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Human Trafficking: A Review of the International, Federal, and State of Georgia Policies

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HUMAN TRAFFICKING: A REVIEW OF THE INTERNATIONAL, FEDERAL AND STATE
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ABSTRACT

Human trafficking is a worldwide injustice that happens everywhere. Men, women, and children, of all ages, and all ethnicities are enslaved throughout the world. There are two main types of human trafficking, sex trafficking and forced labor. There is new legislations and policies being signed into law to help fight against human trafficking, but what is working? Where are there still gaps? This paper will review the public policies in place to combat human trafficking at the international, federal (United States), and state (Georgia) level as well as provide recommendations to inform future policies as well as education and awareness campaigns.

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INTRODUCTION

22,195 children. That is how many children were in custody at the US southern border as of May 3, 2021 (BBC, 2021). These children are literally being thrown over the wall to have a chance at a better life in America, but in actuality are met with cramped conditions and even a heightened risk of being trafficked. “The Donna facility was originally designed to hold 250 people, but held over 4,000 at its peak occupancy” (BBC, 2021). This overcrowding led to children being handed over to human traffickers. Senator Rob Portman, who is the subcommittee chair, “repeatedly argued that it was a matter of humanity, not simply legal responsibility, citing a case in which federal officials had turned over eight immigrant children to human traffickers” (Wang, 2018). How many times has this happened? Children are being handed over to people claiming to be relatives or family friends without strong checks in place to confirm they are who they claim to be. A “Frontline” special entitled “Trafficked in America” was released and exposed the “plight of eight children who were forced to work on an egg farm in Ohio” (Wang, 2018). These children were all supposedly living with a relative of their families. Sen. Rob Portman, on the “Frontline” special, states that “this is a crime that happens in plain sight” (Wang, 2018).

Human trafficking victims are a subset of the overall immigration numbers. Human trafficking is not something that just happens in other countries or even just large cities. Human trafficking happens everywhere, often in the least suspecting of places, such as million-dollar neighborhoods in Atlanta, Georgia or small towns across the United States (Ortiz, 2017 as cited in Cole and Sprang, 2014). “Human trafficking involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act” (Homeland Security, 2021). Human trafficking can be seen throughout the history of the world. Slavery, which would later become

known as human trafficking when it was considered organized crime, “is known to have existed as early as the Shang dynasty (18th – 12th Century BC) in China” (Hellie, 2020). In order to best understand modern day human trafficking, one must first step back and see that slavery is not a new problem. It has been around for centuries.

How does Human trafficking happen? Those who traffic people utilize a variety of techniques in order to manipulate their victims and wield their power over them such as “luring their victims with false promises; withholding identification, work authorization, or travel documents; demanding repayment for a real or alleged debt; using violence; surveillance activities; paying very little or not paying at all for work” (International Labour Organization [ILO], 2017). This is a clear human rights violation.

The United Nations defines human trafficking as consisting of three main elements. The first is “the act of trafficking which means the recruitment, transportation, transfer, harboring or receipt of persons” (United Nations Office of Drugs and Crime [UNODC], 2021). Secondly, “the means of trafficking which includes threat of or use of force, deception, coercion, abuse of power or position of vulnerability” (UNODC, 2021). Lastly, The United Nations defines “the purpose of trafficking which is always exploitation” (UNODC, 2021). The United Nations presented more current statistics around human trafficking. “According to UNODC’s 2020 Global Report on Trafficking in Persons which is compiled using official figures from over 148 countries, female victims continue to be the primary targets” (UNODC, 2021).

This thesis begins with an introduction on the history of slavery and how it led to modern day human trafficking and provides the necessary context for readers, as well as an overview for this entire paper. The second chapter focuses on international human trafficking and the policies that have been enacted to try to eradicate it. The third chapter focuses on human trafficking in the

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United States and policies that have been enacted at the federal level. The fourth chapter focuses on human trafficking in the state of Georgia and the impact of state level legislation on eradicating human trafficking at the state level. Chapter five presents data gaps, research proposals as well as suggestions for public policies. Chapter six is the conclusion.

CHAPTER ONE:

This chapter contains the statement of the problem that is explored in this thesis, as well as the necessary background to help begin the conversation around human trafficking. Chapter One also contains the research methodology and research questions, as well as providing a brief write up on the significance of this study.

Statement of Problem

Human trafficking is quickly becoming the largest illegal activity in the world, close to surpassing drugs and illegal arms (OECD, 2006 as cited in Inter-American Development Bank, 2006). Human trafficking has been around since the beginning of societies, largely known as slavery, but it was not actually discussed regarding policies until after the 90s and this was due in part to the lack of reliable data on human trafficking (Hellie, 2020). Many leaders and policy makers knew it was going on but very few countries were able to track the information and had policies that protected these people (Miller and Wasileski, 2010).

Human trafficking is a world-wide crisis, and policy makers across the world need to be aware and taking strides to create strong legislation and policies that can help fight against this world-wide crime. “Human trafficking is a crime that has increased alarmingly in recent years, due to difficult living conditions in poor countries and the increasingly restrictive immigration policies in industrialized countries, among other factors” (Ronda-Pérez and La Parra, 2016). The United States enacted the *Victims of Trafficking and Violence Protections Act of 2000* in order to take a stand against human trafficking. To further build upon this, Georgia Governor Brian Kemp signed Senate Bill 435 known as “The Survivors First Act”.

This Act “SB 435 creates remedies for individuals to clean up their Georgia criminal history if they are survivors of sex or labor trafficking, as defined in O.C.G.A § 16-5-46. Specifically, SB 435 gives trafficking survivors the opportunity to either vacate their

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convictions if the conviction was a direct result of the trafficking, or restrict access to their record if the arrest was while they were being trafficked. (Office of Attorney General, 2021)

The problem is human trafficking is a big global business that brings in “\$32 billion annually (...) and every year some 1 to 2 million children, women and men become victims of trafficking” and while a difference is being made through strong policies, awareness and education, the numbers of victims are continuing to grow year by year (Inter-American Development Bank [IDB], 2006). The problem of human trafficking is a real-world problem compounded by the difficulty in tracking numbers of victims and perpetrators.

Background and Historical Underpinnings of Slavery and Trafficking

This section will discuss the history around slavery which has been around since the beginning of societies. This gives the historical background for human trafficking, as the ownership of people is not a new concept in history, as well as laying the groundwork for discussing the current situation by first discussing the past.

Slavery was prevalent in ancient India, “where it is recorded in the Sanskrit *Laws of Manu* of the 1st century BC” (Hellie, 2020). Years past before slavery was once again documented. “The institution was little documented until the British colonials in the 19th century made it an object of study because of their desire to abolish it (...) in 1841 there were an estimated eight million or nine million slaves in India (...) Malabar had the largest proportion of slaves, about 15 percent of the population” (Hellie, 2020). Slavery was documented throughout the world at this point in history. Slaves were considered property and having no rights. “From the middle of the 15th century, Africa entered into a unique relationship with Europe that led to the devastation and depopulation of Africa, but contributed to the wealth and development of

Europe” (Adi, 2012). This was the beginning of what would become the transatlantic slave trade, which would lead to the trafficking of millions. “At first this trafficking only supplemented a trade in human beings that already existed within Europe, in which Europeans had enslaved each other” (Adi, 2012). Once again, slavery continued to infiltrate history. “The transatlantic slave trade began during the 15th century when Portugal, and subsequently other European kingdoms, were finally able to expand overseas and reach Africa” (Adi, 2012). Slavery further expanded from Europe into what would become the New World. “Slave imports to the islands of the Caribbean began in the early 16th century” (Hellie, 2020). Initially, European slaves were the slaves that were brought in to work the sugar plantations in the Caribbean. However, there was a revolution and after that African slave began to be brought in to work the plantations (Hellie 2020). “Slaves were first brought to Virginia in 1619” (Hellie, 2020). Slavery was now worldwide.

