Jailing the Johns: The Issue of Demand in Sex Trafficking

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JAILING THE JOHNS:
THE ISSUE OF DEMAND IN HUMAN SEX TRAFFICKING

Cheryl George*

"The trade in human beings continues in our time and we are called by conscience and compassion to bring this cruel practice to an end."

— George W. Bush1

I. INTRODUCTION

Slavery is an institution that many people believe no longer exists.2 Slavery has not ended and there are millions of innocent victims caught in this system.3 This is not the slavery that was fought over in

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the U.S. Civil War. This form of slavery is not very different from colonial slavery—innocent people caught and trapped in this web of sex for service. Today, this form of slavery is better known as human trafficking. This is a brutal, heinous, and damaging situation that many women and children find themselves in as unwilling participants. Most victims have little to no hope of a life of freedom and dignity.

The United States is an active participant in the global sex trade. As surprising as this may be to most Americans, victims of the global sex trade are trafficked in and out of this country on a daily basis. Most of the individuals victimized in this industry are women and children. Practically every state in the United States has sex trafficking occurring within its borders. If there are people living in the state, there is the potential for sex trafficking. As was true with the colonial slave trade, the numbers of those enslaved in this twenty-first century slavery have increased over time. And while it is impossible to retrieve accurate figures on the numbers involved (given the clandestine nature of this business, traffickers are not forthcoming with statistics) estimates show that “the numbers of women and children [who]

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4 See, e.g., id. at 267 (noting that “traditional slavery” no longer exists in nearly every country in the world).
5 See, e.g., id. (noting that people are forced into slave-like conditions for commercial purposes).
6 See, e.g., id.
7 See, e.g., id. at 268 (describing the lives of the people forced into modern slavery).
10 E.g., Vujin, supra note 3, at 268 (noting that victims of human trafficking are “predominantly women and children”).
have been trafficked have multiplied so that they are now on par with estimates of the numbers of Africans who were enslaved in the 16th and 17th centuries.”

II. THE “JOHNS”

For sex trafficking to be successful, there has to be a demand.\textsuperscript{15} Without demand, the multibillion-dollar industry would not prosper or even exist.\textsuperscript{16} In this industry, victims emanate from countries where the victims are easily brought in as sex slaves.\textsuperscript{17} Traffickers then send these victims to the destination country where men use these women and children as instruments for their own sexual pleasure.\textsuperscript{18}

While much research and discussion has focused on the supply side of sex trafficking, the demand side of sex trafficking rarely receives attention.\textsuperscript{19} Focusing on the demand side of sex trafficking is a key component in eradicating this problem.\textsuperscript{20} We need to investigate why there is a demand for women and children for use as sexual instruments for sexual deviants.

As we explore the demand side of sex trafficking, we need to investigate what initiates this industry.\textsuperscript{21} It is clear that the demand for victims begins with them being used as either prostitutes or for free sexual favors.\textsuperscript{22} When there is a demand for sexual slaves, there are

\textsuperscript{14} Lederer, supra note 12 (alteration in original). Dr. Lederer, a senior state department adviser on trafficking, has studied sexual trafficking for twenty years at Harvard University. \textit{Id.}; Laura J. Lederer, GEO. L., \url{http://www.law.georgetown.edu/faculty/facinfo/tab_faculty.cfm?Status=LLMAdjunct&ID=1785} (last visited Mar. 27, 2012).

\textsuperscript{15} Donna M. Hughes, Professor & Carlson Endowed Chair in Women’s Studies at Univ. of R.I., The Demand: Where Sex Trafficking Begins at the Pontifical Gregorian University “A Call to Action: Joining the Fight Against Trafficking in Persons” Conference 1 (June 17, 2004), \url{http://www.uri.edu/artsci/wms/hughes/demand_rome_june04.pdf}.

\textsuperscript{16} \textit{See id.}

\textsuperscript{17} \textit{Id.}

\textsuperscript{18} \textit{See id.} at 2-3.

\textsuperscript{19} \textit{Id.} at 1.

\textsuperscript{20} \textit{See infra} note 24 and accompanying text.

\textsuperscript{21} \textit{See infra} notes 22-69 and accompanying text.

\textsuperscript{22} \textit{See Hughes, supra} note 15, at 1.
pimps that will find these victims and supply them to the “Johns.” Demand is the first link in the chain of sex trafficking.

