trafficking can occur in agriculture, domestic work, manufacturing, construction, restaurants, leisure/hospitality, janitorial services, and hundreds of other industries.

Labor trafficking can include multiple forms one of which is bonded labor, a method of utilizing debts and loans to keep a worker under control.<sup>17</sup> This obligation frequently crosses generations and is carried over to the following one, forcing multiple generations to endure labor trafficking.<sup>18</sup> Workers may initially volunteer to enter an agreement/contract but are subsequently involved in a vicious cycle of servitude with little to no pay, high-interest rates, passport confiscation, and exploitive conditions. Oftentimes an escape is impossible due to the lack of wages to settle the debt or the fact that the debt keeps mounting, keeping victims in perpetual enslavement. Another form of labor trafficking is forced labor, where people are forced to perform labor against their will, frequently through coercion, threats, and even physical violence. Workers who are subjected to forced labor are not always burdened by an existing debt to repay, however, they similarly perform under terrible conditions from which they are unable to free themselves, caught in the clutches of their exploiters.<sup>19</sup> Other techniques that are utilized are “seasoning or grooming” in which the perpetrator “breaks down and reconstruct the victim's values, sense of self, and understanding of her or his relationship to society.”<sup>20</sup> This insidious

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<sup>17</sup> Siddharth Kara, *Bonded Labor: Tackling the System of Slavery in South Asia* (New York: Columbia University Press, 2014).

<sup>18</sup> “Preventing Human Trafficking by Supporting Children and Adults, Together,” accessed December 4, 2023, <https://www.acf.hhs.gov/otip/blog/2023/05/preventing-human-trafficking-supporting-children-and-adults-together>.

<sup>19</sup> “What Are Forced Labour, Modern Slavery and Human Trafficking? (Forced Labour, Modern Slavery and Human Trafficking),” accessed December 4, 2023, [https://www.ilo.org/global/topics/forced-labour/definition/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/definition/lang-en/index.htm).

<sup>20</sup> Goodman, and Leidholdt, *Lawyer’s Manual on Human Trafficking*, 174.

tactic involves the gradual undermining of an individual's confidence and perception of reality, leaving them questioning their own thoughts and emotions. Additionally, a strategy called 'reappraisal' is used where the perpetrator cognitively changes the situation the victim is in to alter its emotional impact.<sup>21</sup> This includes the perpetrator minimizing their situation, providing justification for their situation, or comparing their experiences to others who are worse off.<sup>22</sup> The frequent combination of tactics of instilling trust, sophisticated manipulation, isolation, and inducing desperation and fear pull victims into the web of trafficking, often without their knowledge that they are being trafficked. All of these nefarious practices are characterized by the fundamental disrespect for the autonomy and well-being of the individual and are marked by the absence of personal choice and the presence of compulsion.

Furthermore, victims are exploited through multiple, sometimes highly elaborated, sometimes apparently ordinary, socially engineered trafficking networks. They range from organized crime rings, family and community members, "mom-and-pop" operations, employment agencies, husbands and boyfriends, pimps, diplomats, wealthy compatriots, madams and mama-sans, internet auction blocks, etc.<sup>23</sup> Not infrequently victims themselves end up as the confederates of traffickers, assisting them with the control and exploitation of other, often more recent victims.<sup>24</sup> The dynamics, demographics, and modus operandi of human trafficking are highly complex while much of the discourse about it has been stereotypical and binary, contributing to a pervasive myth that sex and labor trafficking are separate and distinct gender binary phenomena. This myth has resulted in a pervasive tendency among those addressing

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<sup>21</sup> Ibid.,174.

<sup>22</sup> Ibid.,174.

<sup>23</sup> Leidholdt, "Understanding and Combating Human Trafficking."

<sup>24</sup> Alexandra Baxter, "Sex Trafficking's Tragic Paradox: When Victims Become Perpetrators," The Conversation, May 22, 2019, <http://theconversation.com/sex-traffickings-tragic-paradox-when-victims-become-perpetrators-115706>.

issues of human trafficking to emphasize labor abuses at the expense of sexual abuses and vice versa and to thus ‘underscore the artificial distinction between sex and labor trafficking.’<sup>25</sup> In reality, sex and labor trafficking are oftentimes interconnected, occurring simultaneously or sequentially, and affecting individuals of any gender.

## **Historical and Legal Background**

The practice of labor trafficking is not a recent phenomenon in the United States. As early as August 1619, over four centuries ago, a British ship arrived at Point Comfort in Virginia, marking the first documented sale of enslaved Africans in what is now the United States.<sup>26</sup> These enslaved individuals had been captured by British sailors from a Portuguese slave ship and were traded to the Virginia colonists in exchange for food, inaugurating the inception of race-based chattel slavery in the country—an egregious form of human trafficking.<sup>27</sup>

Over the following two centuries, this practice spread through South America, the Caribbean, and North America, resulting in the enslavement and transportation of more than 12.5 million individuals between 1501 and 1807.<sup>28</sup> Notably, ships from North America played a part in the trafficking of at least 305,000 captured Africans between 1626 and 1867, and in the years preceding the United States' official prohibition of the international slave trade in 1808, a quarter of all trafficked Africans were transported on ships flying the American flag.<sup>29,30</sup>

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<sup>25</sup> Goodman, and Leidholdt, *Lawyer’s Manual on Human Trafficking*, 103.

<sup>26</sup> Mary Elliott and Jazmine Hughes, “A Brief History of Slavery That You Didn’t Learn in School,” *The New York Times*, August 19, 2019, sec. Magazine, <https://www.nytimes.com/interactive/2019/08/19/magazine/history-slavery-smithsonian.html>.

<sup>27</sup> *Ibid.*,

<sup>28</sup> “The Transatlantic Slave Trade | Equal Justice Initiative,” Equal Justice Initiative Reports, accessed January 5, 2024, <https://eji.org/report/transatlantic-slave-trade/>.

<sup>29</sup> *Ibid.*,

<sup>30</sup> Djeneba Aduayom, “Their Ancestors Were Enslaved by Law. Now They’re Lawyers.,” *The New York Times*, August 14, 2019, sec. Magazine, <https://www.nytimes.com/interactive/2019/08/14/magazine/howard-university-law-school.html>.

In the United States, the plight of female slaves was marked by intersecting forms of oppression. Enslaved women endured the same types of forced labor, physical abuse, and total deprivation of liberty as their male counterparts, toiling in the fields, their masters' homes, and various other settings, where they were subjected to harsh conditions that exacted a devastating physical and psychological toll.<sup>31</sup>

In addition to being subjected to labor trafficking, enslaved women were compelled to participate in a system of concubinage, forced to engage in sexual relationships with other slaves to produce children who, in turn, would be born into enslavement. Further, enslaved women were subjected to sexual abuse by their white enslavers, as revealed in a multitude of enslaved women's narratives.

While the intersection of labor and sexual exploitation of enslaved women is now recognized in scholarship and the media, the experience of male slaves who faced similar forms of sexual assault at the hands of both white men and white women has largely been ignored. Male slaves were frequently subjected to sexualized torture including forced reproduction, sexual touching, penetrative assault, and sexual coercion and manipulation.<sup>32</sup> Through slave owner journals, slave narratives about incidents of sodomy enacted by slave owners, court cases that reveal the concubinage of male slaves by white women in Antebellum America, and testimonies, these assaults are disclosed.<sup>33</sup> Despite historical evidence that attests to the sexual violence directed against enslaved men, the recognition of the sexual victimization of male slaves in mainstream historical literature and current discourse continues to be insufficient, underscoring the neglect of the full narrative of male victims in human trafficking. The sexual exploitation and

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<sup>31</sup> Leidholdt, "Human Trafficking, Race-Based Slavery in the Americas, and the Abolitionist Movement."

<sup>32</sup> Thomas A. Foster, "The Sexual Abuse of Black Men under American Slavery," *Journal of the History of Sexuality* 20, no. 3 (2011): 445–64.

<sup>33</sup> Foster, "The Sexual Abuse of Black Men under American Slavery."

abuse of African American men continued beyond the ending of slavery with the passage of the Thirteenth Amendment in 1865, with the labor and sex trafficking of these victims persisting.

U.S. laws followed suit by continuously creating a divide between male and female trafficking victims and failing to recognize the full spectrum of violence they were subjected to. This is evident in the Page Act of 1875, a federal immigration law that prohibited the recruitment of unfree laborers and women in prostitution into the United States.<sup>34</sup> While the Page Act was ostensibly intended to prohibit the labor exploitation of immigrants, its real purpose and effect was to severely curtail Asian immigration into the United States. The Page Act deepened discrimination against Chinese immigrants, some of whom were being subjected to labor and sex trafficking, by stigmatizing Chinese men as “coolies” and Chinese women as “immoral” and “prostitutes.” As stated by Dr. Kevin Nadal, a professor at the City University of New York, “Chinese women were specifically accused of spreading sexually transmitted diseases. They were scapegoated. That sexualized stereotype stuck.”<sup>35</sup> These racist and gendered stereotypes of migrant Asian women and men persist today, with Asian women stigmatized as exotic sexual chattel and their male counterparts portrayed exclusively as menial laborers, intensifying their vulnerability to sex and labor trafficking.

The Mann Act of 1910 also known as the White Slave Traffic Act made it a felony for men to bring women across state lines and international borders for “the purpose of prostitution or debauchery, or for any other immoral purpose.”<sup>36</sup> Although there was significant human trafficking at the end of the 19<sup>th</sup> and beginning of the 20<sup>th</sup> centuries, with significant numbers of

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<sup>34</sup> “Page Law (1875),” *Immigration History* (blog), accessed December 4, 2023, <https://immigrationhistory.org/item/page-act/>.

<sup>35</sup> “Before the Chinese Exclusion Act, This Anti-Immigrant Law Targeted Asian Women,” HISTORY, September 28, 2023, <https://www.history.com/news/chinese-immigration-page-act-women>.

<sup>36</sup> “Mann Act,” LII / Legal Information Institute, accessed December 4, 2023, [https://www.law.cornell.edu/wex/mann\\_act](https://www.law.cornell.edu/wex/mann_act).

Eastern European women trafficked into sexual slavery in American and Latin American cities, principally New York, Buenos Aires, and Rio de Janeiro, the drafters of the Mann Act largely ignored this reality.<sup>37</sup> Instead, they fostered the prejudicial beliefs that immigrant women predominantly immigrated to the United States for sexual servitude while immigrant men were sexual predators who seduced white American girls and young women into prostitution (“white slavery”).<sup>38</sup> While the Mann Act was faced with backlash as was directed against consensual sexual activities, a topic lost in its operation was the need for the protection of male victims of sex and labor trafficking.<sup>39</sup> As stated by Hallie Lieberman “The paternalistic nature of the Mann Act hurt both sexes, as it ignored the trafficking of boys and the numerous male prostitutes who escaped prosecution and regulation, unlike their female counterparts.”<sup>40</sup> Despite multiple amendments throughout the 20th century since the passage of the Mann Act, it wasn’t until November 1986 that the Act became completely gender-neutral, protecting male and nonbinary victims of sex trafficking as well as females.<sup>41</sup>

Some human rights advocates in the early part of the 20th century continued their trend of ignoring male victims of human trafficking by drafting women-specific trafficking laws that utilized gender-specific wording. For example, two early League of Nations human rights conventions addressing sexual slavery, the 1921 International Convention for the Suppression of the Traffic in Women and Girls, and the 1933 International Convention for the Suppression of the Traffic in Women of Full Age, focused exclusively on the protection of women, ignoring the

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<sup>37</sup> Isabel Vincent, *Bodies and Souls: The Tragic Plight of Three Jewish Women Forced into Prostitution in the Americas* (Toronto: Random House Canada, 2005).

<sup>38</sup> “Mann Act,” LII / Legal Information Institute, accessed December 4, 2023, [https://www.law.cornell.edu/wex/mann\\_act](https://www.law.cornell.edu/wex/mann_act).