William Wilberforce saw the slave trade in England, and realized that something had to be done. “One man, small in stature, strong in tenacity and faith, stood in the way of one of the most infamous trades in modern history, the slave trade” (Donkin, 2004). He is remembered today for his “long Parliamentary campaign for the abolition of the slave-trade” (Bayes, 1994). Wilberforce’s mentor in life was one, John Newton, who was himself a former slave trader (“The Creation of ‘Amazing Grace’”). “Newton joined in the fight for the abolition of slavery by publishing the essay ‘Thoughts upon the African Slave Trade’ because Christians still felt that slavery was justified in the Bible, Newton and Wilberforce wisely avoided building their protests on a religious platform” (“The Creation of ‘Amazing Grace’”). Further, Newton spoke up, from his own experiences as a slave trader, at the atrocities that happened to those trapped in the slave trade (“The Creation of ‘Amazing Grace’”). “There is no direct link between ‘Amazing Grace’

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and the abolition of slavery in Britain (...) nonetheless, the hymn was written by a man who was moved to speak out against something from which he had once profited” (“The Creation of ‘Amazing Grace’”). Newton was both a fellow abolitionist, supporter and mentor to Wilberforce. “He [William Wilberforce] took up the cause of Africa and the West Indian slaves in 1786, and the Act of Parliament for Abolition finally received the Royal Assent and became law on 25 March 1807” (Bayes, 1994). Wilberforce was an abolitionist who knew the importance of the cause he had undertaken, in order to make a difference.

William Wilberforce fought the fight against slavery his entire life. “Wilberforce persevered on this front [abolishing slavery] for eighteen years until finally, in 1807, his measure to abolish the slave trade passed” (Hersey, 2017). In that moment, Wilberforce wept after his long-fought journey was finally seeing success (Hersey, 2017). However, “[t]his victory did not mark the end of his efforts...banning the slave trade was only a first step toward the total dissolution of slavery itself (...) but it was a step that invigorated abolitionist around the world – and that reinvigorated Wilberforce himself” (Hersey, 2017). In 1833, Wilberforce was on his deathbed, and he received the news that a “bill mandating the total abolition of slavery was effectively guaranteed to become law” (Hersey, 2017). The Slavery Abolition Act had outlawed race slavery in the British Empire, and Wilberforce could pass in peace knowing he had seen this law through to completion (“William Wilberforce: the first emancipator”). “In 1807 the British abolished the slave trade within the colonies (...) in the Caribbean, slavery was abolished by British Parliamentary fiat, effective July 31, 1834, when 776,000 slaves in the British plantation colonies were freed” (Hellie, 2020). The abolishment of slavery in Great Britain would begin to spread throughout the world.

In the United States, it would be years before slavery was outlawed. “The invention of the cotton gin by Eli Whitney in 1793 changed the situation, and thereafter cotton culture created a huge demand of slaves, especially after the opening of the New South (Alabama, Mississippi, Louisiana, and Texas)” (Hellie, 2020). The southern United States would supply cotton throughout the world. “By 1850 nearly two-thirds of the plantation slaves were engaged in the production of cotton (...) [and] the average cotton plantation had only about 35 slaves” (Hellie, 2020). “More than 36 percent of all the New world slaves in 1825 were in the southern United States” (Hellie 2020). In the United States, “it took political developments and forces... the South’s secession, the Civil War, and Abraham Lincoln’s Emancipation Proclamation on January 1, 1863, to put slavery on the road to extinction”, as well as many abolitionists taking a stand against it (Hellie, 2020). The Thirteenth Amendment Constitution would be what would finally put an end to Slavery in the United States (Hellie, 2020).

Why is all of this important? What does this have to do with human trafficking? In its most basic form, this is the history of what human trafficking was birthed out of. Human trafficking has been around since ancient times. Human trafficking is considered by many to be modern day slavery. Human trafficking “is the third largest illegal trade globally after drugs and arms smuggling, with revenues estimated between US 5 billion and 9 billion” (UNECE, 2004 as cited in Marinova and James, 2012). Largely, human trafficking takes place in the shadows and makes it very difficult to get an accurate number of victims or even where it is most prevalent. “The State Department estimated in 2001 that at least 700,000 persons, especially women and children, are trafficked each year across international borders (...) some observers claim that the number may be significantly higher” (Marinova and James, 2012). The United Nations had a different number stating that “2.5 million people have been trafficked from 127 countries

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worldwide (...) [and] the ILO estimates 12.3 million people have been victims of this crime” (Marinvova and James, 2012). More recently, the International Labor Organization, estimated that “at any given time in 2016, an estimated 40.3 million people are in modern slavery, including 24.9 in forced labor and 15.4 million in forced marriage” (2017).

Research Questions:

- What is the background for the current policies around human trafficking and what are the variables surrounding human trafficking policies?
- Which policies, legislation, and/or government actions are working to combat human trafficking at the International, Federal, and State (of Georgia) level?
- What policies are working at the international, federal, and state level to combat trafficking?
- Are there gaps in legislation, policies, and/or government actions around human trafficking?
- Would the legalization of prostitution reduce human trafficking?

Significance of Study:

Human trafficking is a world-wide problem, with sex trafficking being the most common type (ILO, 2017). This paper’s main focus will be on sex trafficking victims, as they make up the largest population of victims. However, other types of trafficking will be discussed when relevant to the research. The United Nations, in their (UN) *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children* defines sex trafficking as “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 abuse of power or of a position of vulnerability’ for commercial sex or other forms of sexual exploitation” (Konstantopoulos et al., 2013). The International Labor Organization discusses that “1 in 4 victims of modern-day slavery are children” and that “women and girls are disproportionately affected by forced labor, accounting for 99% of victims in the commercial sex industry, and 58% in other sectors” (2017). This demonstrates what those who research trafficking are up against in

its extreme difficulty to track and keep the numbers current. The most prevalent form of human trafficking is sex trafficking. The International Labor Organization states that “3.8 million are trafficked for forced sexual exploitation and 1.0 million children are trafficked for commercial sexual exploitation” (2017). The significance of this study is that further research is needed as human trafficking, specifically sex trafficking, continues to grow every year and research is needed to inform stronger policies and legislation as well as giving the well-researched foundation for education and awareness.

Overview of Methodology:

To enhance the rigor of this study, both qualitative and quantitative research methods were utilized. To analyze what policies are currently available, a review of current policy in place at both the Federal and State level was utilized to deduce what is currently being done to prevent human trafficking. Also, an analysis of numbers surrounding human trafficking was conducted by other data to determine if there are any variables that increase or decrease the rate of human trafficking. While doing these analysis, vulnerable populations were the focus, such as runaway children and those convicted of prostitution, while looking for connections between instances of runaway children and increased risk of human trafficking as a result. Much of the research surrounding human trafficking was qualitative research which is the focus of this paper, however, more quantitative methods for measuring and tracking human trafficking are needed in this field.

Summary

This work seeks to address human trafficking at the different levels and simultaneously add to the understanding on the efficacy of human trafficking regulations and policies. It is an

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overwhelming task to attempt to take on such a large notion of trying to study human trafficking when so many have struggled to research this topic. This thesis will focus on trying to bring about understanding around human trafficking from a level approach, beginning at the international level, then becoming a bit narrower at the federal level in the United States and then to the narrowest with the state level, in Georgia.

