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THE GOOD, THE BAD, THE UGLY: HUMAN
RIGHTS VIOLATORS IN COMPARATIVE
PERSPECTIVE
“ACCEPTED FOR PUBLICATION”

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The Good, the Bad, the Ugly: Human Rights Violators in Comparative Perspective

Austin Choi-Fitzpatrick

Abstract: *A large and growing wave of scholarship has focused attention on a variety of contemporary forms of slavery. Early attention went to victims of sexual exploitation, though this is starting to slowly change with a growing body of work on labor exploitation. Previous studies focused exclusively on international trafficking and on the Global South whereas newer studies emphasize domestic trafficking and exploitation in the Global North. This article, and the special issue it introduces, suggests that it is high time scholars and advocates broaden their scope to more clearly focus on perpetrators and on the emancipation process. Perpetrators are too often thought of as “criminals of the worst sort,” a cultural shorthand that reduces understanding and thereby hampers both theory and practice of emancipation. For its part, emancipation is too often thought of as either “freedom” or the binary opposite of slavery. Here too, reality is more complex and fraught. In this article, I argue that a human rights approach to slaveholders and emancipation would improve greatly on the status quo.*

Introduction

This article begins with two interconnected assumptions: that slaveholders are understudied, and that any effort to understand this group must be rooted in the fact that they are socially legible actors. Contemporary scholarship on human trafficking, forced labor, modern slavery and a host of associated rights abuses has come in several phases. The first set out, in the 1990s, to raise awareness about the existence of these issues. Thawing from the Cold War, the world was discovering a host of new issues connected to post-colonial struggle, new migration, and new sites of political contestation. By the 2000s, laws were being passed, budgets were being allocated, taskforces were being assembled—all in pursuit of justice for victims of *international human trafficking*. This effort quickly gave rise, certainly in the United States, to the abrupt realization that international trafficking was either a great deal more hidden, or a great deal less common, than was originally thought. The response was two-fold. First, a doubling down of the commitment to laws, budgets, and taskforces saw an exponential increase in each category, while the number of victims identified rose only incrementally. The second response was a pivot in attention from victims of international trafficking to victims of “domestic sex trafficking.” This second response served to broaden the category of “trafficking” to such an extent that victims were relatively easier to locate. This redefinition meant that trafficking *really was* in “our own backyard!”

Across these recent phases, I argue, the focus has remained on the rescue and rehabilitation of victims. This is an important commitment, but it is one that overlooks the deeply relational nature of contemporary trafficking, whether it is international or domestic, for labor exploitation, or coerced work in the sex industry. This focus served to relegate additional actors to the margins. Perpetrators large and small were either ignored or

contextualized as a singular group of “others,” with little attention to the reasons or motivations for perpetration. This has started to change slowly, as advocates, policymakers and scholars have started asking challenging questions about the role of individual businesses and supply chain systems in the process of exploitation. These efforts have led to institutionalization in the form of the Global Compact and a host of other approaches, as described by Ashley Feasley in this issue of the *Journal of Human Trafficking*. Thanks to these efforts, we now know more about large and institutional perpetrators. But what of the small and individual perpetrators who work along the line to deliver individuals into forced labor?

The process of illuminating these rights violators relies on multiple perspectives. The law is important, but the technical and social designation of *criminal* is an inadequate guide. The lens of the law distorts, constraining each real individual into a two-dimensional caricature in violation of particular legal systems. Rights violators are as individually motivated, morally complex, and culturally embedded as the readers of this volume. They are not moral strangers but are instead imbricated within a network of complementary and conflicting factors that make certain sets of behavior doable and even legible, if not agreeable.

In this observation I would like to hold to the side two key sets of actors: organized crime and pathological individuals. Both large-scale organized crime and those with pathological behavioral traits operate according to unique logics that are decidedly anti-social. The same cannot be said of many individuals who support trafficking networks. In those cases, many participants, especially in the recruitment and transport stages, may be bit players in the process, and almost completely decoupled from the final exploitation. Older labor practices, like bonded labor, are considered to be an important part of the social fabric. If we consider “domestic trafficking” to fit under our remit, then the same thing can be said of street-corner pimps who have learned and practiced the trade locally and with relative independence. Each instance is criminal, but none are the kind of large-scale organized crime that punctuates, for example, the work of the Japanese Yakuza, for example. Individual pathological commitments to exploitation—an unfortunately broad and large category—are also outside my focus here. My interest is instead on human rights violators engaged in trafficking for a host of more banal reasons—profit, culture, lack of options, experience, and so forth.

In arguing for the “social legibility” of slaveholders and traffickers, I hope to emphasize that they are regular social actors rather than inscrutable moral outliers. After all, if slavery is relational, then freedom is as well. Understanding emancipation is incredibly difficult without a commitment to the “rescue and rehabilitation” of both victim and perpetrator. Justice, in this light, is not simply *criminal [justice]*, it is also a restorative community processes, especially in those places where rights-violating cultural norms further complicate the matter. It is widely recognized that trafficking is a function of networks—less well recognized is the fact that networks are fundamentally *relational*. Perpetrators are neither moral strangers nor are they actual strangers. They are often close to those they abuse and control, and they are often engaged in culturally legitimated activity, or at least activity made possible by the predations and excesses and inequalities of either feudalism or capitalism. Culture and economics are intertwined in most of these cases, as both perpetrator and victim (and intervening others) are part of a larger world of supply and demand.¹

¹ Lest my more narrow scope be considered to be shirking my duties, I would like to propose a typology for better understanding rights violator. Such a typology should accommodate three factors: 1) the actor’s knowledge of the final stage of exploitation; 2) the actor’s role in exploitation (facilitator or enforcer); 3) the actor’s perception of legal and social norms (none, one, or both violated).