<sup>39</sup> Hallie Lieberman, “Why Laws to Fight Sex Trafficking Often Backfire - The Washington Post,” Why laws to fight sex trafficking often backfire, May 4, 2019, <https://www.washingtonpost.com/outlook/2019/03/04/why-laws-fight-sex-trafficking-often-backfire/>.

<sup>40</sup> Lieberman, “Why Laws to Fight Sex Trafficking Often Backfire”

<sup>41</sup> *Ibid.*,



many cases of sexual exploitation of men and boys. In contrast, the 1926 Slavery Convention, a League of Nations treaty requiring government signatories to eliminate slavery, the slave trade, and forced labor in their territories, extended protection to people of all genders.<sup>42</sup> This Convention contains a seminal definition of slavery that is reproduced in subsequent anti-slavery treaties, “Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised,” and specifically defines and prohibits debt bondage, serfdom, the labor exploitation of children, and child and forced marriage.<sup>43</sup> Building on this treaty, the 1956 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, is fully gender neutral in its provisions and applies to women, men, and nonbinary people alike.

Treaties addressing sex trafficking promulgated subsequently by the United Nations rejected the gender-specific approach of the League of Nations. The 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (“the 1949 Convention”), a human rights treaty that requires ratifying governments to prohibit all forms of sex trafficking and pimping, is gender-neutral in its language and applies equally to men, women, and nonbinary people.<sup>44</sup> Its gender-neutral preamble states that prostitution and sex trafficking are “incompatible with the dignity and worth of the human person.”

The United Nations Convention on the Rights of the Child, signed in 1989 and made effective in 1990, established the civil, political, economic, social, health, and cultural rights of children. Its Optional Protocol on the Sale of Children, Child Prostitution, and Child

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<sup>42</sup> “Slavery Convention,” OHCHR, accessed January 4, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/slavery-convention>.

<sup>43</sup> Ibid.,

<sup>44</sup> “Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,” OHCHR, accessed January 4, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>.

Pornography (signed in 2000) requires governments to ensure that their criminal laws prohibit and punish trafficking a child in forced labor trafficking a child in prostitution, trafficking a child in pornography.<sup>45</sup> All of its provisions apply equally to boys, girls, and children of other or no genders.

In 1979 the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Described as an international bill of rights for women, it was instituted in 1981. CEDAW considers trafficking in women and exploitation of the prostitution of women as severe forms of gender inequality. Article 6 of the CEDAW Convention directs States Parties to: “take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women.”<sup>46</sup> The CEDAW Committee makes General Recommendations on emerging issues affecting women to which States Parties should devote more attention. General Recommendation 38, issued in 2020, addresses the obligations of States Parties to combat all forms of trafficking of women and girls in the context of global migration.<sup>47</sup> While CEDAW is a gender-specific human rights convention it has the special mission of addressing gender discrimination against women, although it has recently been criticized for “reinforcing a strict sex/gender binary of man and woman and excluding the narratives of those who fall outside of this cis-heteronormative worldview.”<sup>48</sup>

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<sup>45</sup> “Convention on the Rights of the Child,” OHCHR, accessed January 4, 2024,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>46</sup> “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979,” OHCHR, accessed January 4, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

<sup>47</sup> “General Recommendation No.38 (2020) on Trafficking in Women and Girls in the Context of Global Migration,” OHCHR, accessed January 4, 2024, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no38-2020-trafficking-women>.

<sup>48</sup> “Queering Women’s Rights: Re-Examining CEDAW,” Human Rights Pulse, March 1, 2021, <https://www.humanrightspulse.com/mastercontentblog/queering-womens-rights-re-examining-cedaw>.

The most recent United Nations Convention on Human Trafficking, not a human rights treaty but a criminal one, is The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (“the Palermo Protocol”). While the Palermo Protocol acknowledges that women and children are primary victims of human trafficking all of its provisions are drafted in gender neutral language and apply equally to men and those of other genders<sup>4950</sup> The Palermo Protocol has established what is considered a universal definition of human trafficking:

“the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability. . . for the purpose of exploitation [including] exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery. . . .”<sup>51</sup>

The first United Nations human rights instrument underscores the universal nature of human rights, affirming its inherent application to all people regardless of their background, status, or gender. The Universal Declaration of Human Rights also directly addresses slavery in Article 4 (“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”) and indirectly addresses it in other articles, especially Articles 1, 2, 3, 5, 6, and 7.<sup>52</sup> These articles within the UDHR act as guiding principles for the global community to establish a framework that enacts legislation to protect all individuals without distinction of their background. Ensures that everyone has security, is free from torture, and inhuman conditions,

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<sup>49</sup> Goodman, and Leidholdt, *Lawyer’s Manual on Human Trafficking*,95.

<sup>50</sup> UNODC. 2021. Global Report on Trafficking in Persons 2020. S.L.: United Nations.,13.

<sup>51</sup> “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime,” OHCHR, accessed January 4, 2024, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

<sup>52</sup> United Nations, “Universal Declaration of Human Rights,” United Nations (United Nations), accessed January 3, 2024, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

and is recognized as a person under the law. In cumulation with Article 4, the UNHR has solidified that each individual is protected from actions akin to slavery including but not limited to human trafficking.

Passed by Congress in 2000, the Victims of Trafficking and Violence Protection Act (TVPA), is key legislation in the U.S. government's fight against trafficking. Like the Palermo Protocol, the TVPA is gender neutral and its provisions apply fully and equally to men and boys, nonbinary, and gender-nonconforming victims. While the text of the TVPA is gender-neutral, interpretations and implementation of the law have been criticized as having a perceived emphasis on women and sex trafficking.<sup>53</sup><sup>54</sup> As the original TVPA was enacted alongside the Violence Against Women Act (VAWA), much of the discourse surrounding its passage falsely portrayed the Act as primarily focused on the sex trafficking of women and girls from countries outside of the United States. According to Carr et al. (2014, 112), "to listen to legislators explain the need for TVPA, one might think that human trafficking only happened to women and girls from other countries and that it only involved sex trafficking, not labor trafficking."<sup>55</sup> Furthermore, the 2013 reauthorization of the TVPA was once again linked to VAWA, passing as an amendment to the "Violence Against Women Reauthorization Act," which underscored the interconnectedness of human trafficking to the trafficking of women and ignored the sex and labor trafficking of men, boys, and nonbinary people.<sup>56</sup>

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<sup>53</sup> Tabitha Bonilla and Cecilia Hyunjung Mo, "The Evolution of Human Trafficking Messaging in the United States and Its Effect on Public Opinion," *Journal of Public Policy* 39, no. 2 (2019): 201–34, <https://doi.org/10.1017/S0143814X18000107>,230.

<sup>54</sup> Claire Bishop, "The Trafficking Victims Protection Act of 2000: Three Years Later," *International Migration* 41, no. 5 (2003): 219–31, <https://doi.org/10.1111/j.0020-7985.2003.00267.x>,224.

<sup>55</sup> Bonilla and Mo, "The Evolution of Human Trafficking Messaging in the United States and Its Effect on Public Opinion.",230.

<sup>56</sup> *Ibid.*,230.

While slavery was abolished more than a century ago, de facto practices of slavery continue today through contemporary forms of sex and labor trafficking, termed human trafficking. Because the discourse surrounding our federal anti-trafficking laws is primarily focused on the sex trafficking of women and girls, the labor trafficking of women and girls, the sex trafficking of men and boys, and both forms of trafficking of nonbinary and gender nonconforming people receive insufficient attention by the media and those charged with implementing federal human trafficking laws, too often leaving these vulnerable trafficking victims at the mercy of their exploiters.

## LITERATURE REVIEW

### **Previous Research**

As the foundation of my literature review, I will deconstruct the existing literature to evaluate and analyze what has been written about the dichotomy between the gender experience of women and girls in human trafficking, especially sex trafficking, and that of nonbinary survivors, survivors who are members of the LGBTQ2I+ community, and cisgender male survivors. In the first section, I will begin by acknowledging the works of literature that have addressed the gendered experiences of human trafficking survivors to demonstrate how such writing can spread knowledge and enhance resources that help victims of all identities and backgrounds. This literature will also help support and strengthen my analysis and provide comprehensive insight to the literature and research available but rarely acknowledged. In the second section, I will focus on the more prominent, visible, and widespread literature that dominates this field. Unfortunately, this body of literature has failed to recognize the intersecting experiences of those with differing genders in human trafficking, resulting in the oversight of their experiences as victims, which exacerbates the lack of resources and support to assist them. My research will build upon this section to argue the importance of recognizing each individual story, to illustrate how each gender has been categorized into specific forms of trafficking, both deepening the harm they have suffered and restricting the resources available to assist them.

The anthology: *The Historical Roots of Human Trafficking: Informing Primary Prevention of Commercialized Violence* by Makini Chisolm-Straker and Katherine Chon, and *The Lawyer's Manual on Human Trafficking* by Jill Laurie Goodman and Dorchen A. Leidholdt (Editors), both play an essential role to my paper, serving as literature that has acknowledged the phenomenon of the intersection of gender experiences in sex and labor trafficking amongst

migrants, and ways that lawyers and the public can assist this invisible population. *The Historical Roots of Human Trafficking: Informing Primary Prevention of Commercialized Violence* moves beyond the typical textbooks that delve into what human trafficking is by definition as well as the laws, theories, and practices that are involved in the crime. It provides a more nuanced and detailed perspective on the issue of human trafficking. Going beyond a discussion of legal definitions and descriptions of trafficking's diverse manifestations, this work delves into the historical evolution of trafficking, exploring the economic and social forces that have fueled its persistence and growth over centuries. *The Historical Roots of Human Trafficking* also unveils the legal framework that has enabled policymakers to monitor and prevent specific practices while also underscoring socioeconomic factors that hinder some from acknowledging the widespread nature of trafficking and its impact on ordinary lives.<sup>57</sup>

Most importantly the textbook reveals how ordinary people, often unwittingly, contribute to the perpetuation of trafficking, either by unwitting subscribing to myths standardized by society or by failing to recognize trafficking victims.<sup>58</sup> By challenging the pervasive, erroneous beliefs about human trafficking that have gained widespread social acceptance, the authors shed light on the dangers these stereotypes pose to victims of these crimes. The prevention strategies proposed by the authors go beyond anti-trafficking advocacy; they extend to the promotion of anti-racism, anti-xenophobia, and anti-sexism work that is too often ignored but essential to the fight against trafficking.<sup>59</sup>

*The Lawyer's Manual on Human Trafficking* is a valuable source of information that analyzes all dimensions of human trafficking, especially in relation to the statistics, the

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<sup>57</sup> Chisolm-Straker and Chon, *The Historical Roots of Human Trafficking*.

<sup>58</sup> *Ibid.*,

<sup>59</sup> *Ibid.*,

representation of immigrants in human trafficking, the representation of males in human trafficking, descriptions of how to represent victims of all backgrounds, discussions of legal remedies and the application of the law, and practical advice to lawyers assisting victims. As a lawyer's manual, this anthology devotes multiple chapters (6, 7, 10,11, 12, 13, 14) to remedies and supportive practices for both lawyers and the general population to help trafficking survivors of all genders and backgrounds in criminal, family, and immigration courts.