This thesis looked at the outcomes around the policies at each level and tried to do a comparison of what is working best, where the gaps in policies are, and how to move forward. However, none of these exist separate of each other. The international level feeds directly into the federal level and then even into the state level.

Description of Terms

Human Trafficking – “involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act” (Homeland Security)

United Nations (UN) – the international organization “remains the one place on Earth where all the world’s nations can gather together, discuss common problems, and find shared solutions that benefit all of humanity” (“About Us”).

Victims of Trafficking and Violence Protection Act of 2000 – that Act that was signed into law that made human trafficking illegal in the United States

CHAPTER TWO: INTERNATIONAL HUMAN TRAFFICKING

In this chapter, human trafficking at the international level will be discussed and analyzed. Research conducted around policies, education, and awareness efforts will be presented and summarized; then in Chapter Five of this paper, conclusions will be made around data gaps and research recommendations.

International human trafficking is the act of trafficking people across country boundaries. As described above in the background and introduction, international human trafficking can be traced back to ancient and biblical times. International human trafficking happens to all ages and all genders, but its most vulnerable population is females. “A human rights violation, trafficking for the purpose of forced sexual exploitation known as sex trafficking, is a widespread form of human trafficking occurring in all regions of the world” (Kontantopoulous et al., 2013). A large problem at the international level is that it is very hard to track due to trafficking victims being moved across countries, as well as the lack of foundational understanding across the world as to what human trafficking is and how to stop it.

It is difficult to track human trafficking numbers as it is dependent on it being reported and therefore is variable and often times under the estimated number “the International Labor Organization (ILO) estimates that there are approximately 21 million ‘victims of forced labor’ worldwide at any given time” (Kontantopoulous et al., 2013). Of that 21 million, it is estimated that there “are the 4.5 million victims of forced sexual exploitation, 98 % of whom are estimated to be women and girls” (Kontantopoulous et al., 2013). This was a unique angle of research as compared to other studies conducted around trafficking victims (Kontantopoulous et al., 2013). “Through comparative analysis across these contexts, we found that multiple sociocultural and economic factors, facilitate sex trafficking, including child sexual abuse, the objectification of women and girls, and lack of income” (Kontantopoulous et al. 2013). Objectification and lack of

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economic options drives international human trafficking (Kontantopoulous et al. 2013). At the international level, there needs to be increased understanding of the public health piece around trafficking. “Recognizing sex trafficking as a pervasive form of gender-based violence with major health, mental health, and public health implications is crucial” (Kontantopoulous et al., 2013).

Each continent has a different form of exploitation, which is a reason for difficulty in creating legislation and tracking of human trafficking. For North America, Central America, the Caribbean and South America, sexual exploitation is the main form of exploitation detected (UNODC, 2020). West Africa, East Africa and Southern Africa are prominently forced labor, while North Africa and the Middle East are a mixture of sexual exploitation, forced labor and other forms of exploitation (UNODC, 2020). Western and Southern Europe are a mixture similar to North Africa and the Middle East, while in Central and South-Eastern Europe the main form of exploitation detected is sexual exploitation (UNODC, 2020). Eastern Europe and Central Asia are both forced labor and sexual exploitation, South Asia is mostly forced labor and East Asia and the Pacific are sexual exploitation (United UNODC, 2020).

Many case studies have been conducted to look at different countries throughout Europe that have different levels of legalization around prostitution. “The Netherlands and Germany legalized prostitution in 2000 and 2002, respectively (...) [while] Sweden outlawed it in 1990 and imposed criminal penalties for the purchase of illicit sex” (Marivova and James, 2012).

“[T]he Netherlands and Germany find that legalization of prostitution does lead to an increase in trafficking” (Marivova and James, 2012). Sweden, however had much different findings.

“Swedish policy epitomizes an abolitionist approach in both domestic and foreign policy...while quantitative data are scarce, interview information with law enforcement officers and traffickers

in Sweden points toward the importance of state action in the policy and law enforcement realm” (Marivova and James, 2012).

Human trafficking is a complicated problem because so much of it happens without the awareness of others. At the international level there is a lot of working being done as “well-established human rights and political actors that argue for necessary actions to be undertaken—such as the formation of new policies and laws in the European Union—as an attempt to protect citizens of the EU and other regions in the world from becoming victims of trafficking networks” (Merilainen and Vos, 2015). One problem brought to light by this study is that each international agency (Non-Governmental Organizations, Amnesty International and Human Rights Watch, and European Parliament) discusses human trafficking differently. Merilainen and Vos found that “each actor [organization] has a different method of correlating human trafficking with many other social problems, thereby emphasizing different causes and effect (...) we [the authors] examine the concept of framing and, in particular, responsibility framing in order to understand the causal relationships between actors and events” (2015).

The UK, similar to the Bill the United States passed in 2000, passed a bill to increase legislation around human trafficking in an effort to rescue victims and stop the spread. The UK passed a bill called the UK Modern Slavery Act of 2015 (Broad and Turbull, 2019). This act followed a “two-phase” approach to legislation around human trafficking, meaning “the first phase was marked by a series of problematisations and policy responses, with disjunctions between the constructed policy problem and the social problem” (Broad and Turbull, 2019). While in the second phase “unresolved problems of legislation were questioned under the influence of a new moralistic policy frame, an international discourse on slavery, supported by elite political actors” (Broad and Turbull, 2019). With the Modern Slavery Act of 2015, the UK

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set in motion the beginning of defining and legislating against human trafficking at the international level in order to begin to figure out how to combat the problem.

The EU has commissioned international legislation entitled “Together Against Trafficking in Human Beings”. Their current focus is on women and children as those make up the largest category published in their report (Third Report on the progress made in the fight against trafficking in human beings) (European Commission, 2021). In this report, the EU committee determined that there were four main priorities for improvement that needed to happen. Those were as follows (European Commission, 2021):

- **Improved data collection:** Member States should improve the recording and registration of data particularly on gender, age, forms of exploitation, citizenship of victims and perpetrators, as well as on assistance and protection;
- **Countering the culture of impunity:** EU rules already allow for the criminalisation of those who knowingly use services provided by victims of trafficking and the Commission encourages the Member States to implement those provisions in their national laws;
- **Promoting a coordinated response:** Member States should continue enhancing transnational law enforcement and judicial cooperation while at the same time promoting cooperation with non-EU countries;
- **Ensuring victims' access to justice:** Member States are encouraged to give effect to national legislation by ensuring tools are in place for early identification of victims, providing access to compensation, and promoting appropriate training and capacity building of relevant professionals. (European Commission, 2021)

A major correlation that is being investigated at the international level is the relationship between prostitution and human trafficking. The United Nations published one of the earliest documents regarding human trafficking in the UN Convention of the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others in 1949 (Marivova and James, 2012). “The Convention’s Preamble states that ‘prostitution is incompatible with the dignity and worth of the human person’” (UN, 1949 as cited in Marivova and James, 2012). The Convention even laid out the necessary components needed for a crime to be considered trafficking (Marivova and James, 2012). Human trafficking has been occurring for many years. However, “a

rapid increase in Europe since the end of the Cold War makes human trafficking a growing concern (...) ‘too limited resources have been allocated within Europe to research and analyze trafficking from a multidisciplinary and comprehensive perspective’” (Marivova and James, 2012).