Why have slaveholders and traffickers been overlooked?

Traffickers and slaveholders have been generally overlooked in efforts to understand slavery and trafficking. This oversight is both normative and logistical. It is normative in that many approach the issue out of a commitment to immediately address the most dramatic exploitation of the most vulnerable. This pull to extreme cases—child trafficking, for example—generates data, cases, and conceptualizations of the problem that leave very little room for moral ambiguity and ethical dilemmas. Such abuse is “just wrong,” and perpetrators are thus “animals” or “inhuman” or “criminals of the worst sort.” I am stylizing here a bit in order to emphasize the broader point. Extreme cases call for extreme solutions, including immediate police intervention that leads to the incarceration of the perpetrator and the rescue of the victim. Such is the normative oversight, or at least a helpful caricature of why it has often not occurred to policymakers, advocates and academics to assess perpetrators on their own merit.

This oversight is also *logistical*, especially as related to *sequencing* and *access*. By *sequencing* I refer to the fact that the international community has been doing triage on the issue since the mid-1990s, at which point very little was known about the issue. Was it new? Was it old? Who did it affect? What was the solution? Many of these questions are still with us, and much more work remains to be done. However, an increase in attention from the general public, policymakers, and international donors has meant there is sufficient time and space to start asking what motivates perpetrators. Sequencing simply means first things first. Creating intervention systems and developing more sophisticated understandings came first because of a simple and clear imperative to seek and save the lost (Choi-Fitzpatrick, 2014).

If now is the time to start asking more sophisticated questions about perpetrators, we run into a second reason for this oversight: *access*. Many (perhaps the majority of) perpetrators are knowingly engaged in law-breaking (whether they perceive this to be wrongdoing is another matter). Lawbreakers are not the most accommodating research subjects, whether the topic is bicycle theft or a terrorist attack. Thus, if normative and timing hurdles can be overcome, it appears the study of rights violators faces the simple fact that most perpetrators refuse to talk to anyone about their work. We say “it appears” because it is not clear whether the task of interviewing perpetrators has been tried and failed, or rarely tried at all. The result of these factors—normative commitment to victim-centrism, logistical issues related to tackling first-order issues first, and the challenges posed by gaining access to a particular community—is a near-total lack of empirical studies drawing on data from traffickers and slaveholders. Hardly any work is even done *about* this population (i.e., conceptual and theoretical work in the absence of data).

This is a shame. There is every reason to believe that, while hard-to-reach, slaveholders are not nearly as inaccessible as one might think. While there are a number of ways to think about slavery and trafficking, the modern slavery framework seems to provide the best approach. This concept has been advanced by the sociologist Kevin Bales (2012), who convincingly argues that slavery emerges as a result of factors that include globalization and poverty. A more social and relational approach to understanding slaveholding begins with the assumption that these factors drive perpetration as much as vulnerability. Macro-economic factors like globalization impact entire communities, not just to the most marginalized.

Here we approach another issue, marginalization. Trafficking is often thought to happen to the *most vulnerable*. This is not always the case. The poor who are able to *do something*, including migrate, are not always the most vulnerable individuals within their respective communities. They are certainly vulnerable relative to those abusing a position of power and authority, but they are not necessarily the most vulnerable in their home communities. Likewise, there is every reason to believe that perpetrators are often almost as impoverished and marginalized as their victims. Inordinately profitable and vast criminal networks certainly exist. However, they are the exception rather than the rule (a fact borne out by studies in this special issue). International networks of recruiters, traffickers, enforcers, and end

users certainly exist as well. But here too, such trafficking is an exception rather than the rule, when compared to the realities experienced by most victims of contemporary slavery. In their lives, domestic trafficking (from a village to a plantation, or a small town to a big city, or from a poor country to a rich one) and sedentary exploitation (bonded labor in the areas near their own homes) predominate.

Defining perpetrators

Before continuing on to the literature, we must first specify what we mean by the term *perpetrator*. At the broadest level I use the term perpetrator to mean any individual directly or indirectly benefitting from the enslavement of another. This definition includes recruiters, transporters, enforcers/management, direct net beneficiaries (business owner), and indirect net beneficiaries (investors, consumers). This scope is wide, perhaps wider than is comfortable for some. The number of roles vary by case, with some having a single perpetrator who served to recruit and manage victims in a sole-proprietorship through which the direct economic benefits are obtained by the perpetrator. In other instances, a complex web of recruiters may deliver individuals to coyotes, who transport them intra- or internationally to a firm that extracts their labor without pay on behalf of a factory owner, who either pockets the profits (direct net economic beneficiary), shares them with investors (indirect net economic beneficiaries) or passes them along to customers (indirect net economic beneficiaries). Note that there is no user present in either of these cases. The term *user*, as I am deploying it here, describes those who directly use the service (or product).