On the other side of the spectrum, current literature on human trafficking too often follows a similar pattern of typecasting male and female victims into specific gendered roles. When looking at literary, statistical, and legal work on labor trafficking within migrant groups through a gendered lens, there are not many illuminating and instructive sources as many authors hone in on labor trafficking as an individualized phenomenon, happening to people who have fallen on bad luck, rather than considering it in relation to structural inequalities in the global context of chains of supply and demand that have precipitated an increase in labor trafficking victims.<sup>60</sup>

As described in the article, "Economic Migration Gone Wrong: Trafficking in Person through the Lens of Gender, Labor, and Globalization," human trafficking is usually analyzed within the discipline of criminology instead of those of economics, globalization, and trade liberation.<sup>61</sup> However, globalization has introduced new issues by creating a more competitive economic environment where corporations are under pressure to cut costs to remain competitive. As a result, work has been outsourced to countries with lower wages and weaker regulations,

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<sup>60</sup> Genevieve LeBaron and Ellie Gore, "Gender and Forced Labour: Understanding the Links in Global Cocoa Supply Chains," *The Journal of Development Studies* 56, no. 6 (April 2019): pp. 1095-1117, <https://doi.org/10.1080/00220388.2019.1657570>.

<sup>61</sup> Raigrodski, Dana. "Economic Migration Gone Wrong: Trafficking in Persons through the Lens of Gender, Labor, and Globalization." *Indiana International & Comparative Law Review* 25, no. 1 (2015): 79. <https://doi.org/10.18060/7909.0006>.



exposing more people to forced labor. This state of affairs contributes to gender disparities in labor trafficking by creating situations that render workers more prone to exploitation and abuse, as well as by maintaining gender inequalities in work environments. Another layer to the issue is the contested definitions of free vs. unfree labor that make researchers wary of delving into who the victims of trafficking really are. Unfree labor refers to situations in which employees are forced to work against their will, through threats, restrictions on their mobility, wage garnishments, and corrupt contracts that constrain them to low wages, long hours, and unsafe working conditions. It becomes clear that many in situations of unfree labor are in reality human trafficking victims, bound to their traffickers by these abusive and exploitative labor practices but operating under the mistaken belief that they are doing regular labor. The concept of unfree labor includes a spectrum of exploitative labor practices, from slavery to bonded labor, and indentured servitude all represent forms of labor trafficking. Furthermore, as described by Stephen Castles in “The Factors that Make and Unmake Migration Policies,” in *The International Migration Review*, scholars and policymakers who have addressed the situation of migrants usually do so within the frame of immigration policies and border control, rather than as a human rights issue.<sup>62</sup> For example, when migrants are discussed within our political systems, lawmakers mainly discuss mechanisms to put in place for border and immigration control to discourage migration. In so doing, they skip over the human rights concerns that underlie migration, such as the reasons why people are leaving their home countries, the dangers they face in the migration process, and the difficulties they face when they arrive. Additionally, when it comes to a gender analysis of labor trafficking victims in the context of migration, the literature is scarce. Those who have delved into the topic mainly focus on the typical gender

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<sup>62</sup> Stephen Castles, “The Factors That Make and Unmake Migration Policies,” *Migration, Citizenship and Identity* 38, no. 2 (2004): pp. 121-153, <https://doi.org/10.4337/9781788112376.00013>.

roles of migrants, with women in roles of domestic servitude and commercial sexual exploitation.<sup>63</sup> Migrant men are typically addressed in the realms of construction work, agriculture, fishing, and restaurant work. In addition, these authors focus almost exclusively on gender stereotypical dimensions of the experiences that male and female migrants undergo while in those gendered roles. For example, literature and narratives on migrant women's experiences almost always mention the sexual exploitation they have undergone and the mental anguish their experiences of trafficking have taken on their mental health. For males, literature and narratives describe their exploitation in masculine jobs, but little is mentioned about their psychological distress.<sup>65</sup> Furthermore, there has been little to no literature on the intersection of male and female experiences. Although men have also suffered mental anguish and sexual exploitation, alongside multiple side effects of trafficking, there has been little literature addressing these experiences. For women, the literature has confined them to discussion of sexual exploitation but rarely focused on, for example, their labor exploitation in industrial work. Furthermore, there is little to no literature on the experiences of gender non-conforming and transgender migrants who have undergone labor trafficking. In 2020, the Polaris Project reported that 34% of likely victims of labor trafficking are gender minorities/unknown gender (including transgender males, transgender females, and non-binary or gender non-conforming individuals). In 2021, the number dropped slightly to 30%.<sup>66</sup> Nonetheless, almost a third of all trafficking victims hold a

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<sup>63</sup> Syed, Iffath Unissa. "Labor Exploitation and Health Inequities among Market Migrants: A Political Economy Perspective." *Journal of International Migration and Integration* 17, no. 2 (2015): 449–65. <https://doi.org/10.1007/s12134-015-0427-z>.

<sup>64</sup> Oram, Siân, Melanie Abas, Debra Bick, Adrian Boyle, Rebecca French, Sharon Jakobowitz, Mizanur Khondoker, et al. "Human Trafficking and Health: A Survey of Male and Female Survivors in England." *American Journal of Public Health* 106, no. 6 (2016): 1073–78. <https://doi.org/10.2105/ajph.2016.303095>.

<sup>65</sup> Rutvica Andrijasevic, "Forced Labour in Supply Chains: Rolling Back the Debate on Gender, Migration and Sexual Commerce," *European Journal of Women's Studies* 28, no. 4 (March 2021): pp. 410-424, <https://doi.org/10.1177/13505068211020791>.

<sup>66</sup> "Polaris Analysis of 2021 Data from the National Human Trafficking Hotline" (Washington D.C: Polaris, 2021), pp. 1-28.

gender identity that is not cisgender and heterosexual. However, they have been ignored and dismissed by the current literature, even those works that focus on gender analysis and theory. The lack of recognition of the prevalence of transgender males, transgender females, and non-binary or gender non-conforming trafficking victims both reflects and perpetuates narrow mainstream stereotypes that invalidate and delegitimize many human trafficking survivors who are in greatest need of assistance. My thesis question addresses these gaps by combining human rights and gender analysis and through diverse narratives will reveal the lived experiences of gender nonconforming human trafficking survivors that have been rendered voiceless and invisible.

My thesis will be rooted in existing literature that acknowledges and addresses the gender diversity of survivors of human trafficking and narratives of survivors of labor trafficking that reflect this diversity. I will incorporate into my thesis readings that discuss migration and labor trafficking through the lenses of a wide array of disciplines, including history, psychology, law sociology, and economics, as they all relate significantly to the issue of gender as well. For discussion of key issues that impact survivors' experiences of labor trafficking—most notably gender-based violence, colonization, discriminatory labor or migration laws, and gender-blind policies will be recognized.

## **THEORETICAL FRAMEWORK**

Through these readings and many others, a gap was apparent in the discussion between male and female victims, and that is where I will step in. I will use this body of literature in two ways: first to demonstrate the need for an evolution in the literature on human trafficking and migration narratives to address and analyze the gendered dimensions of the experiences of all those subjected to human trafficking, including situations in which migrants undergo experiences different from the typical gender normative roles. Many narratives more recently have started to describe males being sex trafficked, females forced into machinery work, and gender-nonconforming migrants suffering victimization in labor trafficking as well. Yet these experiences and patterns have not been sufficiently analyzed to date. Secondly, I will utilize progressive literature that has acknowledged these dimensions to build upon current literature that has not. I will intertwine the multiple methods I observed throughout the readings to discuss their differing stories: for example, using the economic lens to discern how and why they were trafficked in our existing system, and accessing historical knowledge to understand their history or background that rendered them vulnerable. Through this technique, I will compare and contrast the experiences that male, female, and gender minority migrants undergo in their trafficking ordeals while acknowledging that women and transgender people are more affected, but still giving a say to the male migrants who tend to be ignored even through the gender lens. This strategy also uses a more egalitarian analysis that considers all migrants' viewpoints, regardless of their gender identity. By adopting this inclusive approach where there is an acknowledgment of the spectrum of experiences that migrants endure, a more comprehensive understanding of migrant experiences will be demonstrated.

## METHODOLOGY

### **Qualitative Data**

My methodology will focus mainly on qualitative data, reviewing the current literature as a foundation, and building upon it by utilizing narratives to help address my research question. To answer my question, I will begin by exploring the issue of why there are specific differences between labor-trafficked victims based on gender. This will require contextualizing labor trafficking within gender-based violence and exploring stereotypical gender roles, social constructs, discriminatory labor or migration laws, gender-blind policies, and overall gender inequality that contribute to the dynamics of gender differences among victims. I will begin with an analysis of current literature from multiple disciplines, including history, sociology, law, etc., that have all contributed to the understanding of the division in gender roles among victims of labor trafficking.

In addition, I will discuss why there has been little literature on the intersection of male and female trafficking victims. The experiences that they both undergo despite their differences include but are not limited to an analysis of why there has been little conversation about male victims who have undergone sex trafficking. This topic will be rooted in the history and social construct argument that has contributed to the lack of discourse on this topic. While the current literature is limited to situating women subjected to labor exploitation in typical feminine roles and male victims to typically masculine roles, I will utilize these experiences of exploitation as a starting point to describe the difference in trafficking experiences. I will then follow a bottom-up approach where I will use narratives (through survivors) affidavits, interviews, and archival material to depict both the overlapping and contrasting experiences that they have endured.

I will first examine the stories of a representative group of women who have undergone labor trafficking and sex trafficking. They include Olga, a victim from Ukraine, who underwent labor trafficking and threats of sex trafficking; Patricia M., an immigrant from Mexico who was labor trafficked in the agricultural industry and was raped and assaulted for years;<sup>67</sup><sup>68</sup> and Shirley, a victim from China who was labor and sex trafficked in a massage parlor.<sup>69</sup> I will then compare and contrast their trafficking experiences to those of male trafficked victims, including Case A (anonymous affidavit), a male migrant from South America who was labor and sex trafficked in the tri-state area; Santiago Perez Navarro, a heterosexual migrant male who experienced sexual exploitation in connection with labor trafficking, and Christian Eduardo Nava, a gay migrant male who also underwent both sex and labor trafficking.<sup>70</sup> Further, I will recognize the prevalence of LGBTQ2I+ migrant victims who have undergone similar experiences of trafficking, while facing distinctive encounters as a result of their identity. Narratives from Case A, Christian Eduardo, and Case B (anonymous affidavit) a transgender women migrant from Honduras who underwent both sex and labor trafficking throughout the United States will be analyzed.

In current literature, there is a deep divide in the discussion on the role's men, women, and sexual minorities assume in the context of sex and labor trafficking, however, these narratives will reveal that job roles of trafficked people do overlap across all backgrounds. In the next part of my thesis, I will move on to the experiences gender minorities undergo. While there

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<sup>67</sup> Goodman, and Leidholdt, *Lawyer's Manual on Human Trafficking*, 32 - 35.

<sup>68</sup> Grace Meng, "Cultivating Fear," *Human Rights Watch*, May 15, 2012, <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and>.

<sup>69</sup> *Women and Men Migrant Workers: Moving towards Equal Rights and Opportunities* (Geneva: International Labor Organization, 2008).

<sup>70</sup> The Voices And Faces Project photography by Lynn Savarese R. Clifton Spargo, "The Traveler: Santiago Pérez Navarro," *The Traveler: Santiago Pérez Navarro*, accessed April 3, 2023, <https://www.worldwithoutexploitation.org/survivor/santiago-perez-navarro>

have been quantitative data that confirms that a significant portion of migrant labor trafficking involves gender minorities, there have been few online narratives to review.

Each of these victims experienced labor trafficking and shared similar threads of exploitation and vulnerability but differed in other respects of their experiences, the work-related roles they assumed, and how they navigated their victimhood. I will compare their overarching similarities while acknowledging their outlier experiences as well. These stories will be utilized to better understand how their gender and gender identity changed the ways they were treated and the experiences they underwent, but also how male victims can experience similar tribulations as women and vice versa, despite the deep division of gender roles. Through the examination of these cases, I hope to demonstrate how analyzing the trafficking-related experiences of male, female, and gender minorities can enhance our understanding of individual migrant stories while encouraging the development of research and literature on the distinctive experiences of gender minorities who have experienced gender-based violence and exploitation.