Human trafficking at the international level is a very difficult track because of the wide differences in occurrence, such as some happening across continents and countries while other trafficking happenings within cities and towns. “Although trafficking seems to imply people moving across continents, most exploitation takes place close to home (...) data show intra-regional and domestic trafficking are the major forms of trafficking in person” (UNODC, 2009). The United Nations publishes *A Global Report of Trafficking in Persons*. This report is based “on data gathered from 155 countries, it offers the first global assessment of the scope of human trafficking and what is being done to fight it (...) at the launch of the Report in New York, the Executive Director of UNODC, (...) said that ‘many governments are still in denial’” (UNODC, 2009). The Executive Director of UNODC further said “there is even neglect when it comes to either reporting on, or prosecuting cases of human trafficking”, and he “pointed to the face that while the number of convictions for human trafficking is increasing, two out of every five countries covered by the UNODC Report had not recorded a single conviction” (UNODC, 2009). Further, the report demonstrates what strides have been made, but also points out that there are still many improvements that need to be made to try to bring an end to human trafficking.

The United Nations has taken a strong stance against human trafficking. “The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against

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transnational organized crime” (UNODC, 2018). International human trafficking was one of the protocols adopted within this resolution. “The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (...) [it] entered into force on 25 December 2003 (...) [and] it is the first global legally binding instrument with an agreed definition on trafficking in persons” (UNODC, 2018).

The Global Report on Trafficking in Persons 2020 presents that for high income countries, 86% of victims are above the age of 18, and this trend continues with predominantly most of the victims being over the age of 18 with the exception of low-income countries which has a 50/50 rate between under the age of 18 for victims and above the age of 18 for victims (UNODC, 2020). A big theme presented in the report is that a problem facing international trafficking victims is the “Invisibility of some sectors” which helps hide trafficking (UNODC, 2020).

There is a lot of content around international public policy at each country level, but not as much around having global anti-trafficking policies. Without global measures, tracking human trafficking and getting proper statistics is very difficult. The UN is doing some work to strive to have anti-trafficking policies in place in order to strive to help prevent human trafficking victims, protect victims rescued out of trafficking, and prosecute traffickers. Most other anti-trafficking policies are enacted at the country level, similar to how anti-trafficking policies are enacted in the United States. The next part of this review will focus on anti-trafficking policies at the United States federal level.

CHAPTER THREE: UNITED STATES HUMAN TRAFFICKING

As described above, human trafficking is a world-wide problem that does not discriminate by geographical location, gender or ethnicity. Internationally there is a lot being done to try to slow and even stop the trafficking of persons across country's borders. "It is estimated that between 18,000 and 20,000 victims are trafficked into the United States every year" (Pasley, 2019). True reform needs to happen at all levels, international, at the country level (United States), and even state in order for change to happen. The previous chapter described what human trafficking is like at the international level and what was being done to combat it by policies and legislation. This chapter will focus on human trafficking in the United States and what is being done at the federal level to combat this. "The United States, along with Mexico and the Philippines, was ranked one of the world's worst places for human trafficking in 2018 (...) in the US, there is no official number of human trafficking victims [due to difficulty in accurate tracking], but estimates place it in the hundreds of thousands" (Pasley, 2019). This chapter will first present the law that made trafficking illegal in the United States, then discuss the impact the law has had, and then conclude with a discussion of the definitions that have come out of the law.

Victims of Trafficking and Violence Protection Act of 2000

On November 08, 1999, Representative Christopher Smith put forth a bill in the House that would transform the United States. His bill entitled H.R. 3244 – Victims of Trafficking and Violence Protection Act of 2000 would completely change the way the United States handled human trafficking (H.R. 3244, 1999). Trafficking Victims Protection Act (TVPA) of 2000 - Amends the Foreign Assistance Act of 1961 (FAA) to require the Secretary of State (the Secretary) to include as part of required reports on human rights and development assistance and human rights and security assistance:

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- a description of the nature and extent of severe forms of trafficking in persons in each foreign country;
- with respect to each country that is a country of origin, transit, or destination for victims of severe forms of trafficking in persons, an assessment of the efforts by such countries' governments to combat such trafficking. (H.R. 3244 1999)

The Act also proposed the funding and creation of a task force “to monitor and combat trafficking” as well as directives for the President, Agency for International Development, Secretary of HHS and Labor, as well as the heads of many other government agencies and many other parameters in order to attack human trafficking from all angles (H.R. 3244, 1999). The Act was signed into law on October 28, 2000 by President Bill Clinton (H.R. 3244, 1999). This was the first of its kind in the United States and was the beginning of shining a light on human trafficking and what was happening all throughout the US.

The United States utilizes a three-level approach to combating human trafficking. “The ‘3P’ paradigm – prosecution, protection, and prevention – continues to serve as the fundamental framework used around the world to combat human trafficking” (Office to Monitor and Combat Trafficking in Persons, 2021). This approach is outlined first in the Trafficking Victims Protection Act (TVPA) of 2000 and was amended in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime. “In addition, a fourth ‘P’ – for partnership – serves as a complementary means to achieve progress across the 3Ps and enlist all segments of society in the fight against modern slavery” (Office to Monitor and Combat Trafficking in Persons, 2021).

In the United States, the Department of Justice is the highest agency fighting human trafficking. The Department of Justice's website describes what they are doing to combat human trafficking in the United States. It says:

Bringing human traffickers to justice and assisting trafficking survivors are top priorities of the U.S. Department of Justice. Responding to a crime as complex and as devastating as human trafficking is neither simple nor straightforward. The Department's anti-trafficking efforts involve numerous components engaged in a full spectrum of activities: investigations, prosecutions, services for victims, trainings, enforcement and outreach initiatives to strengthen anti-trafficking partnerships, innovative prevention efforts, capacity-building programs that advance survivor-centered anti-trafficking strategies, and grant funding to state, local, and tribal authorities and to non-governmental organizations (NGOs), ("What DOJ is Doing", 2017)

The United States government recognizes that while human trafficking is a top priority it is not an easy target to eradicate. There are complexities with tracking and gaining accurate insights into how human trafficking networks work, but it is still important that training and awareness campaigns are put into place and victim services are funded and advocated for.

Further, the reason for why the United States is fighting against human trafficking is below;

To achieve the goal of eradicating human trafficking and restoring the rights, dignity, and independence of victims and survivors, the Department designs and executes a number of special programs meant to incorporate survivors' perspectives, identify victims, hold traffickers accountable both in the United States and abroad, and build capacity to address human trafficking. The federal government has published two status reports (for

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Fiscal Year 2015 and Fiscal Years 2013-2014) to update the public on progress made on various action items outlined in the Plan. (“What DOJ is Doing”, 2017)

These status reports are a way to ensure that there is accountability around incorporating legislation and programs to further the cause laid out in the TVPA.

Impact of the TVPA

Since 2000, the United States at the Federal level has taken a strong stance against human trafficking, both in the US and around the world. “In committing the United States to being a leader in the global movement against human trafficking, President Obama asked federal agencies to develop a plan to strengthen services for victims of human trafficking” (“Special Initiatives”, 2017). President Obama developed the Coordination, Collaboration, Capacity: Federal Strategic Action Plan on Services for Victims of Human Trafficking 2013-2017 which “builds on the progress that our nation has made in combating human trafficking through government action and partnerships with allied professionals, survivors, and concerned citizens.” (“Special Initiatives”, 2017)

Since the TVPA, there has been research conducted to see its impact within the United States. “Nine years after the passage of federal anti-trafficking legislation in the United States, fewer incidents of trafficking have been identified than original estimates of the problem predicted some scholars and commentators suggest that changes in the public framing of the trafficking problem aimed at advancing particular agendas are to blame” (Farrell and Fahy, 2009). This data points to the importance of further research to inform policy and learning from what the current policies have accomplished.