If these categories were to be placed along a continuum, it would be safe to say we know the most about recruiters, transporters, and enforcers, as well as users. One of the reasons for this is methodological. Existing studies often rely on interviews with arrestees, and most societies are arranged in such a way that only the least powerful link in the chain of profitable criminality is exposed to the criminal justice process. As a result we know the most about those who know the least, something police taskforces would be wise to note.

Talking to perpetrators

Here it is important to say a brief word about what we *do* know about perpetrators. Nascent empirical work on perpetrators is divided into two types: that drawn from data *on* perpetrators, and that drawn from data *from* perpetrators. The latter is superior to the former, though exponentially more difficult to secure. Data from perpetrators comes from two places: prison and society. Again, data from the latter is higher quality. These qualitative judgments emerge from a conviction that, under the right conditions, free rights violators may speak freely. These conditions are hard to secure, and those working with arrestees can rightly respond that those in prison have nothing left to lose, and are more likely to be more forthright in an interview setting. I hope future scholarship will resolve this open question, since qualitative judgments are not empirical realities. The stark fact is that prison populations are often the most accessible segments of a community determined to be inaccessible (to police, tax authorities, and university professors). They are, in a literal matter of speaking, a captive audience.

In the end, it seems, whether and how we get our data from prison or society is an important filter for our knowledge. Societies in which trafficking and bonded labor practices are met with general disinterest (such as South and Southeast Asia) are likely to imprison fewer people for the crime. Societies with different norms—and more robust rule of law, it must be said—are more likely to intervene and/or imprison individuals for these same or equivalent practices. Social inequality in both communities, however, is likely to pattern arrests such that it is powerful perpetrators—indirect net beneficiaries, such as the owners of capital, politicians, feudal landholders, etc—who are most causally responsible for exploitation, but the least criminally accountable. Inversely, it is likely that relatively less powerful perpetrators—recruiters, transporters, enforcers and managers—are more likely to be arrested.

Arrestee data has a number of issues. The first has already been mentioned: arrests are more likely to befall the poorly connected, small time, criminal entrepreneur. When higher profile figures are identified, they are more likely to avoid arrest. When arrested, they are more likely to post bail, have their case dismissed (through favoritism), avoid charges in some other way (e.g., corruption), or even escape. The selection effect for arrestee data is therefore significant. In the final analysis, data is ultimately available from a number of sources: arrestees (e.g., Gotch, 2016; Keo et al., 2014; Shen, 2015, 2016), socially acceptable crimes (Choi-Fitzpatrick, 2015), cultural affinity and trust in diaspora networks (Zhang, 2008, 2013; Arhin, 2016), and data from criminal trials (Denton, 2016).

What others have seen and said

Over at least the past two decades a line of activist scholarship has drawn attention to the role of demand for prostitution, and sought to extend this scholarship to trafficking for sexual exploitation. This is important work, but has been largely confined to the prostitution perspective. Elsewhere, I have argued that there are six general approaches to slavery and trafficking—prostitution, migration, criminal, slavery, forced labor, and human rights (Choi-Fitzpatrick, 2015). Efforts to understand demand, john's schools, better laws to curb the purchase of sex, are well and good, but only shed partial light on a single dimension of this issue. The definition of perpetrators suggested above sketches a number of roles: recruiters, transporters, enforcers and managers, direct users (like johns and those holding bonded laborers), direct net economic beneficiaries (like businesses), and indirect net economic beneficiaries (like consumers). This list is roughly arranged by level of sophistication, but it also roughly sketches the amount of data we have on each type. We tend to know the most about recruiters, transporters, enforcers and managers, and users, as they are the most likely to be arrested. We know far less about those who directly or indirectly benefit economically from these exploitative relationships. To date, it seems most of this attention has been focused on trafficking for sexual exploitation.

Recruiters, transporters, enforcers, users

Chandra Keo and his colleagues (2014) have conducted interviews with individuals imprisoned for trafficking-related crimes in Cambodia. They found that the majority of these individuals were “poor uneducated women who lack legitimate opportunities and whose unsophisticated illicit activities earn very little” (Keo et al., 2014, p. 202). While it is probable that interviews with arrestees are more likely to oversample perpetrators who are unable to afford the bribes necessary to avoid jail, the fact that this description matches a full eighty percent of the study's interviewees is telling. These findings also challenge the notion that large criminal gangs are earning huge sums on the backs of trafficked individuals. While human rights-oriented advocates have spent considerable time arguing that sex work is not incompatible with individual agency, they have not focused as much attention on the vulnerability and marginalization experienced by lower-rung members of trafficking operations.

In the Indian context, the scholars Sen and Nair (2005) determined that the average trafficker (i.e., recruiter, transporter, and enforcer) and the average direct economic beneficiary (i.e., brothel owners) were more likely to be a middle-aged woman working as a sole proprietor than to be a young man working in a criminal network. They found that a near majority (47%) reported that their trafficker was a woman. These findings are in line with the work of Levenkron (2007), whose work on trafficking in Israel found that 10% of perpetrators identified in court documents were women. Brown (2007) found that many female traffickers in Cambodia had themselves been trafficked at an earlier point in time.

Scholarship on perpetrators has come in fits and starts, but there is a chance that this will change with the publication of a new round of findings commissioned through funding from the National Institute of Justice (NIJ). In

their own assessment of this work, the NIJ has highlighted a number of key findings:

1. Some perpetrators are deterred by criminal justice outcomes;
2. There is significant diversity amongst traffickers and criminal organizations that engage in trafficking; and
3. Law enforcement and prosecutors primarily prioritize prosecution, with prevention programs, research and efforts to understand recidivism taking secondary priority.