### **Ethical Consideration**

Labor trafficking in the United States has been understudied and under-evaluated, making it difficult to create a precise understanding of its prevalence in different sectors and demographic groups.

The lack of awareness and research on labor trafficking comes from many factors. The main one is the categorization of what is considered labor trafficking. The defining terms and legal ramifications are a contentious issue amongst researchers, lawyers and the immigrants themselves.<sup>71</sup> For example, many of the victims do not consider themselves victims of labor

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<sup>71</sup> Bonilla and Mo, “The Evolution of Human Trafficking Messaging in the United States and Its Effect on Public Opinion.”

trafficking but meet the criteria for the definition of labor trafficking laid out in the TVPA, especially if they are paid partially if they signed themselves up for the position even if they did not fully understand the exploitation it entailed if they suffered verbal abuse but no physical coercion in their work experience, etc. A majority of migrants consciously immigrate to search for work with the understanding that their migration journeys will be difficult; migrants are often willing to undergo inhumane working conditions temporarily to support their families back home. They often consider the human rights violations they undergo as afflictions they are personally responsible for rather than institutionalized human trafficking. Additionally, migrants are often unaware of the minimum wages they are entitled to, or unaware of the federal and labor laws they are protected under, even as undocumented immigrants.<sup>72</sup> These false beliefs and consciousness may even perversely have psychological benefits, causing migrant survivors to feel as though they are in control of their own lives, that they came to the decision themselves, and enable them to contextualize themselves as a regular worker.<sup>73</sup> Of course, their traffickers encourage these false beliefs and benefit from them financially.

The same false beliefs and complicating factors that deter labor trafficking victims from recognizing the extent of their exploitation can also deter authorities and service organizations from identifying labor trafficking and providing victims with urgently needed protection and assistance, resulting in institutional unpreparedness and the lack of enforcement of current labor trafficking laws.<sup>74</sup> Consequently, there has been a lack of adequate guidance, specialized training, and resources for law enforcement officers and other investigators to identify labor

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<sup>72</sup> Greg Hall, Richard Schoeberl, and David Gonzalez, “Labor Trafficking Vulnerabilities and Victimization,” *Policechiefmagazine.org*, June 22, 2023, <https://www.policechiefmagazine.org/labor-trafficking-vulnerabilities-victimization/>.

<sup>73</sup> Hall al., “Labor Trafficking Vulnerabilities and Victimization,”

<sup>74</sup> Goodman, and Leidholdt, *Lawyer’s Manual on Human Trafficking*, 30.



trafficking, provide services to victims, and hold their exploiters accountable. Without the capability to develop labor trafficking investigations, labor, and law enforcement efforts fail to develop the integration of best practices necessary to form units to combat labor trafficking in its many guises across the country.<sup>75</sup> Addressing this issue requires a partnership between law enforcement agencies and local/federal labor regulars who have direct training in assessing labor trafficking, so they can have better access to information on potential labor trafficking within their communities.<sup>76</sup> Currently, these working relationships have been underdeveloped or nonexistent. This reality is supported by data from 40 U.S. federally funded human trafficking task forces: only 11% of all trafficking cases were designated labor trafficking.<sup>77</sup> The tiny percentage of labor trafficking cases being investigated and prosecuted by law enforcement and labor authorities demonstrates the lack of governmental resources and failure to comprehend the complexity of labor trafficking cases and the plight of their victims, which need to be addressed comprehensively.

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<sup>75</sup> Amy Farrell et al., “Policing Labor Trafficking in the United States,” *Trends in Organized Crime* 23, no. 1 (March 1, 2020): 36–56, <https://doi.org/10.1007/s12117-019-09367-6>.

<sup>76</sup> Farrell et al., “Policing Labor Trafficking in the United States,”

<sup>77</sup> Farrell et al., “Policing Labor Trafficking in the United States,”

## **FINDINGS**

### **Gendered Roles within Society**

Literature, the implementation of U.S. laws and policies, and civil society reflect and perpetuate the gender stereotypes and erroneous gendered conceptions about trafficking and those who are trafficked, e.g., only women are sex trafficking victims; men who are labor trafficked do not experience sexual abuse and exploitation; and sex and labor trafficking are separate and distinct phenomena. When examining our current society, the understanding of trafficking, specifically sex and labor trafficking has been gendered in the way that it has been portrayed within media. Gender bias becomes evident when there is infrequent acknowledgment or representation of males as victims of sex trafficking and women in the role of labor trafficking. The utilization of traditional gender norms has created a perspective of victimhood foisted on women while men are portrayed largely as perpetrators, such as pimps, instigators, buyers, and traffickers.<sup>78</sup> For example, when researching images for anti-trafficking awareness campaigns, I encountered images on Google that almost exclusively portray women as victims (Figure 1).

Women and sex trafficking have become synonymous in mainstream media, with a lack of discussion on other genders and identities and labor trafficking as NGOs and the U.S. government have recognized that the utilization of the rescue narrative promotes the most empathy among the public. Women become the ideal victims as the stereotypical notion that they are one of the most vulnerable populations pulls on society's hero complex to elicit distress.

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<sup>78</sup> Carrie Baker, "Moving Beyond 'Slaves, Sinners, and Saviors': An Intersectional Feminist Analysis of US Sex-Trafficking Discourses, Law and Policy," *The Journal of Feminist Scholarship*, no. 4 (April 1, 2013), [https://scholarworks.smith.edu/swg\\_facpubs/10](https://scholarworks.smith.edu/swg_facpubs/10).

Using imagery of girls being silenced, blinded, and innocent, adverts can construct a ‘perfect victim’ to society’s inclination to respond urgently to assist these victims.<sup>79</sup>

Additionally, as ‘sex sells’ become a recognized reality in media, sex trafficking utilizing women, brings about the most attention. The usage of shock value is used through sensationalized images to incentivize readers and donors into engaging with their initiatives.<sup>80</sup> While these organizations harbor well-intentions, it result in the society of focus primarily only on women and sex trafficking, in turn boxing women exclusively within sex trafficking.

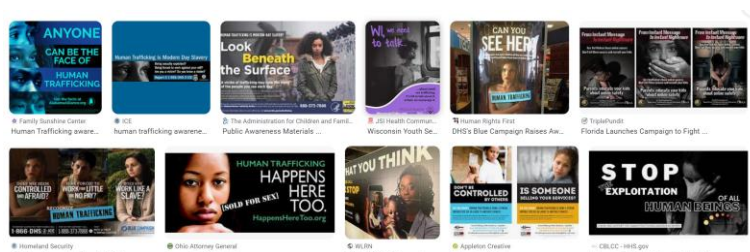


Figure 1

While concepts of gender roles, masculinity, and femininity are universal and have shaped human existence since the beginning of time when the grouping of people began, it has become indoctrinated into the hyperpatriarcal communities that many migrants come from. In addition to typical societal stereotypes that categorize women and men into specific gender roles, immigrant mindsets have routinely embedded an emblematic significance on categories of gender, race, and sexuality in their communities.

For example, the notion of traditional masculinity has historically prescribed that males serve as providers and protectors of the family, causing them to internalize their own challenges in conforming to this narrow stereotype. In addition, males are encouraged to be in socially

<sup>79</sup> Ibid., 9

<sup>80</sup> Ibid., 10-20

beneficial professions, such as being a police officer, firefighter, construction worker, engineer, mechanic, etc.<sup>81</sup> For example, a writer for *The Cosmopolitan* (then, a “family magazine”) described laundry work as a “woman’s occupation [and men did not] step into it for fear of losing their social standing.”<sup>82</sup> Immigrant men who migrated to support their families back home and are weighed down by the persistent need to provide may come to embrace and embody overtly masculine traits in the hope of conquering the challenges faced with securing their family’s well-being. The article “Masculinity and Undocumented Labor Migration: Injured Latino Day Laborers in San Francisco,” by Walter, Bourgeois, and Loinaz, explains, “Cultural constructions of patriarchal masculinity among undocumented Latino Day laborers organize their sense of self-worth and define their experience of poverty and social marginalization.”<sup>83</sup> As a result, immigrant men may reserve the label of “men of honor” to express their utmost respect for the laborer who is “muy trabajador” (“a very hard worker”). Conversely, the terms “flojo” and “vago” (“soft,” or “lazy,” or “good for nothing”) are frequently used as derogatory slurs for those whom they deem unmanly.<sup>84</sup>

While these terms reflect typical social understandings of a hard-working masculine man, immigrants have often attached significance to a male identity rooted in hard work as a defense mechanism. To preserve self-esteem and mitigate the discomfort associated with the necessity of openly offering one’s labor on a street corner, often in the face of a sometimes hostile public, male migrant workers perpetuate a cultural emphasis on industriousness.<sup>85</sup> Continuing from

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<sup>81</sup> Patricia Huion and Muhammet Hakan Ayçiçek, “Not All Migrant Men Embrace Toxic Masculinity, Do They?,” *Rivista Italiana Di Educazione Familiare* 19, no. 2 (December 2021): 41–50, <https://doi.org/10.36253/rief-10521>.

<sup>82</sup> Michael Park, “Asian American Masculinity Eclipsed: A Legal and Historical Perspective of Emasculation Through U.S. Immigration Practices,” *The Modern American* 8, no. 1 (2013): 5-17.

<sup>83</sup> Nicholas Walter, Philippe Bourgeois, and H. Margarita Loinaz, “Masculinity and Undocumented Labor Migration: Injured Latino Day Laborers in San Francisco,” *Social Science & Medicine* (1982) 59, no. 6 (September 2004): 1159–68, <https://doi.org/10.1016/j.socscimed.2003.12.013>.

<sup>84</sup> Walter, Bourgeois, and Loinaz, “Masculinity and Undocumented Labor Migration.”

<sup>85</sup> Walter, Bourgeois, and Loinaz, “Masculinity and Undocumented Labor Migration.”

Walter et al. a common sentiment that male workers often share is “The man is the only arm of the family” (“el hombre es el único brazo de la familia”).” This patriarchal definition of the male, head-of-household as primary provider often takes on an exaggerated importance for day laborers because of the hardships and danger they undergo to fulfill that masculine script.”<sup>86</sup> These preconceived notions entrenched in society contribute to the perception and internalized belief among migrant men that males must conform to traditional male gender norms. Deviation from these norms often results in societal ostracization and the imposition of feminized labels, creating a captive population reluctant to publicly challenge these expectations, thus perpetuating a cycle of restrictions and concealment. This avoidance not only hinders the open discussion of the issue of rigid masculine gender roles but also influences existing literature on male trafficking victims, portraying them predominantly in traditionally masculine roles and, if trafficked, in labor industries such as construction, armed conflict, agriculture, and factory work.

There is another even more problematic dimension of traditional male gender roles in relation to human trafficking that must be acknowledged. Traditional attitudes of masculinity encourage men in general—immigrant men are no exceptions—to view women and girls in stereotypical ways—as naturally submissive, as inferior to men and boys, as domestic servants, and as sex objects—and to adopt attitudes and behaviors of aggression and ruthless acquisition.

Furthermore, hegemonic masculinity further reinforces inter-male dominance, thereby stigmatizing homosexuality, and contributing to the perpetuation of another group of people who have been ignored and oppressed. A shift towards recognizing and respecting the individualized experiences of all genders can help foster an environment where victims feel more encouraged to come forward. By moving away from a stereotypical narrative and acknowledging the diverse

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<sup>86</sup> Ibid.,

range of gender experiences, our culture can evolve to inclusively recognize and address all groups of people who have experienced exploitation.

## **BREAKDOWN OF GENDER DYNAMICS**

### **Women**

Within the subject of human trafficking, women have been confined to the area of sex trafficking, with little acknowledgment of their victimhood in labor trafficking, a sector they make up more than 56% of.<sup>87</sup> Women also constitute the majority of the workers in the informal economy, oftentimes being concentrated in the most insecure forms of informal employment.<sup>88</sup> The same societal stereotypes and sexual objectification that contribute to the prevalence of women and girls in sex and labor trafficking also have contributed to the false belief that when women and girls are trafficked it is exclusively for sex and not for labor.