Having clear objectives and tracking metrics are needed in order to “helps policymakers and others now tasked with the evaluation of U.S. anti-trafficking efforts to determine if the

problem of human trafficking has been overstated, as some opponents of the anti- trafficking movement argue, or if human trafficking needs to be attacked from a different angle” (Farrell and Fahy, 2009). The “framing” or meaning of human trafficking and how it is discussed in the media is a huge contributor to the shift “from a human rights problem in the 1990s to a predominately crime and criminal justice problem at the turn of the century” (Farrell and Fahy, 2009).

The research around the 2000 Act “provides much needed information about why U.S. officials have identified so few human trafficking victims (...) [and] how often and under what conditions police find, investigate and prosecute cases of human trafficking” (Fahy et al., 2010). Some findings were as follows, “survey responses from a national sample of police agencies in the United States, we found that less than 10% of police agencies identified human trafficking cases from 2000 to 2006” (Fahy et al., 2010). One way to strengthen the response in the US is by “[i]mplementing the additional recommendations to evaluate state and local human trafficking training and protocols and disseminate information on what works, proposed in this essay, should help leverage existing knowledge and reduce the need for law- enforcement agencies to spend time originating programs and initiatives” (Fahy et al., 2010).

It is important to review the way human trafficking is defined and discussed within the *Trafficking in Persons Report* which is “published annually by the United States of America’s Department of State” (Wilson and O’Brian 2016). “The annual Trafficking in Persons reports offer a snapshot not only of how the problem of trafficking is represented, but also of how this representation is employed to justify broader policy agendas” (Wilson and O’Brian 2016). Throughout the Report, it “reveal[ed] an often simplistic and ideal construction of the issue”

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(Wilson and O'Brian, 2016). There needed to be deeper dives into the research and tracking in order to get more correct numbers in order to draft stronger policies.

Increased education and awareness are needed in order to prevent “Ideal victimization, ideal offenders, and the criminalization of the commercial sex industry have evidently impacted trafficking victim identification and victim service provision” (Wilson and O'Brian, 2016). Further this has “justified the strengthening of internal and external border controls and migration processes, and finally, allowed the U.S. Government to unilaterally influence the moral and legal status of the commercial sex industry within sovereign nation-states” (Wilson and O'Brian, 2016). Accurate trafficking numbers are difficult to track due to the nature of this crime. “The scope for widespread policy ramifications underscores the importance of further scrutinizing the narrative behind political understandings of human trafficking” (Wilson and O'Brian, 2016). There is also a need for stronger political and government definitions and objectives around what trafficking is and what is needed to end it.

Clear definitions are needed across the board, not just at the federal or state level, but rather on a global scale. “Despite a near unanimous agreement that human trafficking is a morally reprehensible practice, there is [still] confusion around what qualifies as human trafficking in the United States (Bonilla and Hyunjung 2019). While there is research that defines and attempts to track human trafficking numbers in the United States, there are still gaps in the research as well as lack of current ongoing research.

More than 150 years after the Thirteenth Amendment to the United States Constitution formally abolished slavery in the United States (US), de facto practices of slavery continue to exist and thrive. Modern-day slavery has a new name – “human trafficking” – and the illicitness of slavery has pushed the act of enslavement into the dark, often

allowing the US public to believe that slavery no longer exists. (Bonilla and Hyunjung, 2019)

The lack of public awareness has proved to be a difficult barrier in the fight against human trafficking in the United States.

Given a long history of defining human trafficking as smuggling for sexual exploitation, the programmatic focus of human trafficking organizations on sex trafficking and foreign victims specifically, and media coverage on human trafficking emphasizing sex trafficking over other forms of trafficking, we [Bonilla and Hyunjung] find that contemporary public understanding of the human trafficking issue is substantially more narrow than the definition of human trafficking issue is substantially more narrow than the definition of human trafficking contained in current federal and international laws. (Bonilla and Hyunjung, 2019)

Definitions and further clarification after The Act

There is a need for clearer definitions in order to be able to craft stronger policies and legislation that match a consistent definition. One major contribution to the lack of true awareness in the United States is that “anti-trafficking efforts disproportionately focus on sex trafficking and foreign nationals, and that the public shares a narrow understanding of human trafficking” because of that focus (Bonilla and Hyunjung, 2019). Secondly, the problem with statistics around human trafficking in the United States reflecting true numbers is that it is dependent on reported cases (Owens, 2020). “Though there is no official estimate of human trafficking victims in the United States – Polaris – a leading organization dedicated to eradicating modern slavery – estimates that their total number of victims in the United States extends into the hundreds of thousands” (Owens, 2020). Since 2000, the United States has strived to end this

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injustice at the federal level as well as offering support to states to legislate against human trafficking at the state level. A holistic approach is needed when it comes to human trafficking; change must begin at the international level, then the federal, and lastly the state. States have varying legislation and policies against human trafficking. This paper will discuss the state of Georgia as it has taken a strong stand through policies as well as education and awareness campaigns.

CHAPTER FOUR: HUMAN TRAFFICKING AND PUBLIC POLICY IN THE STATE OF GEORGIA

Georgia has some of the highest documented instances of human trafficking across the United States in 2019 (Polaris Project,2019). Sex trafficking is the largest form of trafficking facing the state of Georgia (“Human Trafficking”, 2021). Labor trafficking does still occur; however, it is much less frequent (“Human Trafficking”, 2021). “Since 2009, youth have been referred to Georgia Cares [in regards to human trafficking] from 145 of 159 Georgia counties” (GRACE Commission, n.d.). “More than 91% of domestic minor sex trafficking victims in Georgia were enrolled in school at the time of their exploitation [and] more than 50% of victims were recruited by friends and family” (Georgia Cares as cited in GRACE Commission, n.d.). In the state of Georgia, Atlanta is a well-known hub for human trafficking, but there is a disconnect within people throughout the state being aware of human trafficking happening throughout the state (Cole and Sprang, 2014). Because sex-trafficking is the largest instance of human trafficking in Georgia, redefining where trafficking happens and that there is a relationship between prostitution and human trafficking is important for developing new policies, education and awareness efforts.

Human Trafficking in the State of Georgia

August 27, 2020 was just a normal day for people in the state of Georgia, but for the 29 missing and endangered children rescued from sex trafficking by federal and state agencies this day was a life-changing day (Associated Press, 2020). “The U.S. Marshals Service announced on Thursday [August 27 2020] that 13 missing children were found and an additional 26 endangered children were rescued during the two-week operation centered on Atlanta and (...) Macon” (Associated Press, 2020). These children “were considered to be ‘some of the most at-risk and challenging recovery cases’ and some were likely victims of child sex trafficking, child

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exploitation, abuse and had medical or mental health conditions” (Associated Press, 2020).

Human Trafficking is not just a problem at the international level, it is a problem at the state level as well. “U.S. Marshals Director Donald Washington said the FBI has reports of more than 421,000 missing children and of those, around 90% are considered endangered runaways (...) one in 6 of the endangered runaways is likely to become the victim of sex trafficking, authorities say” (Associated Press, 2020). The Federal Government estimates that approximately “300 young girls in the Atlanta area are lured into trafficking every month” (Associated Press, 2020).