Four components comprise the demand for human sex trafficking: (1) the men purchasing commercial sex acts; (2) “the exploiters who make up the sex industry;” (3) the states that serve as destination countries; and (4) the cultures and environments that tolerate and promote sexual exploitation.

The concept that the demand originates from lonely men in unsatisfying relationships is merely a myth. The truth is these men actually have a greater number of sexual partners than those men who are not purchasing sex. The men who purchase sex are not unsatisfied; they simply seek something more and find excitement in the idea of finding a woman that “they can buy for a short time.” Many of these young women are purchased for as short as fifteen minutes at a time. The arousal stems from the thought of a sexual relationship without any attached responsibility. Further, the men seek entertainment, sexual gratification, and acts of violence as they crave control and refuse to respect women. Finally, the demand group “is comprised of men of all colors, races, and cultural, educational and socio-economic backgrounds.” More often than not, these men develop the idea that they have a specific “right to sexual services in a way that results in ignorance regarding the development of relationships based on equality, truth, intimacy and commitment.”

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23 Id.
24 See id.
26 Id.
27 Id.
28 Id.
31 Id.
33 Id.
There is a school of thought that espouses the theory that the sexual exploitation of women who are trafficked, as well as prostituted, is behavior that the male representatively created and designed to reinforce control and power over the female, one gender dominating another. Another indication of gender domination is the brutal treatment and torture of women, where men consistently use rape as a weapon of war. This tool has been used "to terrorize, degrade, and destroy its female victims."

The "Johns" are average citizens from every walk of life. They are doctors, lawyers, judges, celebrities, chief executive officers, construction workers, and plumbers. "Rich and poor, young and old, the men who buy the women and girls in prostitution are from every race/ethnicity in the world." Many tend to think that these "Johns" are sadistic, psychotic men, as society naturally tends to vilify and demonize them. However, these "Johns" are our fathers, brothers, husbands, and sons. Until we realize that fact, we will not see where the demand side of this industry stems from and the problem will continue to run rampant.

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35 ELISABETH REHN & ELLEN JOHNSON SIRLEAF, WOMEN WAR PEACE: THE INDEPENDENT EXPERTS' ASSESSMENT ON THE IMPACT OF ARMED CONFLICT ON WOMEN AND WOMEN'S ROLE IN PEACE-BUILDING 11-12 (2002).

36 Avery, supra note 34, at 108.


38 Id.

39 Id.

40 See id.

41 Hotaling & Levitas-Martin, supra note 32, at 121.

42 See Farley, supra note 37.
Many experts have attempted to categorize and estimate the number of men participating in the sex industry.\textsuperscript{43} The problem is that “Johns” do not advertise who they are.\textsuperscript{44} They are secretive and not easy to research or interview.\textsuperscript{45} “It is almost impossible to estimate how many men in the world have bought women for sex.”\textsuperscript{46} Even in countries where prostitution is legal, many aspects of the “Johns’” behavior are unknown and undiscoverable.\textsuperscript{47} Melissa Farley, in her essay for the 2003 Captive Daughters Conference, notes that:

Estimates of the numbers of men who have ever purchased women in prostitution range from 16\%-80\%. A conservative guess at the percentage of US johns is probably around 50\% of all men. This includes purchase of trafficked women. Johns don’t ask for a “trafficked woman” in a massage parlor. We do know, however, that they often demand “something different,” which keeps up the demand for so-called “exotic” women.\textsuperscript{48}

Another expert, Elina Penttinen, has espoused one theory of the root cause of this demand for victims used for sexual gratification.\textsuperscript{49} In her book, \textit{Globalization, Prostitution and Sex-Trafficking: Corporeal Politics}, she explains that the sex bars “rely on hedonistic individualism, consumer culture and male rights to consume commercial sex.”\textsuperscript{50} She elaborates that some men believe they have an “individualistic freedom and right to buy commercial sexual services.”\textsuperscript{51}

One of the factors that contributes to the proliferation of the sex trafficking industry is the male demand for the prostitute for sexual