Much of this work is ongoing at the time of this publication. Studies from the Urban Institute and the University of San Diego deserve mentioning. The Urban Institute set out to assess the size of the “unlawful commercial sex economy” (UCSE) in the United States. A considerable drawback to this study is the fact that it does not specifically address human trafficking. This is a concern that could be leveled at many studies, and is an issue that policy-makers, advocates and scholars would do well to address in a concrete manner. This caveat aside, the Institute has found that while the UCSE has grown, and sexual exploitation has increased in sophistication (by shifting online, for example), there is no data to suggest that formal organized crime syndicates are involved in trafficking for sexual exploitation. While networks certainly exist, they are more likely to be intergenerational and familial—cultural—than criminal.

A consortium, led by my colleague Ami Carpenter here at the University of San Diego, has interviewed a self-selecting sample of incarcerated individuals to explore the relationship between gangs and human trafficking for sexual exploitation. The team defines gangs in line with California State law as any organization, association or group of three or more persons, formal or informal, which (1) has continuity of purpose, (2) seeks a group identity, and (3) has members who individually or collectively engage in or have engaged in a pattern of criminal activity (Reference section 186.22(f) of the *California Penal Code*). Trafficking is defined in accordance with the Trafficking Victims Protection Act.

A preliminary analysis suggests that of the interviewees, 54% percent report being involved in some aspect of a human trafficking crime. The majority (80%) of the “sex-trafficking facilitators” in the study reported affiliation with a gang. Of those, most were part of entrepreneurial efforts, rather than highly organized criminal activity. Anticipating the findings of some of the studies in this special issue, while exploitation appears to be colorblind, imprisonment does not: Black and Hispanic gang members are over-represented in this study.

Direct and indirect net beneficiaries

Efforts to understand institutional exploiters have persisted with campaigns against forced labor in countries (e.g., cotton in Uzbekistan) as well as particular industries (e.g., cocoa, coffee, steel, etc). The article by Feasley in this special issue demonstrates that, while some scholarly work has begun to address this sector, non-governmental organizations and human rights advocates on the ground are doing the bulk of the work here.

When it comes to a broader category that I am calling indirect net beneficiaries, the picture is more complex, both in terms of scholarship as well as ethics. What is the appropriate amount of accountability that can be reasonably expected from the average consumer of goods and services? Such are the questions I wisely leave to future scholars.

Contemporary slavery studies have tended to focus on trafficking through a number of lenses: Prostitution, Migration, Criminal Justice, Forced Labor, Slavery, and Human Rights (Choi-Fitzpatrick, 2015). Each of these approaches considers a different rights issue to lie at the heart of the rights violation in question, with a combination of human rights and slavery perspectives providing perhaps the best synthesis of structural and historic factors. Such an approach recognizes the complications involved in simple dichotomies. Rights violators are also rights holders, due to their membership in the human family. Conversely, vulnerable individuals are sometimes (but certainly not always) exercising agency in the midst of a limited range of options.

This makes for complicated categories, as some facilitators—e.g., procurers, intermediaries and brokers—are indirectly involved in the ultimate exploitation. In other cases, end users and direct enforcers may both engage in the ultimate exploitation, but from different economic, social and political positions. In some environments, including bonded labor in rural India, one person can play the role of facilitator, enforcer and end-user.

In sum, there is very little scholarly work on perpetrators. Scholarly work on trafficking tends to address the issue from one of six approaches listed above, and this shapes thinking about perpetrators. They are often simply categorized as criminals (a legal violation) and sometimes as predators and perverts (a blend of moral, social, and legal violations). They are rarely categorized as people, as social actors driven by particular combinations of motives. The one motive that is ascribed to them is greed (a moral failing). Reality is more complicated, a fact to which I anticipate future scholarship will bear witness.

Anti-trafficking scholarship, like most scholarly inquiries into social problems, is largely normative and is closely connected to advocacy efforts. Some questions are rarified and esoteric, but most scholarship is action-oriented, puzzling over the role of cultural symbols and practices, political stances, policy implications, legislative solutions, and grassroots interventions. For this reason, it might be worthwhile to consider a second set of data on how anti-trafficking groups talk about trafficking and slavery.

How do anti-trafficking groups talk about traffickers?

With this brief overview of the academic and advocacy literature, we can turn to the ways that anti-trafficking groups themselves address this issue. These organizations play a significant role in framing the issue for the public, shaping funding requests from the federal government in the United States, and engaging vulnerable communities on the ground. What they have to say matters very much. So what do they have to say about traffickers? With the assistance of my colleague Marija Stojanovska Rupcic at Central European University, I conducted quantitative and qualitative analysis on data from the websites of key anti-trafficking groups. What we found was that traffickers are missing from most organizations' description of the problem, and from almost all of their descriptions of the solution.

Our exploratory research entailed a content analysis of 14 organizations' websites. We selected organizations that coalition partners of the Alliance to End Slavery and Trafficking (ATEST), and enhanced this group with three more organizations we considered to be internationally significant. The ATEST coalition partners may not necessarily be large or well-known, but we chose them since we wanted the research to be geographically focused, and these organizations are all based in the US. On the other hand, when it comes to the scope of their work, most of them work internationally and that is why they can be related to the three other organizations we added (Anti-Slavery International, Walk Free, and Not For Sale).