A problem the state of Georgia is facing is around the belief that human trafficking happens across the world or in big cities, when in actuality it happens everywhere. “First, the idyllic view of rural, smaller community life that many people have may render many social problems invisible” (Edwards, Torgerson, & Sattem, 2009 as cited in Cole and Sprang, 2014). This is evident by “surveys of service providers and law enforcement personnel in counties across the United States revealed that professionals in rural communities perceived that commercial sex and sex trafficking did not occur in their communities, citing the difficulty of hiding these activities in smaller communities and the advantage of greater anonymity in larger communities” (Newton et al., 2008 as cited in Cole and Sprang, 2014). This leads to problems with getting accurate numbers and understanding around how large the trafficking problem in Georgia. “For example, service providers and law enforcement personnel in rural communities were less likely to receive training on human trafficking, and to utilize recordkeeping procedures to distinguish human trafficking victims from other clients they served, compared to professionals in metropolitan communities” (Newton et al., 2008 as cited in Cole and Sprang, 2014). Another challenge facing states with similar geographic make up as Georgia is that “dispersion in rural communities can make detection and service provision more difficult

because transportation is more limited and residents may be more isolated (Castaneda, 2000; Friedman, 2003 as cited in Cole and Sprang, 2014). Sex trafficking does not discriminate against location. “Sex trafficking of minors occurs across all geographic regions of a largely rural state in a variety of communities, including metropolitan, micropolitan, and rural communities” (Cole and Sprang, 2014).

Introduction of HB200

Since the TVPA was implemented at the federal level in 2000, Georgia has enacted laws at the state level to further the cause of eradicating human trafficking. The first was HB 200 that went into effect on July 1, 2011 (“Human Trafficking”, 2021). “In 2011, the Office of the Attorney General joined forces with Senator Renee Unterman and Representative Edward Lindsey to advocate for a stronger human trafficking law in Georgia” (“Human Trafficking”, 2021). Below is a summary of what HB 200 outlined from the Office of the Georgia Attorney General;

- Substantially increases the punishment for human trafficking from a possible one-year sentence to a minimum of ten years. If the trafficking causes a minor to commit sex acts by coercion or deception, human traffickers now face 25 years to life in prison, up from maximum sentence of 20 years. Offenders can also be fined up to \$100,000.00,
- Takes the important step of no longer allowing the age of consent (16) or the lack of knowledge of the age of the victim to be used as a defense,
- Broadens the definition of coercion to recognize and encompass additional ways that victims are coerced into exploitation,
- Authorizes asset forfeiture for property derived from or used in trafficking.”
- Provides training for law enforcement,
- Increases punishments for pimping, pandering and keeping a house of prostitution, when the victim is under 16 years of age from five to twenty years to ten to thirty years,
- Makes victims of human trafficking eligible for victim compensation for the serious mental and emotional trauma they experience. (“Human Trafficking” 2021)

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As seen above, HB 200 helped change the course at the state level for how Georgia was handling victims of human trafficking as well as the prosecution of those convicted of trafficking humans. Prior to this bill, many human trafficking victims were considered prostitutes and therefore not seen as victims (J. Jones, personal communication, 2021). J. Jones, Co-Chair of the GRACE Commission, said “I remember when sex trafficking was considered prostitution, except when it involved children under the age of consent at age 16. This mindset has greatly changed over the past decade. Policymakers and members of the public have come to realize the ‘trafficked’ individuals are victims” (J. Jones, personal communication, 2021). As a follow up to this bill, SB435: Criminal Record Clearing Remedies for Trafficking Survivors in Georgia was signed into law on June 29, 2020 (“Human Trafficking”, 2021). This act became known as “The Survivors First Act” (“Human Trafficking”, 2021). “SB 435 creates remedies for individuals to clean up their Georgia criminal history if they are survivors of sex or labor trafficking, as defined in O.C.G.A § 16-5-46” (“Human Trafficking”, 2021).

SB 435 continues to help victims and stop trafficking in Georgia. “In addition to enhancing Georgia’s prosecutorial powers, the new law also strengthened Georgia’s protection and prevention efforts” (Todres and Baumrind, 2012). Georgia legislation and government officials continue the fight against Human Trafficking. “One of the strengths of Georgia’s efforts to protect and assist victims is the Georgia Care Connection...[which] is an independent state-wide initiative of the Governor’s Office for Children and Families that provides a single point of contact for child victims of commercial sexual exploitation in Georgia” (Todres and Baumrind, 2012). Georgia’s current Governor, Brian Kemp, listed anti-trafficking education and legislation as one of the platforms when he was running for office, and he and his wife both have strong stances to see change happen in Georgia. “In the 2012 legislative session, the Georgia House of

Representatives voted (166 to 1) in favor of a resolution – (HR151 – to create a Joint Human Trafficking Study Commission that would examine existing law and policy on human trafficking, including best practices for serving human trafficking victims” (Todres and Baumrind, 2012).

Introduction of SB435

Anti-trafficking legislation was one of the platforms that Governor Kemp campaigned on and he has utilized his time in office so far to sign legislation into law combatting trafficking as well as put into place education and awareness platforms. “On June 29, 2020, Governor Brian Kemp signed Senate Bill 435, known as “The Survivors First Act” (“Human Trafficking” 2021). The Survivors First Act (SB 435), “creates remedies for individuals to clean up their Georgia criminal history if they are survivors of sex or labor trafficking, as defined in O.C.G.A § 16-5-46(...) SB 435 gives trafficking survivors the opportunity to either vacate their convictions if the conviction was a direct result of the trafficking, or restrict access to their record if the arrest was while they were being trafficked” (“Human Trafficking”, 2021). This is progress as it will no longer block access to new employment opportunities or housing for those victims rescued out of trafficking (“Human Trafficking”, 2021). Also, Georgia founded the Georgia Coalition to Combat Human Trafficking, “the state's first grant-funded, law enforcement-based task force comprised of federal, state, and local partners, is dedicated to addressing all forms of human trafficking: domestic minor sex trafficking, adult sex trafficking, and labor trafficking” (“First Lady, CJCC Launch Statewide Human Trafficking Hotline”, 2020).

Georgia is working to enact policies such as the ones described above to put legislation in place that protects victims and prosecutes perpetrators of human trafficking. Another huge initiative in the state of Georgia regarding human trafficking is education and awareness. “First

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Lady Marty Kemp has made human trafficking her top priority, which has provided visibility for the issue, legislative support to enact laws and state budgetary support for programs” (J. Jones, personal communication, 2021). J. Jones expressed a wish that “more states make it a priority as Georgia has by requiring human resource education for all state employees; provided materials for private industry to use for education; and partnered with trucking, hospitality, and travel industries to educate and alert authorities when human trafficking is suspected” (J. Jones, personal communication, 2021). This huge push in education and awareness will help bring to light the trafficking that is happening throughout the state of Georgia.

SB33, SB34 and HB287 passed in 2021

Most recently, in February of 2021, “Gov. Brian Kemp was in Gwinnett County...to sign legislation to fight human trafficking” (“Kemp signs bill to fight human trafficking across Georgia”, 2021). SB33 “will allow human trafficking victims to sue their traffickers, as well as anyone who knowingly benefitted financially from their victimization” (“Kemp signs bill to fight human trafficking across Georgia”, 2021) The second Senate bill (SB34) “will amend Georgia’s name change statute to protect the privacy and safety of human trafficking survivors that wish to change their name” (“Kemp Signs Bill to Fight Human Trafficking Across Georgia”, 2021). In the House, HB 287 was signed into law in April 2021, and “will require schools to teach human trafficking awareness to students in grades 6-12” (“Kemp Signs Bill to Fight Human Trafficking Across Georgia”, 2021).