The perpetuation of these gender norms has been carried out by the men who have governed the class and market structure since the founding of the United States. The establishment of these gender norms predates the “founding fathers” by centuries. Many of these were directly involved in human trafficking as the owners of enslaved people, as the beneficiaries of the system of slavery, as husbands who owned the labor and bodies of their wives under the doctrine of marital unity, and who were legally authorized to discipline their wives for acts of disobedience, and as customers of sex trafficking operations.<sup>89</sup> Patriarchal ideals of the perfect family formed the idea that middle-class women should be confined to the domestic sphere and working-class women placed in subservient roles inside the home and in the workplace. In the United States labor laws were promulgated by men who advanced labor policies that linked their interests with the formation of traditional social conventions.<sup>90</sup> Their

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<sup>87</sup> Goodman, and Leidholdt, *Lawyer’s Manual on Human Trafficking*, 4.

<sup>88</sup> “National | National Human Trafficking Hotline,” accessed December 4, 2023, <https://humantraffickinghotline.org/en/statistics>.

<sup>89</sup> *The Sex of Class: Women Transforming American Labor*, 1st ed. (Cornell University Press, 2007), <https://www.jstor.org/stable/10.7591/j.ctt7zf0b>.

<sup>90</sup> *The Sex of Class: Women Transforming American Labor*,

concerns about maintaining the patriarchal family structure gave rise to the idea that female workers should be dismissed or ignored when working. White upper-class males with gender-stereotypical views of labor and diversity still dominate and influence labor procedures and priorities, resulting in women who have been labor trafficked, especially in male-dominated fields, to undergo exploitation without recognition. Furthermore, as sexualization is frequent and engaging in lighthearted activities could be interpreted as an invitation to engage in sexual harassment, men deem that women joining these male-dominated businesses must expect to be assaulted. Many times, these men fail to recognize their threats and assaults as labor and sex trafficking as they have considered women as their subordinates and free to their abuse.

In the agricultural industry, where women constitute a majority of the workforce and are often time labor trafficked into will often undergo, sex trafficking, at the hands of the same farm owners who have labor trafficked them. Hundreds of undocumented migrant women often seasonal workers have come out to speak out about the sexual assaults they have suffered.<sup>91</sup> While they first started as victims of labor trafficking, being exploited in the fields, the rape and continuous threats of deportation leads them to become victims of sex trafficking as well. In an indictment in Georgia, seasonal workers who were labor trafficked stated they were threatened with “‘rap[e], kidnapping and threatening or attempting to kill some of the workers or their families, and in many cases sold or traded the workers to other conspirators.’ At least two workers died as a result of the living and working conditions, and another was repeatedly raped.” Women have described their supervisors calling their workplace a “fils de calzón,” or “fields of

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<sup>91</sup> Women: Invisible in labor and Labor Trafficking, accessed December 4, 2023, <https://humantraffickinghotline.org/sites/default/files/Women%20and%20Forced%20Labor%20-%20GFC.pdf>.



panties.”<sup>92</sup> These derogatory terms make migrant women workers targets for harassment and assault by multiple farm owners and supervisors. Another term used for the fields is “green motels,” reflecting the orchards or fields as places where female workers are unconditionally sexually available and can be subjected to rape.<sup>93</sup> Picked from the fields, farm owners will pass around women to other supervisors and farms to labor in their fields and to be assaulted. Awareness that they are perceived as sexual objects rather than individuals working for their livelihood, migrant women workers frequently opt to don attire that conceals their faces and all parts of their bodies.<sup>94</sup> The labor and sex trafficking of migrant workers by farm owners tends to be unacknowledged and further perpetuated by the idea that women are subservient and in turn compliant to sex and labor trafficking.

Although women constitute the majority of the labor sector, it is still dominated, and policed by traditional gender-conforming men. As a result, the recognition of their labor and sex trafficking is almost non-existent. The prevalence of women who have undergone labor trafficking and sexual trafficking, without acknowledging that they are victims of trafficking continuously communicates a powerful message regarding women’s societal roles and their designation as people of servitude by male perpetrators.

Furthermore, the legal and social system separation of sex and labor trafficking have caused significant challenges to recognize the full scope of abuses that women have undergone. Women should not always be perceived merely as a victim of sex trafficking as their abuse is often entrenched with abuses common with labor trafficking. Their experience encompasses a

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<sup>92</sup> Grace Meng, “Cultivating Fear,” *Human Rights Watch*, May 15, 2012, <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and>.

<sup>93</sup> “Female Workers Face Rape, Harassment In U.S. Agriculture Industry | Rape in the Fields | FRONTLINE | PBS,” accessed September 4, 2023, <https://www.pbs.org/wgbh/pages/frontline/social-issues/rape-in-the-fields/female-workers-face-rape-harassment-in-u-s-agriculture-industry/>

<sup>94</sup> Meng, “Cultivating Fear,” *Human Rights Watch*.

spectrum of violations that converge both sex and labor trafficking. In the legal and academic fields, researchers split the two experiences apart. While it is both recognized as a form of human exploitation, it is categorized differently in the nature of the abuse, the environments in which they occur, and the societal perceptions surrounding each sector.

In contradiction to mainstream ideas of trafficking women who are trafficked into one labor or sex trafficking tend to experience the other simultaneously. They may be first trafficked into labor trafficking where they find themselves coerced to work in exploitative conditions within industries such as agriculture, construction, domestic labor, or manufacturing. Their exploitation will revolve around labor output, hazardous conditions, limited earnings, and extensive work hours. However as time goes on, many women end up experiencing sex trafficking as well through the utilization of similar threats and coercion that kept them within their labor trafficking environment. In addition to labor exploitation, they will undergo sexual harassment and assaults and may be forced to participate in commercial sex acts, including but not limited to prostitution, and pornography.

The environment in which it occurs is also similar as can happen in farms, factories, bars, massage parlors, private households, and brothels. The industries and establishments that are known for labor trafficking such as farms and factories will have instances of sexual exploitation as well. Conversely, establishments that are known to be for sex trafficking such as brothels and massage parlors will have workers enduring labor trafficking. The control mechanism employed on the women will be one of the same: physical threats and abuse, debt bondage, psychological manipulation, and physical violence. Many times, these acts disproportionately affect women, particularly migrant women.

A significant area of trafficking that the public tends to primarily allocate to labor trafficking but not sex trafficking is the domestic care industry. Domestic workers often face the dual threat of labor abuses and sexual abuses in their private households. In these intimate settings, they are especially vulnerable to the range of violations that encompass both fields of trafficking. In an overlooked domain of trafficking are United Nations diplomats who labor and sex trafficking women from their home country to New York. By exploiting their diplomatic immunity, they bring domestic workers to the United States and enslave them sexually and domestically. As a result of the considerable influence of the diplomats, their lack of language skills, and basic rights, these workers are virtually always hidden.

On the other hand, the public often deems brothels and massage parlors synonymous with sex trafficking, but in many instances, these establishments are hubs for labor trafficking as well. The women in the industry will work as prostitutes, the cleaning crew, receptionists, and may even be forced to work as the pimp. As a way for the upper echelons of the trafficking rings to safeguard themselves from the police, they delegate the female workers to carry out the laborious and sexual tasks in the forefront of massage parlors and brothels, leaving them susceptible to arrest. It is crucial to understand that the women who are associated with the traditional occupation of these sexual establishments are victims who are forced to engage in a range of activities beyond sex work.

The narratives in **Appendix A** expose the trafficking in labor and sex, the lack of support, the assaults, and the discrimination immigrant women go through due to their gender.

Although these two fields often converge the societal stigma between the two differs significantly. Labor trafficking victims face comparatively less pronounced societal condemnation and recognition, resulting in their obscuration and lack of public awareness and

empathy. While sex trafficking is recognized but is faced with persistent misconceptions by society. Additionally, within the legal framework addressing these two forms of exploitation also exhibits distinctions in the law. Sex trafficking has a much more comprehensive and developed framework for prosecution, victim prevention, and prevention measures than labor trafficking. To fully understand and remediate the full range of the violations that immigrants go through while being trafficked, the law, scholars, and society have to recognize the intersection between sex and labor trafficking. Targeted interventions, support systems, and legal responses must be formed to be tailored to the unique challenges faced by victims of both labor and sex trafficking, as an equal and interlinked phenomenon.

## Men

In past and current literature, and media, boys, and men have been ignored when it comes to the discussion of their sexual abuse. According to Jeffery Dennis in “Women are Victims, Men Make Choices: The Invisibility of Men and Boys in the Global Sex Trade” a research that analyzes the acknowledgment of men and boys in scholarly articles he quotes “Scholarly discussions of sex workers nearly always specify “she,” “her,” or “the woman,” as if no man ever sold his sexual services.”<sup>95</sup> A search was conducted on JSTOR and SocInfo, the two leading social science databases, to identify articles in peer-reviewed journals published between January 2002 and March 2007.<sup>96</sup> The search included specific keywords or phrases in the abstracts, such as prostitution, prostitutes, sex workers, sex work, male prostitution, male prostitutes, and male sex workers.<sup>97</sup> After excluding reviews, opinion pieces, and historical studies, a total of 166 articles remained.<sup>98</sup> When examined 84% of the articles in the sample exclusively addressed female sex workers, 10% focused solely on male sex workers, and 6% discussed both.<sup>99</sup> As Dennis continues to state “The mere belief that women outnumber the men in sex work, however, does not explain why men are so often completely erased. Only 28 articles, 17%, explicitly stated that they were limiting their populations to women. The majority, 67%, presented the term “prostitute” as precisely identical to “female prostitute” and “sex worker” as precisely identical to “female sex worker,” as if “male prostitute” or “male sex worker” was a linguistic impossibility.”<sup>100</sup>

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<sup>95</sup> Jeffery P. Dennis, “Women Are Victims, Men Make Choices: The Invisibility of Men and Boys in the Global Sex Trade,” *Gender Issues* 25, no. 1 (March 1, 2008): 11–25, <https://doi.org/10.1007/s12147-008-9051-y>.

<sup>96</sup> Dennis, “Women Are Victims, Men Make Choices.”,12.

<sup>97</sup> *Ibid.*,12.

<sup>98</sup> *Ibid.*,12.

<sup>99</sup> *Ibid.*,13.

<sup>100</sup> *Ibid.*,13.

The leading cause of the lack of discussion of men and boys in sex trafficking originates from the widespread belief that men cannot be victims. This perspective may originate from the persistent emphasis on the male-perpetrator and female-victim paradigms as well as from conventional ideas of masculinity. Men are generally discouraged in many cultures from expressing emotion or sensitivities since those qualities are seen as feminine. This allows male vulnerability to be hidden by displays of male authority, while female weakness is emphasized in the media and trafficking adverts. However, this notion has to be discarded as of June 2007 “males make up 31% of adults and 18% of children certified by the United States as trafficking victims, whether for sexual or labor exploitation.”<sup>101</sup> Furthermore, when the author of one study in “The Commercial Sexual Exploitation of Children in New York City” (New York City CSEC study) had initially expected to recruit mainly girls controlled by pimps, young males ultimately comprised 48% of the total sample.”<sup>102</sup>

Male victims in the sex trafficking industry are extensive but virtually invisible. They are trafficked everywhere into typical industries, working in normal jobs, blending into our everyday lives, but also undergoing labor trafficking and sexual exploitation. The narrative in **Appendix B** demonstrates their invisibility in our current system.

Throughout the United States and the world, men's and boy's participation in the sex trade is apparent but invisible. This oversight arises not only from the absence of public discourse but also from the reticence of male victims themselves. Undermined by social stigma and mental health “[y]oung male survivors of commercial sexual exploitation often adopt an indifferent attitude even when recounting extreme abuse of power imbalance with customer.”<sup>103</sup>

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<sup>101</sup> Goodman, and Leidholdt, *Lawyer's Manual on Human Trafficking*, 149.