Some of these are focused specifically on the issues of trafficking and slavery (Free the Slaves [FTS], Coalition of Immokalee Workers [CIW], Global Alliance Against Traffic in Women [GAATW], Coalition Against Trafficking in Women [CATW], Anti-Slavery International [ASI], Coalition to Abolish Slavery and Trafficking [CAST], LaStrada, Walk Free), while others have these foci as a critical part of their portfolio (IJM, Vital Voices, Solidarity Center, Safe Horizon). Additional agencies, such as World Vision, have this dual focus as a smaller component in their global portfolio of issues. We identified these groups and organizations as high-profile actors in the anti-trafficking community. This status was determined through a combination of name-brand visibility at conferences, in the literature, and in public discourse. Representatives of these groups are engaged in important debates about prostitution (e.g., GAATW and CATW), have initiated important campaigns (CIW), have attracted money and attention (Not For Sale and Walk Free), and pioneered survivor-centered services (CAST). Many of these groups are involved in national or international coalitions, including Freedom Now, and the Alliance to End Slavery and Trafficking.

Human Rights Violators in Comparative Perspective

Table 1. *Selected anti-trafficking organizations by issue and perpetrator frame*

Group	Issue Frame	Perpetrators**	Pages
CATW	Prostitution	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	221
Free the Slaves	Slavery	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: Cocoa, charcoal, steel, caets Indirect Net Economic Beneficiaries: Investors and consumers	297
CAST	Prostitution and Forced Labor	Direct: Traffickers Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	276
GAATW	Forced Labor & Human Rights	Direct: Traffickers Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	457
La Strada	Prostitution	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	3,540
Freedom Network	Prostitution	Direct: N/A Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	327
Solidarity Center	Forced Labor	Direct: Traffickers Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	302
Anti-Slavery International (IJM)	Slavery	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: Uzbekistan, Daewoo, Cargill, ADM, Burma, North Korea, China, Mauritania Indirect Net Economic Beneficiaries: Investors and consumers	296
Verite	Forced Labor	Direct: Traffickers Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	476
Polaris Project	Prostitution	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: Small business owners, large factory owners, labor brokers, employers of domestic servants, contractors, employers Indirect Net Economic Beneficiaries: N/A	2,420
Walk Free	Slavery	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: Tata, Natural Fruit, Daewoo, Intel, Wendy's, Publix, Tesco, Pepsi, FIFA, ISIS, Walmart, Costco and Carrefour Indirect Net Economic Beneficiaries: Investors and consumers	120
International Justice Mission	Slavery	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	9,970
Not 4 Sale	Prostitution and Child Labor	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	3,630
Safe Horizon	Prostitution	Direct: N/A Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	782
Coalition of Immokalee Workers (CIW)	Forced Labor	Direct: Traffickers (Recruiter, Transporter, Enforcer), User Net Economic Beneficiaries: Grocery stores and fast-food outlets Indirect Net Economic Beneficiaries: Investors and consumers	2,970
Vital Voices	Prostitution	Direct: N/A Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	5,610
World Vision (US)	Prostitution	Direct: N/A Net Economic Beneficiaries: N/A Indirect Net Economic Beneficiaries: N/A	18,500

Human Rights Violators in Comparative Perspective

Table 1 lists the groups included for analysis, indicates the number of Web pages that represent the sample size for each group and sketches a number of very provisional assessments of the way their Web sites depict perpetrators.

We used the *advanced search* option in the search engine Google.com to check for a number of key terms occurring anywhere on the website of these sample organizations. We used a coding of 1 for any mention and 0 for no mention. For example, when Freedom Network USA says "Laws that impact survivors, not perpetrators, are truly the most effective approach,"² this is counted as a mention (and this deflection of attention from perpetrators is noted in our qualitative analysis). For CATW, for example, we divided the number of times "trafficking" appeared by the size of the site (221 unique pages). What results is a snapshot of usage relative to one another (rather than a measure of per/page usage)—see Figure 1. After establishing empirically whether there was a mention of perpetrators, we conducted qualitative analysis of the way these organizations discussed them.