Impact of Legislation and Policies in Georgia

Governor Brian Kemp of Georgia, First Lady Kemp and their entire staff have made anti-trafficking one of their big platform items while in office (“First Lady”, 2021). First Lady Kemp founded an organization called the Grace Commission. This was born out of seeing the need for

awareness and change to end human trafficking in the state of Georgia (“Grace Commission”, 2021). “The Federal Bureau of Investigation recently named Atlanta as one of the top fourteen cities with abnormally high rates of human trafficking (...) however, the issue is not limited to Atlanta...Human trafficking is taking place in every corner of our state” (“GRACE Commission”, 2021). GRACE Commission stands for The Georgians for Refuge, Action, Compassion and Education Commission (“GRACE Commission”, 2021). “The GRACE Commission is comprised of public officials, law enforcement, for-profit and non-profit organizations, faith-based institutions, and subject matter experts to tackle human trafficking, seek justice for victims, and hold bad actors accountable” (“GRACE Commission”, 2021).

Jan Jones, Speaker Pro Tempore – Georgia House of Representatives, is the Co-Chair of the GRACE Commission (“GRACE Commission” 2021). In an interview, J. Jones was asked how she became an advocate against human trafficking. Her reply was

After serving in the Georgia General Assembly for a number of years, I realized that human trafficking, and sex trafficking in particular, preys on the most vulnerable girls, women and boys. It opened my eyes to how necessary it is to educate the public; create policies and implement solutions to prevent it and support its victims; and discourage and punish perpetrators (J. Jones, personal communication, 2021).

She further discusses the need for increased support for victims of trafficking. Victims need tangible support in the way of safe housing, mental health and medical services, childcare assistance, educational and job opportunities so they can support themselves. Without these things, victims remain victims with little hope of escaping their situation. Very few housing facilities exist to provide short- and long-term support for victims. Georgia has more intake and

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long-term facilities now than several years ago, but many more are needed. (J. Jones, personal communication, 2021)

Currently, the State of Georgia has strong advocates throughout the government that are taking a stand against trafficking and trying to raise awareness and end human trafficking in their state.

Ten years after the passing of the federal law to make human trafficking illegal, the majority of states had some sort of legislation in place to continue the fight. “As of August 2010, Georgia and 42 other states have instituted criminal laws to combat human trafficking, which allows for prosecution at the state level by local, county, and state law enforcement agencies” (Polaris Project, 2010 as cited in Grubb and Bennett, 2012). Georgia was one of the first states to begin to incorporate mandatory training programs and other awareness initiatives as well as put into law legislation to aid local agencies in prosecuting traffickers (Grubb and Bennett, 2012). “The State of Georgia, located on the southeast coast of the USA, has already effectively prosecuted several human trafficking cases in the Atlanta area” (Grubb and Bennett, 2012). “Atlanta is viewed by some as becoming a potential ‘hub’ in human trafficking activities along the east coast corridor of the USA” (Brumback, 2011 as cited in Grubb and Bennett, 2012). Interstate I-95 has been identified as a major trafficking passageway as it connects many states (Grubb and Bennett, 2012).

There has been legislative and government action in order to deal with human trafficking in Georgia. “The Georgia legislature has acknowledged that human trafficking represents a potential criminal presence for the state and has passed state legislation titled ‘Trafficking of persons for labor or sexual servitude (16-5-46)’, which now falls under Article 3 for kidnapping, false imprisonment, and related offenses within the Georgia State Code” (Georgia Code, 2008 as cited in Grubb and Bennett, 2012). Further, after the passing of the TVPA in 2000

at the Federal level, the state of Georgia “instituted both sex and labor trafficking provisions that complement the federal law (...) by having no requirements for force, fraud, or coercion to prosecute sex trafficking of minors” (Grubb and Bennett, 2012). Georgia lawmakers and law enforcement have begun to investigate the connection between prostitution and trafficking and this new code (Georgia Code 2011) would allow “for asset forfeiture for crimes involving the prostitution of minors” (as cited in Grubb and Bennett, 2012). Georgia legislators “took the important step forward enacting H.B. 200, which created legislation mandating creation of human trafficking training materials for law enforcement personnel within the state through The Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center” (Georgia Code 2011 as cited in Grubb and Bennett, 2012).

Georgia has made large strides in the anti-human trafficking legislation, awareness and education arena. In 2019, Shared Hope International (a non-profit that fights human trafficking world-wide) released its “report cards” for each of the 50 states in the U.S. and how they were doing in the fight against human trafficking. Shared Hope International works alongside states to raise awareness and create robust legislation to combat trafficking (“What we Do”). In 2019, “Shared Hope International awarded Georgia an ‘A’ on strength of its laws to combat human sex trafficking – an improvement from the ‘B’ received in 2018 and the ‘C’ from the first report card in 2011” (“Georgia Awarded an ‘A’ for Anti-Human Trafficking Efforts”).

CHAPTER FIVE: DATA GAPS, AWARENESS, POLICY AND EDUCATION RECOMMENDATIONS

Throughout this thesis, research has been presented and discussed beginning at the international level of human trafficking, then looking at the federal level in the United States and lastly discussing human trafficking at the state level in Georgia. The research has demonstrated a lot of what is working well and the way the needle has moved in regards to enacting change, but there is still room for improvement in the realm of policy, education, and awareness. Policy, education, and awareness are the cornerstones of ending human trafficking and most researchers presented in this paper have pointed back to one or all of those items as solution options. “Over the past 20 years, human trafficking has generated a tremendous amount of public attention throughout the world (...) yet much of the discourse, policymaking and enforcement has lacked an evidence basis, because so little high-quality research has been done on the topic” (Weitzer, 2014).

Since 2000, when the first federal legislation was passed to fight human trafficking there has been quite a bit of research around what is working and what is not working. “Nine years after the passage of federal anti-trafficking legislation in the United States, fewer incidents of trafficking have been identified than original estimates of the problem predicted. Some scholars and commentators suggest that changes in the public framing of the trafficking problem aimed at advancing particular agendas are to blame” (Farrell and Fahy, 2009). Historically, trafficking was seen by many in the US as a problem that happened throughout the world or something that they did not even realize still happened (Farrell and Fahy, 2009). “The population is rarely accessible, and as such, obtaining representative samples or reliable information is many times compromised” (Ronda-Pe’rez and La Parra, 2016). Also, stronger relations between groups needs to happen (Ronda-Pe’rez and La Parra, 2016). Health organizations, non-profits and

government agencies are all trying to fight against human trafficking, but often have different goals and approaches so therefore do not always collaborate or work together, not utilizing that each brings different strengths to the table (Ronda-Pe'rez and La Parra, 2016). "Each actor [organization] has a different method of correlating human trafficking with many other social problems, thereby emphasizing different causes and effect (...) we [the authors] examine the concept of framing and, in particular, responsibility framing in order to understand the causal relationships between actors and events" (Merilaninan and Vos, 2014).

Human trafficking is also very hard to track and find meaning data and evidence. Fahy et al. (2010) discusses that because of the nature of this crime it makes it very hard to investigate and lack of training is why "U.S. officials have identified so few human trafficking victims (...) [and] how often and under what conditions police find, investigate and prosecute cases of human trafficking". Fahy et al. found that a reason why there were so few human trafficking cases was greatly in part to the lack of education and training for what to look for when trying to determine if a person is a victim of human trafficking (2010). "Measuring and documenting changes in the public framing of human trafficking helps policymakers and others now tasked with the evaluation of U.S. anti-trafficking efforts to determine if the problem of human trafficking has been overstated, as some opponents of the anti- trafficking movement argue, or if human trafficking needs to be attacked from a different angle" (Farrell and Fahy, 2009).