<sup>102</sup> *Ibid.*, 150.

<sup>103</sup> Goodman, and Leidholdt, *Lawyer's Manual on Human Trafficking*, 156.

To try to cope with the stigma, shame, and self-loathing that come from their participation in the sex industry and as a victim of sex trafficking, they will often identify their actions as a part of the “hustle” culture. Furthermore, they may glamourize their participation in the sex trade, boasting of their ability to attract customers as a protective measure to shield themselves from societal judgment and condemnation. Consequently, they rarely speak out or reach out to law enforcement for help.

Additionally, male victims who do not identify as queer, but have been compelled or coerced into having sex with men, are hesitant to share information about their sexual activities. Factors such as internalized homophobia, societal taboos that may drive ostensibly heterosexual men to seek sexual services from them, and inflexible concepts of gender may contribute to men avoiding the acknowledgment of the gender of their clients.<sup>104</sup> They often struggle with feelings of guilt related to their sexual exploitation and societal norms against engaging in same-sex sexual activities.<sup>105</sup> This not only makes it difficult for them to escape and report their trafficking for fear that others will judge their sexual orientation, but it also complicates the efforts of their lawyers to convince immigration authorities and law enforcement that they are victims of trafficking and commercial sexual exploitation. Advocates for sex trafficked migrant males not only need to encourage male survivors to speak out about their experiences, but they also have to challenge societal perceptions of trafficking.

Moreover, the invisibility of male victims in sex trafficking contributes to the neglect of their cases by both social and legal services and law enforcement in the courts and in practice. Social workers, healthcare professionals, shelter workers, police officers, and even anti-trafficking advocates frequently lack adequate knowledge about male victims, perpetuating the

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<sup>104</sup> Ibid., 156.

<sup>105</sup> Goodman, and Leidholdt, *Lawyer’s Manual on Human Trafficking*, 156.

misconception that they are not victims. In some cases, this can result in their misidentification leading to the insufficient provision of support for male victims. This continuously hinders the development of effective support systems and intervention strategies for this overlooked demographic. It also creates a knowledge gap that maintains the invisibility of male victims and underscores the urgency for comprehensive education and awareness initiatives within professional sectors. This is especially apparent for law enforcement: in “a recent survey in the state of Georgia, only 27 percent of Latino immigrants interviewed reported they had trust in the police.”<sup>106</sup>

In addition, victims who do reach out for assistance and are believed to be victims of human trafficking are often faced with a lack of resources to assist them, especially when they are undocumented immigrants. The main two immigration laws in effect to assist adult undocumented victims are the U and T-visa. The U-Visa is for victims of a designated crime, (most involving gender-based violence) who have endured mental distress or physical abuse and are willing to help law enforcement. The T-visa is specifically for trafficking victims, allowing them to gain status while they assist law enforcement in investigating and prosecuting the act of trafficking. However, these remedies with multiple drawbacks and limitations.<sup>107</sup> Although it is reported that between 15,000 - 17,000 victims of human trafficking enter the United States annually, between 2000 and 2008 less than 1,400 victims have obtained T non-immigration status relief.<sup>108</sup> While this number has grown to 3,020 approvals in 2022, the most ever approved, it is still considerably below the number of people trafficked into the U.S.<sup>109</sup> The

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<sup>106</sup> Ibid.,121.

<sup>107</sup> Characteristics of T nonimmigrant status (T visa) applicants fact sheet ..., 2023, [https://www.uscis.gov/sites/default/files/document/fact-sheets/Characteristics\\_of\\_T\\_Nonimmigrant\\_Status\\_TVisa\\_Applicants\\_FactSheet\\_FY08\\_FY22.pdf](https://www.uscis.gov/sites/default/files/document/fact-sheets/Characteristics_of_T_Nonimmigrant_Status_TVisa_Applicants_FactSheet_FY08_FY22.pdf).

<sup>108</sup> Ibid.,

<sup>109</sup> Ibid.,



demographics who have received the T-Visa are split almost evenly between females and males, highlighting that victims are not only females but males as well. The number of applicants received in 2022, which amounted to 4,940, (the highest ever recorded) further demonstrating the lack of publicization of victims.<sup>110</sup>

If they have revealed that they have undergone trafficking, oftentimes only the cases deemed the most "winnable" are likely to be prosecuted when brought to the attention of government or private lawyers.<sup>111</sup> Legal action is not necessarily taken against the most egregious or reprehensible violations, but rather against cases where the perpetrator can be located, the aggrieved individuals are not too intimidated to testify, and there is strong evidence.<sup>112</sup> After their bravery in speaking out, the additional trials and tribulations they have to undergo include the challenge of convincing authorities, lawyers, and the public to believe them, compounding the emotional toll of sharing their experiences.

Then during the process of receiving the T-visa victims have to recount traumatic events and place a tremendous amount of trust in authorities, which can lead to a reexperience of earlier trauma and trigger traumatic symptoms. While undergoing trial they have to explicitly recount everything that has occurred to them, oftentimes demeaning acts in front of strangers and authorities. Revealing this history is difficult, emotionally challenging, and long, as many of these cases take months to years (currently it takes 17 months to just process the T-visa application) to process adding to the already arduous process of seeking justice.

Further, cooperation with law enforcement for a T-Visa is necessary but can be challenging due to past legal issues. Individuals may fear engaging with authorities, particularly

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<sup>110</sup> Ibid.,

<sup>111</sup> Chisolm-Straker and Chon, *The Historical Roots of Human Trafficking*, 94.

<sup>112</sup> Ibid., 94.

if they have been involved in drug possession, prostitution, assault, or robbery, as they risk prosecution for other offenses. In some instances, survivors were mandated to register as sex offenders due to convictions for unlawful acts coerced by traffickers.<sup>113</sup> Encountering these social or familial ostracizations, limitations on travel or relocation, additional restrictions on accessing services, housing, and public amenities, and in certain cases losing custody of their children based on their designation as a sex offender causes additional limits to speak and assist officers with their investigation.<sup>114</sup>

The narratives in **Appendix C** extrapolate to survivors who faced challenges when trying to speak out about their labor and sex trafficking experiences and obtain immigration relief. Each anecdote illustrates the setbacks they have experienced when describing their trafficking experiences, reaching out to authorities, and trying to obtain legal status. Although these are just a few narratives, the majority of cases shared online involve immigrant survivors who have encountered similar obstacles in their pursuit of protection and justice.

Men and boys have long been neglected in the discourse around sex trafficking, being overshadowed by the predominant focus on female victims. When discussed, they are boxed into the category of victims of labor trafficking in male-dominated professions. The lack of attention to male victims in the context of sex trafficking stems from traditional gender paradigms and cultural ideals of masculinity reinforced by deeply rooted views that men cannot be victims. Despite this, research by the ILO, Polaris, and narratives from male sex trafficking survivors challenge these stereotypes, indicating a significant percentage of males, have faced or are

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<sup>113</sup> “2022 Trafficking in Persons Report - United States Department of State,” U.S. Department of State, October 20, 2022, <https://www.state.gov/reports/2022-trafficking-in-persons-report/>.

<sup>114</sup> “2022 Trafficking in Persons Report - United States Department of State,”

undergoing trafficking. The narrative presented here serves as a poignant illustration of the extensive yet concealed experiences of male victims within the sex trafficking industry.

### **Sexual/Gender Minorities**

In literature, society, and trafficking discourse, LGBTQ2I+ and nonbinary immigrant victims are often ignored. As a group of people who already face discrimination based on their background as immigrants, their sexual orientation and gender identity exacerbate their vulnerability to trafficking and assault. Gender norms, stereotypes, and biases contribute to the erasure of their identities, leading to marginalization and an increased exposure to exploitation. This state of affairs is especially prominent in traditional immigrant communities, which too often disregard, persecute, and/or expel members of the LGBTQ2I+ community. The report “Sex Trafficking and LGBTQ Youth” by Polaris reveals that LGBTQ homeless youth, in particular, face a 7.4 times higher likelihood of sexual violence compared to their non-LGBTQ peers and are three to seven times more likely to resort to survival sex for basic needs.<sup>115</sup> Members of the LGBTQ2I+ and non-binary community encounter numerous distinctive challenges in their daily lives beyond the common discrimination they already face as immigrants. Coming out often leads to condemnation from family and friends, resulting in the withdrawal of vital resources such as financial support and healthcare access. Moreover, they are frequently cast out of their families and communities and, as a result, experience homelessness and violence, compelling them to navigate the world without support and placing them at an elevated risk of being targeted by traffickers. According to Polaris, a majority (83%) of transgender/non-conforming human trafficking victims are trafficked for sexual exploitation,

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<sup>115</sup> “Sex Trafficking and LGBTQ+ Youth,” Polaris, June 1, 2019, <https://polarisproject.org/resources/sex-trafficking-and-lgbtq-youth/>.

while the rest face trafficking for labor or other forms of exploitation.<sup>116</sup> The 2015 Urban Institute report, "Surviving the Streets of New York," highlights the heightened vulnerability of homeless LGBTQ2I+ youth to human trafficking and abuse. Many of these youths resort to engaging in the sex trade through various channels, including online ads, social media, hotels, and customers' residences as they have no other resources to survive as a result of their abandonment due to their sexuality/gender.

Fear remains a pervasive factor in the lives of LGBTQ2I+ and non-binary individuals, influencing their daily existence and perpetuating vulnerabilities to exploitation. Oftentimes traffickers will exploit their housing insecurity, threaten to disclose their LGBTQ2I+ identity, offer money, food, drugs, and life-saving medication, promise their safe-keeping, glamorize the sex industry, manipulate their self-worth, induce distrust of others, and withhold gender-expressive medication, all to entrap them in the sex and/or labor trafficking industry.

The narratives in **Appendix D** demonstrate how the survivors' sexual identity played a role in their harassment, assaults, and trafficking. It also demonstrates the techniques used to coerce them into the sex industry and how widespread but normalized sexual exploitation is among the LGBTQ2I+ and non-binary communities.

The marginalized experiences of LGBTQ2I+ and nonbinary immigrant victims within trafficking discourse often go unnoticed. Despite their trafficking occurring frequently and publicly, their identification as victims is rare. Further, their dual identity as immigrants and members of a minority gender/sexual identity increases their susceptibility to trafficking and abuse. This is especially true in immigrant communities where LGBTQ2I+ persons are prone to marginalization and physical assault. Disturbingly, reports by Polaris and the Urban Institute

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<sup>116</sup> "Sex Trafficking and LGBTQ2I+ Youth," Polaris,

highlight the alarming vulnerability of LGBTQ2I+ youth to trafficking and abuse, resulting in their need to resort to survival sex to survive. Fear and manipulation by traffickers become pervasive forces in their lives, emphasizing the urgent need for targeted support and awareness to dismantle the cycle of vulnerability and exploitation.

## CONCLUDING REMARKS

### **Looking Forward**

Introducing a gender analysis into the issue of labor trafficking, a more comprehensive understanding of the experiences and needs of each trafficking victim is possible. Currently, the understanding of human trafficking and implementation of human trafficking laws is shaped by the perspectives advanced by members of social and political elites in a wide array of systems and institutions, including law enforcement, public policy, and the media, many of whom lack a nuanced and multi-faceted understanding of the experiences of diverse victims and survivors. A related problem exists in insular immigrant communities, where traditional gender stereotypes, biases, and misconceptions prevail. As a result, many of the most marginalized victims of human trafficking, especially immigrants, are never identified and are left without the protection and assistance they desperately need while their exploiter's undeterred move from victim to victim. Tragically, the prohibition of slavery articulated in Article 4 of the Universal Declaration of Human Rights (“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”) remains unrealized and the promise of protection offered by the numerous anti-slavery and anti-trafficking conventions and legislation that followed it at both the international and national levels remains empty.