Figure 1. Key term usage across selected anti-trafficking organization websites

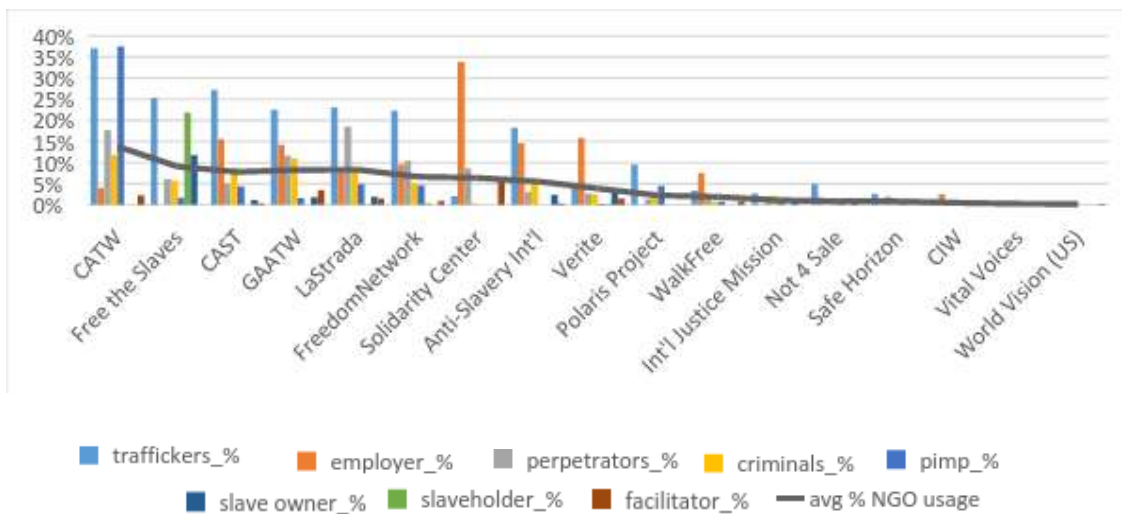


Figure 1 demonstrates the frequency of use for a number of key terms *relative* to the total number of unique pages. For example, World Vision appears at the very tail end of the figure, most likely for two reasons: trafficking is one of many issues addressed by World Vision, and because of the sheer number of unique pages on worldvision.org. The websites of newer, smaller, single-issue, campaign focused groups, such as Walk Free, are much smaller.

At a more granular level we can see that “traffickers” is the most used term. The terms “employer” and “perpetrator” are the second and third most popular, with the terms “criminal,” and “pimp” used far less often. Trailing far behind are terms like “slaveholder,” “slave owner,” and “facilitator.”

World Vision, Vital Voices, and the Coalition of Immokalee Workers (CIW), spent relatively little time on perpetrators. But when they do, clear patterns emerge. Vital Voices only uses the term “pimp,” and CIW consistently prefers “trafficker” and “employer.” CATW uses all terms more often, and more broadly than anyone, but favors “trafficker.” A handful of groups use a majority of the terms—for example: LaStrada and GAATW use all terms except “slaveholder;” CATW and Freedom Network use all terms except “slaveholder” and “slaveowner;” and FTS regularly uses all categories except “facilitator” and “employer.” Perhaps most notably, Free the Slaves and the International

² See freedomnetworkusa.org

Justice Mission are the only groups to use the term “slaveholder” with any consistency. The Solidarity Center is one outlier that deserves some explanation—as a union-based group focused on ethical labor practices, the unit of analysis is *employer*, as this is the default conceptual framework for unions.

A few organizational-level observations are also in order. Those classified as traffickers by Not for Sale get their own direct objects. Traffickers “force victims to work against their will” ... “inflate these costs and tack on enormous interest rates” ... “ensnare their victims using violence, coercion, lies and threats” ... and “can be strangers or acquaintances.”³ While Not for Sale clearly describes perpetrator activities, they appear less in the descriptions of solutions, which are consistently more victim-centric.

The International Justice Mission has a clearly structural analysis conveniently built into its name. The target is the justice system, rather than cultural, economic or political systems. This observation complicates scholarship arguing that groups with evangelical roots, like IJM, tend to focus on individual emancipation rather than deeper structural factors (Choi-Fitzpatrick 2014). For our purposes here, however, we must note that references to perpetrators are oblique: “Victims who try to escape commonly report being tracked down, beaten, and returned to the facility.”⁴ As indicated earlier, the reader is almost left with the impression that these things have just happened, as when my Indian colleagues report that someone “met with an accident.” One can easily imagine the full sentence instead reading, “Victims report being tracked down, beaten, and returned to the facility *by a [particular person]*.” Instead, the perpetrator is nameless and faceless, most likely because they are criminals who lay beyond the pale.

World Vision has the same challenge, as perpetrators never earn direct object status. “Examples of human trafficking include:

- Children abducted to fight as child soldiers [Presumably by militants]
- One person sold to another to serve as a slave or bonded laborer [Presumably by upper caste community members]
- Children from rural areas of poverty who are sold, tricked, or stolen away to serve as sex slaves in brothels [Presumably by aunts and other family members].”⁵

Of course I am playing with language here, but this exercise should point to the fact that mere semantics betray a more important gap in our conceptualization of the problem.

The Washington DC-based organization Polaris Project has adopted a “holistic approach” that explicitly includes the notion of perpetrators. Their website features a general definition of traffickers, focused definitions of “sex traffickers” and “labor traffickers,” and information about traffickers that reads, in part, “traffickers can be lone individuals or extensive criminal networks. Pimps, gangs, family members, labor brokers, employers of domestic servants, small business owners, and large factory owners have all been found guilty of human trafficking.” This inclusion extends to “all parts of the issue ... including victims, perpetrators, demand, and support structures.”⁶ Less clear from the website are the mechanisms whereby this admirable commitment is connected to organizational programming.

The Coalition of Immokalee Workers, which had a breakthrough moment with its 2004 campaign against Yum! Brands and Taco Bell, has one of the most explicit theories of corporate responsibility, but appears to talk less about it in terms of perpetration and corporate culpability than other organizations. This may be a result of their theory of change, which requires CIW to be a hammer, with corporations as the anvil--that is to say, CIW envisions both CIW and the

³ All Not For Sale quotes from <https://notforsalecampaign.org>, May 5, 2015.

⁴ All International Justice Mission quotes from <https://ijm.org>, May 5, 2015.

⁵ World Vision, www.worldvision.org/, May 5, 2015.