\textsuperscript{43} See id.
\textsuperscript{44} Id.
\textsuperscript{45} Id.
\textsuperscript{46} Id.
\textsuperscript{47} Id.
\textsuperscript{48} Id.
\textsuperscript{50} Id.
\textsuperscript{51} Id.
The kind of men that frequent brothels, sex bars, strip clubs that offer sex for their customers, escort dating services, massage parlors, and similar types of establishments “want unlimited access to a supply of women and girls from different countries, cultures and backgrounds.” This steady desire for variety and the exotic is what causes the human trafficking industry, fueled by the sex trafficking component, to proliferate and be the second largest organized criminal activity in the world, and while sex slaves comprise only four percent of all slaves in existence today, they generate approximately forty percent of the money earned by the slave owners and exploiters. Were it not for men that have this sense of sexual entitlement (that they have the implicit right to purchase and sexually exploit women and children), the trade of sex trafficking would collapse and be nonexistent. Scholars in the field of researching sex trafficking and its many causes recognize “the male demand for the sex of prostitution as the most immediate and proximate cause of the expansion of the sex industry, without which it would be unprofitable for pimps, recruiters and traffickers to seek out a supply of women.” As basic as the notion might sound, a sex market devoid of the male consumers would go bankrupt.

The males that desire and demand these victims of sexual abuse find that their sexual desires, fetishes, and needs are not or cannot be satisfied within the ordinary confines of legitimate sexual relationships such as the traditional marital relationship, and as such, prostitutes and sex slaves fill that void. This leads men to use women in prostitution

53 Id. at 10.
56 O’CONNOR & HEALY, supra note 52, at 10.
57 Id.
58 Id.
59 See id.
“as sexualised, commodified bodies to be appropriated, dissected, fragmented, used and abused in the interests of male biology and its need for variety, sexual fantasy and hegemony.”  

Basically, “Johns” are paying to dehumanize a human being (the prostitute); the embodiment of the deal is for her to be “an object, not a subject.” Society as a whole has turned a blind eye to the plight of victims of the slave trade. We tend to not want to identify these “Johns” as the monsters that they are, but we must acknowledge that in this heinous crime “men use women’s and girls’ bodies, vaginas, anuses, mouths for their sexual pleasures and as vessels of ejaculation, over and over and over again.” Scholar Gunilla S. Ekberg has referred to prostitution as humiliation, torture, sexual exploitation, and rape. When we view this crime in the right scope, we realize that the men that create the demand for the victims “are sexual predators and rapists.”

Many of the “Johns” explain away their involvement in the seedy business of sex trafficking by believing they are the object of desire for the victims and that somehow the victims “desire and want” them as their sexual partners. Many reason that their sexual drive, and their human nature as men, causes them to have this insatiable urge to

60 Id.
61 Id.
62 See, e.g., Kathleen A. McKee, Modern-Day Slavery: Framing Effective Solutions for an Age-Old Problem, 55 Cath. U. L. Rev. 141, 144-45 (2005) (discussing the general public’s disinclination to believe human trafficking is a form of slavery existing in this day and age); Moira Heiges, Note, From the Inside Out: Reforming State and Local Prostitution Enforcement to Combat Sex Trafficking in the United States and Abroad, 94 Minn. L. Rev. 428, 445 (2009) (“[W]ithin the United States . . . many people still view prostitution as a voluntary ‘victimless’ crime . . . .”).
63 See Heiges, supra note 62, at 437 (“Unfortunately, rather than focusing on reducing the market for sex trafficking, police, prosecutors, and courts have typically viewed pimps and purchasers as trivial or derivative offenders, while targeting prostituting persons for arrest and prosecution.”) (citations omitted).
64 O’Connor & Healy, supra note 52, at 11.
66 Id.
67 Id.
abuse women and children in this way. Some articulate that it is an expression of masculinity, a consensual act between adults, or part of a cultural ritual and is an experience that the victims welcome and appreciate.

III. **Efforts to Combat the Trafficking of Innocent Women and Children**

On this trip, I've had sex with a 14 year-old girl in Mexico and a 15 year-old in Colombia. I'm helping them financially. If they don't have sex with me, they may not have enough food. If someone has a problem with me doing this, let UNICEF feed them.

—Retired U.S. Schoolteacher

A. **International Efforts**

1. America's International Efforts

The United States has made an effort to encourage other countries to take a strong stance against sex trafficking. One initiative taken by the American government is the Trafficking Victims Protection Act of 2000 (TVPA). This law sets out a three-pronged approach to eliminate this heinous institution: preventing the trafficking from beginning, prosecuting the offenders, and protecting the victims that are brave enough to come forward.