To gain a complete and inclusive grasp of the human rights issue of human trafficking, diverse frames, and messaging strategies have to be implemented to alter people's perceptions of the problem and impact their willingness to support related policies. This entails adopting a more nuanced approach to crafting literature and media on human trafficking and the formation of more diverse and inclusive laws and policies to address the issue. Outside of anti-trafficking laws, the incorporation of anti-discrimination, anti-racism, and anti-sexism discourse and

analysis into advocacy on behalf of human trafficking survivors is pivotal. Advocacy for policies, legislation, and services that safeguard all trafficked individuals, not only those whose experiences conform to gender stereotypes, is crucial. Recognizing that immigrant women, men, and members of the LGBTQ2I+ and non-binary community can undergo all forms of human trafficking is essential. Advocacy efforts should focus on enhancing legal and regulatory protection policies focused on early intervention in both the labor and sex sectors instead of prosecuting victims in the name of protection. Additionally, policies need to be developed and implemented that address all genders, including workplace protocols that will comprehensively protect victims from all forms of assault and harassment, while deterring trafficking. Additionally, providing work authorization for immigrants independent of specific abuses and employers, ensuring autonomy and the ability to escape abusive situations, is imperative.

Addressing sex and labor trafficking requires a more sophisticated approach: one that includes an understanding of human trafficking as a form of exploitation of immigrants with complexities beyond simplistic perspectives. This would require a collaborative relationship among lawyers, social support organizations, and law enforcement. Urgently needed strategies include building awareness of signs of trafficking for all victims, regardless of gender, trust, effective communication, and sensitivity to psychological distress.<sup>117</sup> Additionally, efforts to reduce charges to related crimes performed under trafficking, and utilizing media and educational programs to dispel myths surrounding trafficking victims are essential.

For literature, additional research must be encouraged that takes into consideration the hidden population of trafficking victims whose experiences do not fit preconceived, gender-stereotypical notions and that recognizes the impact of gender and sexual orientation outside the

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<sup>117</sup> Goodman, and Leidholdt, *Lawyer's Manual on Human Trafficking*, 176-180.

framework of heteronormative institutional structures. Critically, replacing the binary overemphasis on the sex trafficking of women and the labor trafficking of men with a shift towards a more comprehensive, inclusive, and nuanced discussion of the experiences of women, men, and LGBTQ2I+ and non-gender conforming individuals in multiple human trafficking sectors is long overdue. In short, a research and policy strategy that encompasses diverse experiences of survivors and highlights the intersectionality of gender and sexual orientation within the broader context of sex and labor human trafficking is urgently needed to protect and advance the human rights of all people at risk of human trafficking.

## **Conclusion**

The reality of trafficking is that it is a deeply stereotypical gendered phenomenon, with women primarily trafficked into the sex trade and men often trafficked into specific industries in a labor trafficking context. This pattern dominates the current literature on the topic. However, women are also trafficked for purposes of labor exploitation though most frequently in industries that exploit female labor like domestic work, and garment manufacture, and are often subjected to labor trafficking as they are sex trafficked and forced to cook and clean for their exploiters. Women in the internet bride trade, the stripping industry, and in situations of forced marriage often suffer labor and sex trafficking simultaneously. A prominent area of neglect is women's increasing exploitation in "masculine" professions such as agriculture, manufacturing, and construction, where women not only endure labor trafficking but are disproportionately likely to be subjected to sexual harassment, sexual abuse, and sexual exploitation/sex trafficking. The lack of recognition of the magnitude and complexity of the abuse labor trafficked women often face, as the narratives in this thesis reveal, perpetuates systemic gender biases, leaves vulnerable



migrant women without assistance and protection, and hinders progress toward equality in the workplace.

Similarly, men are often subjected to sexual abuse and exploitation in the context of labor trafficking. Yet men's and boys' experiences are rarely discussed in trafficking discourse, resulting in a lack of understanding of the challenges they face from social services, the judicial system, law officers, and the general public, and a corresponding lack of protection and support.

The LGBTQ2I+ community represents one of the most overlooked populations of trafficking victims, resulting in the marginalization and lack of protection of LGBTQ2I+ and nonbinary immigrant victims. An acknowledgment of their unique experiences and needs and recognition of the distinctive trafficking tactics exploiters directly against this vulnerable group of people is necessary to develop services and policies to bring protection to this acutely underserved community.

Exploring the intersection of migration with sex and labor trafficking while focusing on the overlooked experiences of labor and sex-trafficked individuals through a gendered lens and diverse survivor narratives contributes to a nuanced understanding of each marginalized individual's situation. By highlighting the discriminatory development of criminal and immigration laws, dispelling the problematic gender siloing of sex and labor trafficking, and emphasizing the role of gender, sexual orientation, and sexual identity in human trafficking, a comprehensive understanding of the broader societal concerns that contribute to the exploitation and vulnerability of migrants becomes possible. Only after this inquiry takes place can efforts in intervention and support for victims based on their unique backgrounds be initiated and implemented, advancing the possibility of human rights protections for those long denied them.

## APPENDIX A

**Olga** – Olga was a victim of labor trafficking from Ukraine, who worked as a grocer and health aide where she was forced to work without pay, worked over 14 hours a day, was consistently under surveillance, and was threatened to be sexually trafficked just before her escape.<sup>118</sup>

*Olga dreamed of a better life far away. When Olga was 20, her husband told her of a cousin of her husband who could help her come to the U.S. Olga would have to pay this woman and her friends \$19,000 to bring her here. In exchange, they would make all of the travel arrangements and find her a good job and a place to live in NYC. The cousin gave Olga a ticket and took her to an airport in Kiev. When Olga got to the departure gate, a man in a uniform exchanged her passport for a fraudulent one. She flew to Paris and then to Chicago. Following instructions, Olga took a bus to Brooklyn where two people were waiting for her. They took her to an apartment. One week later, they took her to a store where she was forced to work 14-hour days, seven days a week, without breaks for meals or to go to the bathroom. At the end of the week, her traffickers confiscated her paycheck. Olga left the store and found another job, as a cook's helper but her "cousin" and two of her cohorts showed up, drove her to a location, beat her, threatened to force her into prostitution, and told her they would disembowel her children and sell their organs. The beating was so severe it dislocated several of Olga's teeth. Then the traffickers told her that she would now be a home health care aide. They gave her a fake ID and a false name. Olga again was forced to work 14-hour days, 7 days a week. When an associate of the traffickers tried to rape her, Olga took the*

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<sup>118</sup> Goodman, and Leidholdt, Lawyer's Manual on Human Trafficking, 32 - 35.

*overdose of pills. She was taken to Coney Island Hospital and admitted to its psychiatric ward. Even at the hospital, her perpetrators waited outside the building to retrieve her once again.*

**Shirley** – Shirley was a victim initially from China who was forced to work in a massage parlor by her husband. She was given false promised citizenship if she moved, which resulted in her isolation, and eventual trafficking.<sup>119</sup>

*Shirley's husband had pressured her into taking the job. She thought she'd be working as a masseuse. Instead, she had to perform sex acts for men who rang the doorbell at all hours. She didn't want to. But the boss would know if she didn't. And she couldn't imagine how to leave, or what her husband would do if she came back home.*

*'You see promises of wealth, you see promises of travel, you see promises of love ...'*

*He pushed her to get a massage job. He was a driver for people in that world and told her she could make a lot of money.*

*When he shared an ad for a massage job in a Chinese-language newspaper in early 2014, Shirley agreed. It was vague, she remembered, not saying much about the position, only that it was safe. It said nothing about sex.*

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<sup>119</sup> Grace Meng, "Cultivating Fear," *Human Rights Watch*, May 15, 2012, <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and>.

**Q.D** – Q.D was a newly arrived immigrant from China, who was recruited to work in a massage parlor through WeChat. She was promised a normal job but was trafficked into both labor and sex trafficking at Sunshine Massages.<sup>120</sup>

*Q.D. said Xing recruited her to work at Sunshine Massage, according to court documents. She thought she was applying to be a massage therapist. She gave basic massages for the first few days after she was hired. Then Xing said Q.D.'s next customer would be a cop, and "whatever the customer tells you to do, do it."*

*The customer forced her into oral sex, holding her down. She didn't have a massage license and feared she'd get arrested if she stopped him.*

*The boss, who is often female and who is at least one level up in the organization, is saying: 'Hey, I helped you. You said you wanted to work, and I got you a job. We're providing you a place to stay.' It's a different version of pimp control."*

**Patricia M** - Patricia was an undocumented immigrant from Mexico who was initially labor trafficked to work in the fields, but later underwent raped, impregnated, and abused for years because she is a woman and an illegal immigrant.<sup>121</sup>

*"Listen to me, I'm the foreman, and you'll have a job."*

*"He kept raping me and I let him because I didn't want him to hit me. I didn't want to feel pain."*

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<sup>120</sup> Ibid.

<sup>121</sup> Meng, "Cultivating Fear," *Human Rights Watch*.

*“I was afraid they would put me in jail; I was afraid [they’d] send me to Mexico because I was illegal.”*

## APPENDIX B

**Case A** - An anonymous male from a South American country, who was initially trafficked for labor to the United States, later experienced sexual exploitation upon his employer discovering his sexuality.

*“Soon the ■ family began to take away my freedom and started demanding increasingly more control over my time. ■ used to pay me for my consulting services, but then he began to ‘forget’ these payments’.*

*“I am a gay man, and my life as a gay man in ■ was difficult. Growing up, I had to conform to the majority culture and avoid violence and hatred that gay people experience in ■”*

*“■ family and their associates. ■ who tricked me into staying in the United States for a job and then force me into involuntary servitude, and subjected me to constant poverty, horrific sexual exploitation, and physical and psychological abuse.”*

*“In addition, the ■ family discriminated against me because I am gay ■ would punch me in the face because the clothes I was wearing ‘looked gay’ and he would scream at me in front of other employees”*

*“This discrimination eventually escalated to sexual abuse ■ violently threatened me and forced me to insert his sexual toys into my anus. These acts were completely unwanted and extremely painful.”*

*“The [REDACTED] family forced me to work many hours overtime each day without extra compensation. They also forced me to work Saturdays and Sundays without any compensation. Despite my attempts to work hard and to add value in the company, they incrementally treated me worse and worse.”*

*“Because I had never worked in America before, I did not know whether this was normal. However, I constantly felt uneasy and afraid. A few weeks into my ‘employment’ the [REDACTED] family openly treated me as their slave and frequently referred to me as escravo which means ‘slave’ in Portuguese. All the pretenses of me being an employee with freedom of movement and free will had gone away.”*

**Santiago Perez Navarro** - A victim of labor trafficking who also underwent sexual exploitation at the hands of his female employer, who threatened him with deportation if he did not comply.<sup>122</sup>

*“They paid me \$30, \$40 for working eight or ten hours. Some friends told me that I was working for free.”*

*“Betty took my papers. She called immigration on us and had us deported. Then she arranged for us to cross back, but she kept us in a hotel for two months before we could go. Once we got back, she gave me a bill for all the expenses. She took the money she*

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<sup>122</sup> Lynn Savarese and New Abolitionists, “The Traveler: Santiago Pérez Navarro,” accessed December 4, 2023, <https://www.worldwithoutexploitation.org/survivor/santiago-perez-navarro>.

*said I owed her out of my pay, and I got almost nothing. They threatened to kill us if we complained or didn't do what they wanted.”*

*“We went to a house to clean it up and she would lead me into a room, and she would seduce me. She would tell me to finish this room, and then we would go our way.*

*Whatever she did to me, I tried to get away. I honestly felt very bad because she was my boss, and I didn't want to disrespect her.”*

**Cristian Eduardo** - A sex and labor trafficking victim from Mexico, and a survivor leader in the anti-trafficking movement.