Strong quantitative research and data is needed to continue to inform policies and legislation at all levels. "Much of the popular writing on human trafficking has been anecdotal or sensationalistic, and most scholarly publications are either general overviews of the problem or critiques of the literature" (Weitzer 2014). Cho (2015) tried to apply a more quantitative approach to analyzing the human trafficking data in order to get more empirical evidence. "The

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four existing indices – the 3P Index, the GRETA-based Scorecard, the EuroStat, and the U.S. Tier-Ranking – were compared regarding their contents, quantification methods, and coverage of the data” (Cho, 2015). Specifically, Cho looked at “the validity of the first two indices coded from qualitative information was examined through tests for linear correlation, and the content of the EuroStat was evaluated by multivariate regression analyses” (Cho, 2015). Cho’s findings were that “the empirical investigation of this article suggests that integrating textual and statistical information can be a way to improve the quality of an index evaluating anti-trafficking policy” (2015).

The way human trafficking is discussed and framed in policy, education and awareness needs to change in order to truly give insight and grow the understanding of this problem. “The scope for widespread policy ramifications underscores the importance of further scrutinizing the narrative behind political understandings of human trafficking” (Wilson and O’Brian, 2016). Training and education of government officials, law enforcement, health care workers and the American people is imperative to actually enact change in regards to human trafficking. At the federal level, “The annual Trafficking in Persons reports offer a snapshot not only of how the problem of trafficking is represented, but also of how this representation is employed to justify broader policy agendas” (Wilson and O’Brian, 2016).

A way to improve legislation and policies at the federal level is by “measuring and documenting changes in the public framing of human trafficking helps policymakers and others now tasked with the evaluation of U.S. anti-trafficking efforts to determine if the problem of human trafficking has been overstated, as some opponents of the anti- trafficking movement argue, or if human trafficking needs to be attacked from a different angle” (Farrell and Fahy, 2009). Constant evaluation of what is working and what is not working is needed as human

trafficking is continuing to grow. Fahy et al. (2010) findings “suggest that the low number of human trafficking cases identified by the police in the United States might be attributable, in part, to agency leaders who do not perceive trafficking as a problem in their community as well as to a lack of training and guidance to prepare officers to identify and investigate these cases.”

Law enforcement awareness and training are important aspects in combating human trafficking. “The readiness of local law enforcement to engage in US anti-trafficking efforts: an assessment of human trafficking training and awareness of local, county, and state law enforcement agencies in the State of Georgia” (Grubb and Bennett, 2012). Further research is needed to explore whether the training and awareness tools that are currently being used in Georgia (that have been funded by HB 200) are having an impact on the population. The Federal Government does have programs in place to help empower and equip states to fight against this injustice. “At the federal level, the USA appears immersed in resources and programs designed to promote awareness and push anti-trafficking agendas, and legislators within some states (such as Georgia) appear eager to participate in these initiatives” (Grubb and Bennett, 2012). Training for law enforcement and all government officials, including teachers and law makers is an important next step in trying to fight against human trafficking. “This study, along with supporting research, suggests a practical necessity for such training to ensure that trafficking victims are identified at the local and state levels, and that victims are afforded necessary protections” (Grubb and Bennett, 2012).

Clearer definitions around what is trafficking, what is a trafficking victim, who are the vulnerable populations and where it happens are needed to create stronger policies, legislation, education and awareness campaigns. “When it comes to developing policies in this area, it would seem that only a comprehensive approach can actually be helpful, because only such approach

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would actually address all the dimensions of the problem” (Jahic and Finckenauer, 2005). Jahic and Finckenauer (2005) further explain that “the multidimensionality of the problem and the general vagueness of its definition have however, allowed it to become the focus of attention, for the wrong as well as the right reasons.”

J. Jones, Speaker Pro-Tempore Georgia House of Representatives, presents that

victims need tangible support in the way of safe housing, mental health and medical services, childcare assistance, educational and job opportunities so they can support themselves. Without these things, victims remain victims with little hope of escaping their situation. Very few housing facilities exist to provide short- and long-term support for victims. Georgia has more intake and long-term facilities now than several years ago, but many more are needed. (J. Jones, personal communication, 2021)

The state of Georgia has a robust training, education and awareness campaign being led by First Lady Kemp in order to end human trafficking in the state of Georgia. “I [J. Jones] hope more states make it a priority as Georgia has by requiring human resource education for all state employees; provided materials for private industry to use for education; and partnered with trucking, hospitality and travel industries to educate and alert authorities when human trafficking is suspected” (J. Jones, personal communication, 2021). J. Jones further states that the policy gaps in regards to anti-trafficking policies are around “education for the public” and “tangible help for victims” (J. Jones, personal communication, 2021).

Education and awareness are key initiatives that should be implemented at the international, federal and state level. More reliable data and ways of tracking data need to be investigated in order to be able to better quantify how many victims are out there and what is needed to best help them. Realizing this is a holistic problem is also imperative to enact change

in this area, health care, government, law enforcement, teachers, and really everyone needs to be aware and realize that human trafficking can and does happen everywhere. Below details a few suggestions to help guide education, awareness and policy development.

First, every classroom across the country in middle and high school should have information around human trafficking and awareness campaigns to teach kids the signs to look for and be aware of. Some states, such as Georgia, has programs they are rolling out to schools, but it needs to become part of the curriculum and teachers should be trained in what to look for if someone is trapped in human trafficking. Secondly, those who work with foster children need strong training programs as runaway teens and foster children are some of the most at-risk children to be trafficked. Thirdly, better funding needs to be provided to research and find ways to more accurately track human trafficking at the various levels in order to have more accurate counts and therefore be able to build more robust policies and legislation based up sound quantitative data. All of these things, with public awareness campaigns can help bring knowledge of this injustice and educate people on how to fight against it.

CONCLUSION

“40 million in modern slavery and 152 million in child labour around the world (ILO 2017). Those numbers might be even greater now, because accurate tracking is one of the gaps surrounding anti-human trafficking legislation and policies. Modern day human trafficking as described in this paper takes many forms, and takes place all throughout the world. At the international level, human trafficking transcends borders, and while there may be a level of awareness, accurate tracking and international laws are needed to eradicate it. In the United States, at the federal level, the year 2000 brought about major change in the legal realm around human trafficking and the importance of this issue. However, there is still room for increased education and awareness as well as stronger legislation to prevent trafficking not just outside our borders, but from within. At the state level, some states are doing a lot in the anti-trafficking legislation and education arena, such as Georgia, while others are just utilizing what was put into place at the federal level. It is time for a change.

As detailed above, there is strong work being done to enact change at the international, federal and state level. The UN is working to combat trafficking by defining and holding countries accountable for creating strong policies to help end the spread of human trafficking. At the federal level, there are taskforces specifically created and funded to combat trafficking in the United States as well as stopping the importing of trafficking victims to the U.S. The state of Georgia is a good example of striving to fight human trafficking at the state level. Governor and First Lady Kemp are both strong advocates against human trafficking and have created legislation in both the House and Senate to respond to this injustice as well as education and awareness campaigns for all government employees and in schools. First Lady Kemp also founded the GRACE Commission, a committee whose entire purpose is to see human trafficking end in the state of Georgia.

A more holistic approach is needed in the arena of anti-trafficking in order to really see change happen. Education and awareness for all people that this injustice happens everywhere around the world or even in a neighborhood should be available for all people. This is not a fight for just the UN and other world-wide organizations, this is a fight that has to start at home. Teaching kids what human trafficking is and educating them on how it happens, since in the U.S. runaways are a vulnerable population. Building and legislating for stronger foster care programs in order to prevent human trafficking from happening. Finding ways to stop the demand. Raising awareness for the warning signs and empowering people to use their voice and not be silent on the issue of human trafficking. The numbers may seem overwhelming, but each one is a person who deserves freedom.

Take a stand. Be a voice.

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