Through the TVPA, the United States government has created a tiered system of regulating how to rank countries according to specific criteria. Depending on how well the countries are taking affirmative steps to end human trafficking, the United States State Department cate-
gorizes the specific countries by placing them in Tier 1, Tier 2, Tier 2 Watch List, or Tier 3.\textsuperscript{75} The United States's efforts in specifying these different tiers is to show the varying levels of trafficking taking place in different countries and to show the actions being taken by each country to ameliorate and eradicate sex trafficking.\textsuperscript{76} The better the countries perform based on the listed criteria, the higher the ranking from the United States via the TVPA.\textsuperscript{77}

The United States government has dictated that there are certain criteria and standards that countries must meet in order to be classified as Tier 1.\textsuperscript{78} The top-tier ranking is set aside for countries with governments that strictly enforce the rights of individuals subjected to severe forms of trafficking and that aggressively investigate and prosecute those who traffic these victims.\textsuperscript{79} This premier-tier ranking also recognizes governments that understand and take into account the hardship and retributive punishment victims would face if returned to their country of origin.\textsuperscript{80} These governments also ensure that victims are not unfairly targeted or prosecuted for simply being victims of this industry.\textsuperscript{81} Countries that have reached this coveted Tier 1 rank include Hungary, Canada, Denmark, and Hong Kong.\textsuperscript{82} This is certainly not an exhaustive list but shows that it is possible to reach this status.

The second ranking is Tier 2.\textsuperscript{83} This rank is for countries that have not yet accomplished all of the criteria as set out in Tier 1 but are making "significant efforts" to reach those specified criteria.\textsuperscript{84} Some

\textsuperscript{75} Id.
\textsuperscript{76} See id. at 35.
\textsuperscript{77} Id. at 12.
\textsuperscript{78} Id. at 35.
\textsuperscript{79} Id. at 12, 284.
\textsuperscript{80} Id. at 284.
\textsuperscript{81} Id. The complete list of Tier 1 countries is as follows: Australia, Austria, Belgium, Canada, Colombia, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Hong Kong, Hungary, Italy, Republic of Korea, Lithuania, Luxembourg, Macedonia, Madagascar, Netherlands, New Zealand, Norway, Poland, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom. Id. at 44.
\textsuperscript{82} Id. at 44.
\textsuperscript{83} Id. at 35.
\textsuperscript{84} Id.
countries that are classified as Tier 2 are Tanzania, Taiwan, and Pakistan.\footnote{Id. at 44. The complete list of Tier 2 countries is as follows: Afghanistan, Angola, Bangladesh, Belarus, Belize, Benin, Bolivia, Bosnia & Herzegovina, Brazil, Bulgaria, Burkina Faso, Cambodia, Chile, Djibouti, Ecuador, El Salvador, Estonia, Ethiopia, Ghana, Greece, Honduras, Indonesia, Israel, Ireland, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyz Republic, Laos, Latvia, Lebanon, Liberia, Macau, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Senegal, Serbia, Sierra Leone, Singapore, Slovak Republic, Suriname, Tanzania, Taiwan, Thailand, Timor-Leste, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, Uruguay, Vietnam, and Yemen. Id.}

Tier 2 Watch List is the next rank.\footnote{Id. at 35.} Countries on the Tier 2 Watch List have not met the minimum standards as enumerated by the TVPA but are making “significant efforts” to reach these standards as well as one of three other criteria.\footnote{Id. at 35.} Some of the countries on the Tier 2 Watch List include South Africa, China, and Uzbekistan.\footnote{Id. at 44. The complete list of Tier 2 Watch List countries is as follows: Argentina, Armenia, Azerbaijan, Albania, Bahrain, Burundi, Cameroon, Central African Republic, Chad, China (PRC), Congo (DRC), Republic of Congo, Costa Rica, Cote D’Ivoire, Cyprus, Dominican Republic, Egypt, Equatorial Guinea, Gabon, The Gambia, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Jordan, Libya, Malaysia, Montenegro, Mozambique, Niger, Panama, Russia, South Africa, Sri Lanka, Tajikistan, Venezuela, Uzbekistan, Zambia, and Zimbabwe. Id.} The following criteria apply to Tier 2 Watch List countries:

a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or

b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or

c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.\footnote{Id. at 35.}
The final level on the tiered system is Tier 3. This level is set aside for those countries that are woefully inadequate in the area of assisting with prosecuting traffickers. These countries, based upon their actions or lack thereof, “are not making significant efforts to” reach the standards as set out in Tier 1. Some countries in this category are Fiji, Iran, and Kuwait.