⁶ All Polaris Project quotes from <https://polarisproject.org/>, May 5, 2015.

corporation as critical actors in the process of ensuring justice for workers. Corporations are an asset, not a villain. What gets smashed is the “multi-state farm slavery operations” that corporations benefited from without creating.⁷ While one might quibble with CIW’s rather narrow focus on intermediary perpetrators (like contractors), it is clear that they have a well-developed theory of the perpetrator and an acute understanding of their incentive structures. This is more than can be said of many other organizations reviewed in this sample.

The fact that the CIW has such a clear set of victorious lawsuits demonstrates their commitment to classifying perpetrators as criminals and emphasizes that they see the intermediaries as the true criminals. To wit, CIW does not pursue lawsuits against corporations to their conclusions. In each case, the perceived perpetrator is the facilitator or network of facilitators lying between the workers and corporations. This fits in with an assessment of CIW’s use of consumer mobilization to pressure corporations to crush rights violating brokers economically, as well as in court. Perpetrators get lots of attention institutionally but are less explicitly emphasized on the CIW’s website. In sum, CIW’s theory of the perpetrator is oblique, with net beneficiaries called upon to “do the right thing.” This may be contrasted with Walk Free, which has doubled down on the “name and shame” strategy, as can be seen in the long list of direct net beneficiaries they specify by name.

In the final analysis, neither scholars nor activist organizations have focused sufficient attention on perpetrators. When this attention is given, it is usually: focused on end users rather than all beneficiaries of exploitative practices; focused on a particular type of exploitation (e.g., sexual exploitation) rather than all forms of exploitation; or is diffused by a general unwillingness to name names with specificity (though Walk Free is a clear exception).

What this special issue offers

In her article in this special issue, Ashley Feasley explores a number of accountability regimes that have the potential to reduce forced labor in global supply chains. This review assesses state-based, international, and market-based approaches, finding strengths and weaknesses in each. Corporate-led initiatives, such as rights-sensitive branding and codes of conduct may be the most visible to consumers, but lack teeth, in that they rely on self-monitoring processes. International regulatory regimes, such as the Global Compact and the OECD’s Guidelines for Multinational Enterprises, suffer from a similar limitation—both are voluntary and lack enforcement capabilities. Finally, domestic regulation regimes hold some promise, especially in the United States, where Feasley draws her examples. She provides a clear and concise overview of the few regulations useful for holding to account the direct and indirect beneficiaries of slavery. For example, the Dodd-Frank Act, the California Transparency in Supply Chains Act, the Federal Administrative Supply Chain Transparency Regulation (Executive Order 13627), and the failed Federal Legislative Supply Chain Disclosure efforts (HR 4842) all point to the state’s capacity to address this issue. Of course, policies like EO 13627 point to limitations: sometimes executive orders are required to pass these measures, and even then, they might only apply to the federal government. However, a host of other remedies exist, including the Alien Tort Statute, which Feasley introduces, and puts into context considering recent rulings that have narrowed its scope.

Antonela Arhin extends our understanding of human rights violators with her assessment of the ways diaspora networks serve as critical links in the trafficking process. Focusing in particular on Albanian, Hungarian Roma and Chinese criminal diaspora networks, Arhin draws on 72 court files from 2004-2014 to explore the trafficking of both children and adults for labor and sexual exploitation. Globalization has created new forms of transnational connectivity, and this connectivity manifests itself in networks that may or may not be visible, and are not always legal. Indeed, their ends vary significantly and may include trafficking for the purpose of sexual or labor exploitation. Each, however, relies

⁷ CIW, www.ciw-onlinw.org/, May 5, 2015.

on trust, a shared conceptual framework, and marginalization within a host country. The co-circulation of exploited people alongside their vulnerable compatriots makes anti-trafficking work especially difficult. This reality should stimulate the development of more holistic anti-trafficking efforts that focus on social justice for economic and racial minorities, and not just for a subset of those deemed “worthy” victims.

Erin Denton introduces a novel assessment of traffickers using a unique dataset of human trafficking cases that were successfully prosecuted in the United States between 2006 and 2011. Using network analysis, she finds that there is little variation between male and female traffickers when it comes to the role they play in trafficking networks. The implications here are critical as most scholarship, and virtually all advocacy work depicts perpetrators as predatory men. Denton also provides empirical support for an increasingly visible factor in the trafficking equation: individuals are more likely to be trafficked by members of their own community than they are by strangers. This finding holds true, whether the trafficking event occurs domestically or internationally. These findings suggest that, while efforts to understand criminality are important, they must be complemented by efforts to better understand the economic systems within which the most marginalized are embedded. Additional efforts must be engaged in order to gain insights into the cultural practices that support and perpetuate these systems. Methodologically, Denton’s work is ambitious, pushing human rights scholars to engage social network analysis with greater sophistication.

Anqi Shen takes Denton’s observations about the centrality of women one step further. Drawing on data from women traffickers engaged in child trafficking networks within China, Shen provides qualitative support for emerging data on the role of women in adoption-focused trafficking networks (UNODC 2014: 27). The majority of the women sampled in this study were married, with the remainder being widowed or divorced. Virtually all were illiterate peasants, and their average age was in the low 40s. All were mothers. While we can certainly expect that the demographics of recruiters, transporters and enforcers vary considerably, Shen’s work adds considerable nuance to the dominant perspective of traffickers as thuggish men from organized crime syndicates. While they lie beyond the scope of her study, families are the ultimate net beneficiaries of this trafficking. Empirical data helps illuminate the gap between popular conceptions of traffickers and the reality on the ground. Indeed, Keo et al (2014) found similar trends in their work with perpetrators of trafficking for sexual exploitation.