*Christian Eduardo's experience with trafficking spans across different countries.*

*Initially, he was a victim of sex trafficking in Mexico, followed by instances of both sex and labor trafficking in Canada. Seeking refuge, he relocated to the United States where he was further labor, and sex trafficked.*

*When he arrived in New York his trafficking experiences extended to different locations, including Jackson Heights, where he was subjected to labor trafficking in the bartending nightlife scene. His involvement in the labor trafficking industry intersected with commercial sex as he was forced to service customers at the bar. This lasted for approximately 7-8 months, marked by physical violence and emotional abuse.*



*When walking down the street, sex buyers assuming that he was an immigrant would stalk him and ask him “how much?” demonstrating how normalized it is to sexually exploit immigrants.*

*Throughout his ordeal, Christian Eduardo grappled with various challenges, including fear of people, agoraphobia, recurring nightmares, sexual trauma, and psychological coercion.*

*Despite being trafficked, he initially did not recognize the situation he was in referring to being sex trafficked simply as “engaging in the sex trade.”*

*Additionally, language barriers posed significant hurdles, as he did not speak English and struggled to access social services and legal assistance.*

*After talking with other immigrants, Cristian Eduardo learned that many of them underwent the same experience that he did, where they experienced labor trafficking and sex trafficking by sex buyers as they were desperate for money and resources to survive*

**Carlos** - Carlos was a successful individual in his home country, holding a college degree and a well-paying job. Tragically, his home country was overrun by rampant organized crime that exerted tremendous power over Carlo. To escape his dangerous situation that involved a criminal cartel he escaped to the United States.<sup>123</sup>

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<sup>123</sup> “HT 102|Survivor Stories,” *The Dragonfly Home* (blog), accessed December 4, 2023, <https://www.thedragonflyhome.org/human-trafficking/survivor-stories/>.

*When Carlos arrived in the U.S., he found the job was nothing like he was promised; instead, he worked for a traveling carnival. He received little to no pay; lived in a cramped, filthy shelter; and worked excruciatingly long hours. When he announced that he was going to leave, his employers threatened him severely. They said that if he spoke to anyone or tried to escape, they would send people to murder his entire family.*

*Carlos' employers became physically and sexually abusive. Eventually, they began forcing him to have sex with others for their own financial gain. Carlos had become a victim of both labor trafficking and sex trafficking.*

## APPENDIX C

**Case A** - An anonymous male from a South American country, who was initially trafficked for labor to the United States, later experienced sexual exploitation upon his employer discovering his sexuality.

*I had an interview with Department of Homeland Security Agent [REDACTED] in the New York office. I told him what had happened to me, and I answered all of his questions. I gave him my phone from my time at [REDACTED] which contained old messages and pictures from my time with the [REDACTED] family. On several different occasions after this interview, I tried to call Agent [REDACTED] with more information, but I was not able to reach him.*

**Santiago Perez Navarro** - A victim of labor trafficking who also underwent sexual exploitation at the hands of his employer, who threatened him with deportation if he did not comply, Mr. Perez Navarro successfully reported his labor trafficking to the FBI and received protection and assistance from federal authorities. Although his traffickers were arrested and prosecuted under federal anti-trafficking laws, he worries that other migrants may no longer be willing to pursue help.

*Today, people are more afraid. Right now every little thing can get you deported. It's more complicated now. So people are not willing to report crimes to the police or to trust anyone. I felt bad when my friend told me he was being deported. Now all his friends are scared too.<sup>124</sup>*

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<sup>124</sup> Lynn Savarese and New Abolitionists, "The Traveler: Santiago Pérez Navarro," accessed December 4, 2023, <https://www.worldwithoutexploitation.org/survivor/santiago-perez-navarro>.

**Cristian Eduardo** - A sex and labor trafficking victim from Mexico, and a survivor leader in the anti-trafficking movement.

*Despite displaying signs of trafficking, there was a lack of follow-up and support. Even in shelters, and immigration agencies where Christians disclosed engaging in sex for items, on forms over 50 times there was a notable absence of subsequent assistance and investigation. This question is mainly used to indicate if someone is a victim of sex trafficking, but in Cristian's case, it was never acknowledged.*

*Ultimately Cristian Eduardo was referred to a Spanish-speaking immigration legal specialist at an organization that assists victims of gender-based violence. After interviewing Cristian Eduardo, the specialist explained to him that he had suffered human trafficking. This was the first time he heard that term applied to his experience of abuse and exploitation. She prepared a detailed affidavit that detailed his sex and labor trafficking and helped him apply for a T-Visa. The application was successful, and Cristian Eduardo now has permanent resident status.*

*Christian Eduardo explained that the reality is that most people, especially those in power, assume that males, sexual minorities, transgender males, transgender females, non-binary or gender non-conforming individuals, and immigrants participate in prostitution because they want to, not because they are being exploited and lack the resources to survive, or because they lack other choices. . Christian Eduardo rejected the term “sex work”; in his view it conceals the absence of choice prevalent among people in*

*the sex trade, the physical and psychological harm they experience in it, and the predators who benefit from it.*

*He observed that discussions around sex trafficking became more prevalent when interacting with other immigrants. Furthermore, he highlighted the vulnerability of the homeless population to sex trafficking.*

*“They sent me to a place where they were offering hot meals. I was so uncomfortable going there. It was driving me crazy because I was... I'm hungry. I don't know where else to go. I don't like how people look at me. I was so angry because I don't want to be here but I don't know where else to go and I don't want to do the same thing that I was doing before, because it's going to give me trouble with court or with law enforcement or with police. What can I do?”<sup>125</sup>*

*Significantly, he underscored the lack of discourse surrounding the trafficking of males, especially within the LGBTQ communities, emphasizing the normalization of prostitution within this demographic.*

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<sup>125</sup> “Child Victims and Witnesses Support: Life After Trafficking with Cristian Eduardo | Center for Justice Innovation,” January 24, 2022, <https://www.innovatingjustice.org/publications/child-victims-life-after-trafficking-cristian-eduardo>.

## APPENDIX D

**Case A** - An anonymous male from a South American country, who was initially trafficked for labor to the United States, and later experienced sexual exploitation upon his employer discovering his sexuality.

*“ [REDACTED] family and their associates [REDACTED] who tricked me into staying in the United States for a job and then force me into involuntary servitude, and subjected me to constant poverty, horrific sexual exploitation, and physical and psychological abuse.”*

*“In addition, the [REDACTED] family discriminated against me because I am gay [REDACTED] would punch me in the face because the clothes I was wearing ‘looked gay’ and he would scream at me in front of other employees if I crossed my legs in public because that also ‘looked gay.’”*

*“While I was present, he would tell his friends, family members, employees, and other tenants in the facility that I was positive for sexual diseases, including HIV. He told these lies to degrade me even further for being a gay man”*

*“ [REDACTED] also used to sit on my legs and urinate on me. On one occasion, two of his friends watched as he did so. [REDACTED] also forced to carry out other degrading acts while he watched...”*

*“This discrimination eventually escalated to sexual abuse [REDACTED] violently threatened me and forced me to insert his sexual toys into my anus. These acts were completely unwanted and extremely painful.”*

*“Other [REDACTED] employees harassed and assaulted me as well because they observed the way that [REDACTED] treated me and they assumed it was acceptable.”*

*“When [REDACTED] ordered me to visit [REDACTED] Saloon, a gay bar in town, to show others in the community that I was a normal employee who was enjoying a normal life I would often come out of the bar to see the guard giving [REDACTED] updates.”*

**Case B** – A transgender women migrant from Honduras, who was sex and labor trafficking for decades throughout the United States.

*“In Brownsville, [REDACTED] forced me to sweep the floors, clean the bathrooms and cook in a house where they also forced women to have sex with men.”*

*“[REDACTED] knew that U.S immigration officials told me to go to New York, he took me to Houston, Texas and started forcing me to work in a fruit market to continue paying off this ‘debt’ he said I owed him. He and his associates forced me to work from around 5am to 9pm.”*

*[REDACTED] started bringing men to his apartment and ordering me to have sex with them. One time, when I told him I didn’t want to do this, he strangled me.... [REDACTED] continued to take me*

*on trips outside New York where he would sell me for sex. We went to Miami, Chicago, and other places. [REDACTED] would pay for everything and force me to have sex with men in the hotel rooms. He would arrange for the men to come to our hotel room and tell me I had to 'do what I tell you.' He knew I was afraid of him, didn't have money for another hotel room and again, was isolated in a city. I felt like I had to either follow [REDACTED] orders or sleep on the streets, which felt even more dangerous. The fact that I also was without papers made me feel like I couldn't go out and report him to the police, for fear that they would deport me"*

*He took away my Honduran ID. He said 'You don't need family. I am your family.' He tried to isolate me from everyone. He wanted me to just use the documents for [REDACTED]. He forced me to take a job at McDonalds and then an Italian Restaurant, because he said I needed to repay him. When I got my check, he would take me to get it cashed and then keep most of the money"*

*October 1995, [REDACTED] forced me to take cocaine. Then, after I was drugged, he brought me to a club where he told me I had to have sex with other men, and left me there alone. On my way back to the hotel from the club, I was walking through a park and spotted police...The police stopped me and found a bag of cocaine that [REDACTED] forced me to take. I was arrested for having drugs on me."*

*"I went to an organization that was helping Hondurans apply for TPS. There, they paired us up with volunteers who filled out the TPS application for us....At this time in my life, I*



*had very recently escaped from [REDACTED] and had unprocessed trauma. To cope with this, I tried to deny and block this memory to not feel pain or shame. I felt embarrassed and didn't want to tell the person who I had just met that I had been arrested. I didn't want to have to discuss with this practical stranger how it happened and what [REDACTED] had done to me."*

*When I began dressing like a women, [REDACTED] said she didn't want me to live with her anymore. She said she didn't want her child to grow up around a transgender person. I suddenly had nowhere to live, and felt completely rejected by my own family. I struggled to find meaning in my life, when it felt like the people who were supposed to live and support me unconditionally were rejecting me."*

*[REDACTED] asked for my number. He was affectionate and told me he would protect me. This was the first person who expressed interest in me after my outward transition to a women. This meant a lot to me, after having been rejected by my own family... [REDACTED] took advantage of my love for him....he told me I had to have sex with men at the bar or on the street near the bar and give him the money. [REDACTED] would monitor me, he was always close by. He would take all of the money the men gave me from my purse.*

*In 2000, during the time that [REDACTED] was trafficking me, I was arrested for a prostitution related charge by an undercover police officer... After I was arrested, [REDACTED] used this against me. He said that now that I had a criminal record, it would be harder to find a*

*real job. This made me feel more trapped and I didn't know how I would be able to escape [REDACTED] cycle of abuse."*

*[REDACTED] connected me to a lawyer, and from there, several other service providers, which I would have never discovered on my own. Even after [REDACTED] made these introductions, I struggled for some time to make progress, because I was still very much dealing with the daily effects of living with trauma. I was still distrusting and felt frustrated with what felt like a slow process."*

**Cristian Eduardo** - A sex and labor trafficking victim from Mexico, and a survivor leader in the anti-trafficking movement.

*His involvement in the labor trafficking industry intersected with commercial sex as he was forced to service customers at the bar he was trafficked into as he was gay.*

*Multiple times he heard others glamorizing the sex industry to persuade queer members to participate by stating 'that they have sex for free already, so why not have someone pay for you at least, there is really no change, but now you are in power and control'*

*Through coaxing by sex buyers calling them handsome and young, that they will make a lot of money by selling their bodies, they (LBGTQ+ club goers) become persuaded out of desperation.*

*When going to gay bars at night, Christian always saw sex buyers usually older straight males 'hunting' for young, drunk gay males to have sex with them. It is so normalized that it is a common occurrence at almost every gay bar Christians have gone to. There are often multiple sex buyers 'hunting' in the open without any acknowledgment.*

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