There are penalties for countries not reaching the minimum standards as set out in the TVPA. These penalties include not receiving nonhumanitarian aid and foreign assistance unrelated to trade. These penalties have the power to significantly impact a developing country and are imposed in an effort to cause the country in violation of these standards to act on behalf of trafficking victims. In addition, offending countries risk the U.S.’s opposition to their receipt of aid from the International Monetary Fund and the World Bank. Notably, these punishments, while intended to help victims of sex trafficking, could operate to backfire and harm victims. For example, the United States President could step in and decide not to impose said penalties. And while all of these rankings and criteria are excellent and laudable goals, they fail to address the issue of demand in sex trafficking.

2. Other Countries’ International Efforts

There are international documents, doctrine, and instruments aimed at beginning a dialogue on the treatment of women and children

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90 Id.
91 Id.
92 Id.
93 Id. at 44. The full list of Tier 3 countries is as follows: Algeria, Burma, Cuba, Fiji, Iran, Kuwait, Moldova, North Korea, Oman, Papua New Guinea, Qatar, Saudi Arabia, Sudan, and Syria. Id.
95 Id.
96 See id. at 28.
97 Id. at 25.
98 See id. at 28.
99 Id.
100 See generally U.S. DEP’T OF STATE, supra note 71, at 34-44 (addressing only efforts to curb sex trafficking by nations, and not addressing the issue of demand for these services).
as victims of sex trafficking as well as eradicating this scourge and creating solutions.\textsuperscript{101} Those documents include (1) the International Agreement for the Suppression of the White Slave Traffic,\textsuperscript{102} (2) the International Convention for the Suppression of the White Slave Traffic,\textsuperscript{103} (3) the International Convention for the Suppression of the Traffic in Women and Children,\textsuperscript{104} and (4) the International Convention for the Suppression of the Traffic in Women of Full Age.\textsuperscript{105}


\textsuperscript{102} Agreement on the Suppression of White Slave Traffic, Mar. 18, 1904, 35 Stat. 1979, 1 L.N.T.S. 84. This particular Act was enacted for the purpose of ending the trafficking of “whites” only; however, the “agreement was not effective and as a result a new convention was enacted.” Michelle O. P. Dunbar, Comment, \textit{The Past, Present, and Future of International Trafficking in Women for Prostitution}, 8 \textit{BUFF. WOMEN’S L.J.} 103, 108-09 (1999-2000) (explaining how trafficking women became a very serious ordeal because women were vulnerable and ordered to prostitution).

\textsuperscript{103} Convention for the Suppression of White Slave Traffic, May 4, 1910, 211 Consul. T.S. 45.

This Treaty bound its signatories to “severely punish any person who hired, abducted or enticed for immoral purposes any women under the age of twenty-one, or used violence, threats, fraud or any compulsion on a women [sic] over twenty-one to accomplish the same purpose, even if he or she committed the acts constituting the offense in different countries.” Dunbar, \textit{supra} note 102, at 109 (quoting Convention for the Suppression of White Slave Traffic, \textit{supra}).


\textsuperscript{105} Convention for the Suppression of the Traffic in Women of Full Age, Oct. 11, 1933, 150 L.N.T.S. 431.

This Convention extended the scope of punishable acts that had previously been criminalized only with regard to minors to women of a full age and declared that even consent did not exempt from penalty preparatory acts, attempts and the actual procurement of adult women for immoral purposes in another country. Dunbar, \textit{supra} note 102, at 110. \textit{See also} Corrigan, \textit{supra} note 101, at 162-73 (discussing the four treaties and their relation to one another).
Also, the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (the Trafficking Protocol), compelled states to enact or supplement laws targeting the demand for the sexual exploitation of women and children that led to these victims being trafficked. The point of this protocol was to spotlight those who created this demand. Surprisingly, the Trafficking Protocol was the first of its kind to specifically reference the demand component of sex trafficking. No other document had done this previously.

As we examine how other countries handle problems relating to sex trafficking within their borders, we look at how the Macao Legislative Assembly in China addresses such issues. This legislative body declares certain acts as crimes and makes them punishable by as many as twelve years in prison. This law stipulates that the following are criminal: murder, kidnapping, forced prostitution, assisting in illegal immigration, and illegally importing and exporting weapons.