Katherine Gotch’s contribution draws on primary data from a sample of what she refers to as *domestic sex traffickers* in Oregon. Interview and risk assessment data with 26 adult male offenders suggests that individuals considered to be traffickers are a unique offender population in need of specialized management, as well as therapeutic intervention. In this way, Gotch highlights a tension that exists within the literature as it stands: are perpetrators (here: individuals arrested for domestic trafficking but charged with pimping and pandering) exceptional individuals in need of particular interventions to address distinct pathologies? The astute reader will anticipate some scholars, myself included, will respond that the engagement of marginalized communities in rights-violating economic activities is not a matter of pathology. I anticipate subsequent waves of scholarship will drill down on the tension that emerges from the positions presented by Shen and Gotch, respectively. Provocative questions emerge: is the difference in these analyses connected to the gender of the perpetrator, the age of the victim, the type of trafficking, the disciplinary lens of the scholar, some combination of factors, or none of these factors?

We hope these studies inspire a round of new scholarship. Such scholarship should start with the premise that trafficking and slavery involves a much wider range of actors, including corporations and consumers, women and mothers, and diaspora networks of trusted compatriots. Across most of these studies, a particular theme emerges: trafficking happens along particular circuits, logistical networks, and cultural logics in order to meet the demands of individuals and institutions that often remain outside of these networks and logics. Enforcement operations also lie outside of these systems and spaces. Non-profit anti-trafficking efforts are often staffed by predominantly white women

from the middle class (see Foot, 2015), and the police are frequently staffed with their masculinist counterparts. Of course, service and policing efforts often draw on both the support and leadership of representatives of minority or vulnerable communities, but the cultural logic of these spaces is more keyed to dominant institutions than marginal spaces.

This observation has several implications. The first is the simple possibility that a significant cultural gap exists between most of the staff in the nonprofit industry and those they are working to identify, rehabilitate or empower, while strong bonds exist between most actors in exploitation industries and those they are working to exploit. If true, this could have serious implications for anti-trafficking efforts, and may explain the difficulty anti-trafficking actors have faced in identifying victims of international trafficking (Foot 2015). The second implication is striking: claims that trafficking “could happen to anyone” are factually improbable. Kidnapping and rape are stunning atrocities, and many individuals are vulnerable to this exploitation and abuse; the same can be said of child sexual abuse. Trafficking, however, does not happen to “anyone.” This point comes through most distinctly in Arhin’s assessment of labor trafficking cases: not a single case in her data showed a non-native trafficker exploiting an individual living in the victim’s own country. While the “in our own backyard” narrative has proven effective in securing support for this issue, and while Arhin’s data draws on trafficking for labor exploitation, a substantial political, economic and cultural gap exists between middle class and elite donors to anti-trafficking work and to poor and marginalized community-members vulnerable to exploitation.

At scale, this abuse happens to the most vulnerable in our societies, and is perpetrated by slightly less vulnerable members of the same community. The final implication is related to this vulnerability—I have argued elsewhere (Brysk and Choi-Fitzpatrick 2012; Choi-Fitzpatrick 2015) that a human rights approach to ending slavery and trafficking requires more than rescuing the victim and imprisoning the perpetrator. It must also integrate survivors into systems of political, economic, and cultural power.

In certain cases, this approach might also be appropriate for rights violators who lack options other than essential brokerage roles as recruiter, transporter, or enforcer. This is not a blanket recommendation that poverty should excuse abusers of their crimes, but a call to recognize the larger cultural, political and economic systems that leave individuals with limited options. The choice to hunt or be hunted is a poor choice, and more sophisticated efforts to address root causes—notably poverty and racism—will take us farther than rescue and rehabilitation alone. Such is the challenge for net economic beneficiaries like myself, and perhaps some of our readers.

Conclusions

This article has set out to make a number of arguments. The first is that perpetrators must be met with justice, certainly, but that they are an integral part of the slavery *relationship*. Furthermore, they are worthy subjects of scholarly inquiry, public policy, and human rights intervention. To note that they are embedded in systems of poverty and conditions of vulnerability is not to excuse behavior, but to point to the complexity of isolating particular actors. Rights-violating and law-breaking perpetrators should go to prison, but more work must be done to establish the role of incarceration in modifying behavior, especially when local customs and national policies are at odds with one another.

This article also set out to emphasize that research on perpetrators has been slow to emerge because it has not been a high priority for scholars and advocates. Additionally, perpetrators are a very difficult population to identify and to gain access. Compromises exist in virtually any study that sets out to identify hard to reach or hidden populations, and this is certainly true when it comes to traffickers and those they exploit. However, my suspicion is that this gap in the data is tied to a general lack of interest in this population, rather than insurmountable issues with accessibility.

Along the way, I have also pointed out that this lacuna is not limited to academic scholarship, but appears to plague contemporary advocacy work as well. A survey of leading anti-trafficking groups suggests that very little is said about perpetrators. Accordingly, only a few institutions have constructed a coherent conceptualization of the perpetrator and their role in the trafficking process. Perpetrators have been overlooked, but this is starting to change, hopefully with this volume.

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Human Rights Violators in Comparative Perspective

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