Along the southern border provinces and in Guangzi, the Chinese government provides temporary housing and medical assistance to victims of sex trafficking. In order to repatriate, the nongovernmental organizations (NGOs) assist the victims and various other organizations. Specifically, the All-China Women’s Federation is able to provide medical and psychological treatment, as well as legal counseling, with the assistance of government funding.

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107 Id. at 247.
108 Id.
109 Id.
110 See infra notes 111-12 and accompanying text.
112 Id.
114 Id.
115 Id. (“China does not adequately identify and provide services to all its trafficking victims; some trafficking victims from North Korea have been deported, and some
To get a grasp on the seriousness and grand scope of sex trafficking, one need only learn of the roughly 200,000 North Koreans who escaped to China in order to get food and water. Many of these individuals were escaping from political persecution and from becoming victims of oppression and death because they happened to be relatives of a targeted individual. Many times when the regime charges one family member with violating the law, the entire family becomes the target of imprisonment or death.

Supporting the North Korean regime and violating the United Nations Refugee Convention, Chinese officials “arrest[ ] the refugees and send[ ] them back to be interrogated, put in camps, and even executed.” The majority of refugees are women and children. The refugees cross the river into China in hopes of finding a safe haven. Many North Koreans feel the full brunt of China’s one-child policy. If they are caught escaping North Korea, they run the possibility of being sold as wives, concubines, strippers, or prostitutes. The lack of women in China makes the shortage very real for trapped victims.

There are rays of light in this dark world of sex trafficking, and one such light is Pastor Chun Ki-won. “Pastor Chun Ki-won, director of the Durihana Mission based in Seoul, South Korea, is active in [helping] refugees.” This pastor openly and brazenly speaks about the brutal, inhumane treatment of women. But working as an advo-

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117 Id.
118 Id.
119 Id.
120 Id.
121 Id.
122 See id.
123 Id.
124 See id. (noting that China’s one-child policy has caused a deficit of women).
125 See infra notes 126-34 and accompanying text.
126 Hughes, supra note 116.
127 See id.
cate for these women and children has not always been easy.\textsuperscript{128} "[H]e has been arrested and imprisoned in China for his part in running [an] underground railroad."\textsuperscript{129} Pastor Chun Ki-won explains that these women have as many rights as animals—zilch.\textsuperscript{130} These women, he points out, are like slaves, bought and sold like a piece of property.\textsuperscript{131}

"The Chinese Government was placed [on] the Tier 2 Watch List in the 2007 U.S. Department of State’s Trafficking in Persons Report for not fully complying with the Trafficking Victims Protection Act’s minimum standards for the elimination of trafficking but making significant efforts to do so."\textsuperscript{132} There are currently thirty-two countries listed on this watch list.\textsuperscript{133} These countries are "demonstrating a ‘significant’ commitment to address their trafficking problems but have not yet achieved international standards."\textsuperscript{134}

As mentioned previously in the TVPA Tier standards, one indication that China is not making significant efforts towards Tier 1 requirements is how some governmental officials sympathize with the men who buy wives because of the difficulty in finding them.\textsuperscript{135} It is more expensive to have a wedding than to purchase a woman.\textsuperscript{136} One entire Chinese village purchased a group of women and "rented" them out of the village homes.\textsuperscript{137}

Another shameful incident that highlights China’s inaction and sheer defiance in the face of assisting victims of sex trafficking oc-

\textsuperscript{128} See id.
\textsuperscript{129} Id.
\textsuperscript{130} Id. ("Women are treated like animals. They have no rights.").
\textsuperscript{131} Id. ("Whoever finds them first can sleep with them. Then he sells them later.").
\textsuperscript{134} Id.
\textsuperscript{135} HUGHES ET AL., supra note 111.
\textsuperscript{136} Id.
\textsuperscript{137} Id. (illustrating that one particular household purchased nearly one hundred women to sell them into a life of prostitution).
curred in 2007. More than 400 parents were convinced that their missing children had been enslaved. The government's inaction forced the parents to make a public national plea on behalf of their children. The officials "refused to help [the parents] find their children." The parents were devastated when only 41 of the 576 claimed child slaves rescued were children.

China has made attempts to raise awareness in regards to sex trafficking. Media events geared toward journalists have been initiated, but China has yet to take the steps toward ratifying the Trafficking Protocol. One could agree that this is two steps forward and three steps back.

Some laudable steps taken by China have been to break down trafficking networks. As proof that China has made strides in ending this tragic situation, in a four-year time span (2001-2005), China has investigated more than 28,000 trafficking cases, has arrested more than 25,000 individuals, and has rescued over 30,000 helpless victims.

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138 See infra notes 139-42 and accompanying text.
140 Id.
141 Id.
142 Id.
144 U.S. Dep't of State, Pub. No. 11407, Trafficking in Persons Report 81 (2007), available at http://www.state.gov/documents/organization/82902.pdf ("Other public awareness programs included: a campaign by the Sichuan authorities targeting major labor markets with informational posters, public service announcements on large television screens in the markets; and the distribution of pamphlets explaining legal protections, resource information, and hotline numbers for migrant workers who are at risk of being trafficked.").
On a still more progressive note, China is moving towards putting together an action plan to keep women and children safe.\textsuperscript{147} This plan sounds very similar to the United States’s TVPA, in that it will prevent sex trafficking, prosecute traffickers, and cause the United States to take part in other international steps designed to end sex trafficking on a global scale.\textsuperscript{148} The director of the Criminal Investigation Bureau of the Ministry of Public Security, Dr. Du Hangwei, touts this plan as putting forth and maintaining “sustainable and long-term solutions to human trafficking.”\textsuperscript{149} Dr. Du states that the Chinese government will not tolerate sex trafficking and he calls for the cooperation of neighboring countries to address this international issue.\textsuperscript{150}

\textbf{B. America’s Efforts to Prevent Sex Trafficking in America}

Internationally known as the leader of the “free” world, the United States of America has not always lived up to the statements and declarations as enumerated in the United States Constitution and those of the Founding Fathers.\textsuperscript{151} The most infamous preamble being all men (and women) are created equal.\textsuperscript{152} Our laws do not always stand behind that bedrock axiomatic principle.\textsuperscript{153} The world is looking to and relying on a country that has not always lived up to what it knows to be good, decent, moral, and right.

Given the sordid and checkered past America has with this “peculiar institution” called slavery,\textsuperscript{154} one would think that such a blemish

\textsuperscript{148} Id.
\textsuperscript{149} Id.
\textsuperscript{150} Id.
\textsuperscript{152} \textit{The Declaration of Independence} para. 2 (U.S. 1776).
\textsuperscript{153} See, e.g., Dailey, supra note 151, at 512.
would never again blot the fabric of this great nation. But, sadly, sex trafficking is part of the American society, and demand is the oil that greases the wheel of this fine-tuned machine.

America recognizes the need for this nation to talk the talk and walk the walk in regards to not just saying sex trafficking is an abomination and an affront to human dignity and self-worth. The United States "has been a leader on the human trafficking issue and foreign governments will continue to press us for progressive answers and innovative solutions. Most importantly, trafficking victims and survivors are counting on us not to fail them." The United States Department of Justice outlines the following "severe form[s] of trafficking in persons" as punishable under the criminal justice system:

Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act is under 18 years of age; or

The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of subjecting that person to involuntary servitude, peonage, debt bondage, or slavery.

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155 See Ellen L. Buckwalter et al., Modern Day Slavery in Our Own Backyard, 12 WM. & MARY J. WOMEN & L. 403, 404 (2006) (noting that human trafficking "may be surprising to some").
156 See id. at 407 (stating between 14,500 and 17,500 individuals are trafficked into the United States each year).
157 See supra Part II.
158 See supra notes 70-100 and accompanying text.
At one point, pending before Congress was the End Demand for Sex Trafficking Act of 2005 (End Act).\footnote{Nat’l Clearinghouse on Families & Youth, Domestic Human Trafficking of Children and Youth Initial Findings Brief 6 (2005), available at http://www.jbsinternational.com/pdf/port_reports_5-trafficking.pdf.} Though never enacted, the End Act served “[t]o combat commercial sexual activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sexual activities, [and] to reduce trafficking in persons.”\footnote{End Demand for Sex Trafficking Act, H.R. 2012, 109th Cong. cmt (2005), available at http://www.globalrights.org/site/DocServer/Comments_on_End_Demand_bill_4.22.pdf?docID=2203 (comments by Global Rights et al.).}

In addition, the United States has proposed other laws that would prohibit “involuntary servitude.”\footnote{See, e.g., 18 U.S.C. § 1581 (2006) (outlawing peonage); U.S. Const. amend. XIII, § 1 (“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”); see also Corrigan, supra note 101, at 181 (noting that these laws may be useful in combating human trafficking). According to the Thirteenth Amendment of the United States Constitution, “it is illegal to place any individual into a condition of peonage . . . to entice anyone into slavery or involuntary servitude, or to sell an individual into involuntary servitude, which includes bringing any persons into the United States for these proscribed purposes.” Corrigan, supra note 101, at 181 (internal citations omitted). The Sixth Circuit held: [A] “holding to involuntary servitude” occurs when (a) the servant believes that he or she has no viable alternative but to perform service for the master (b) because of (1) the master’s use or threatened use of physical force, or (2) the master’s use or threatened use of state-imposed legal coercion . . . or (3) the master’s use of fraud or deceit to obtain or maintain services where the servant is a minor, an immigrant or one who is mentally incompetent. United States v. Kozminski, 821 F.2d 1186, 1192 (6th Cir. 1987).} The United States is also making strides against the entire sex industry.\footnote{See 18 U.S.C. § 2421 (2006) (outlining the criminal penalties for transporting an individual in interstate or foreign commerce with the intent that the individual engage in prostitution).} Congress has come to recognize the possible harm from international sex trafficking and
thereby enacted 18 U.S.C. § 2423(c). This law attempts to criminalize and penalize U.S. citizens traveling internationally with the intent of having sexual intercourse with children. In looking through the lens of legitimate governmental goals and achieving such through rational means, the U.S. government sees application of said statute as a rational method of achieving that noble goal.

Another stance against the machinery that facilitates sex trafficking is the Racketeer Influenced and Corrupt Organization Act (RICO). This law creates a private cause of action for victims against those who partake in illegal commerce via a system of racketeering actions. This law also allows for prosecution of said criminals.

Many states are taking actions to make trafficking unappealing in their respective states. New York has been pushing for a bill that would directly address the issue of trafficking. Those that advocate

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offense, or attempts to do so, shall be fined under this title or imprisoned not more than 10 years, or both.

Id.; see also Corrigan, supra note 101, at 184-85 (discussing the various laws that regulate the sex trafficking industry). The White-Slave Traffic Act (also known as the "Mann Act") implements the prosecution of traffickers who attempt to "profit from the forced prostitution of women." Corrigan, supra note 101, at 184; see also White-Slave Traffic (Mann) Act, ch. 395, 36 Stat. 825 (1910) (codified as amended at 18 U.S.C. §§ 2421-2424 (2006)). The Act also provides punishment for those who transport individuals in interstate or international commerce for the sole purpose of prostitution or other criminal sexual activity. 18 U.S.C. § 2421.

See 18 U.S.C. § 2423(c) (outlining penalties for "[e]ngaging in illicit sexual conduct in foreign places").

United States v. Frank, 486 F. Supp. 2d 1353, 1358 (S.D. Fla. 2007) (quoting United States v. Strevel, 185 F. App’x 841, 845 (11th Cir. 2006)).

Id. at 1360.


169 Corrigan, supra note 101, at 185-86 (quoting 18 U.S.C. § 1964(c)).


See infra notes 172-76 and accompanying text.

on behalf of people victimized by the sex trafficking industry have been strong influences in many areas of the United States.\textsuperscript{173} For instance, Texas, one of the many states that has taken a positive position against sex trafficking, has passed legislation specifically criminalizing sex trafficking.\textsuperscript{174} Texas's statute was modeled after Washington's law that addressed the humanitarian need to confront this issue head on.\textsuperscript{175} In the vein of moving forward and making strides, New York has now passed a law that classifies sex trafficking as a felony, the highest level of crime in the U.S. criminal justice system.\textsuperscript{176}

Passed in October 2000, the Victims of Trafficking and Violence Protection Act (VTVPVA) is the first legislation to address the issues involving assisting victims of sex trafficking, taking procedural steps to prevent revictimization of these victims, and targeting the pros-


\textsuperscript{\footnotesize{175}}See Buckwalter et al., supra note 155, at 419-20 (“Washington's law was the first legislative initiative in the United States to regulate the international matchmaking industry at the state level.”) (citing Washington Sen. Jeanne Kohl-Welles, Address at the Institute for Women's Policy Research Conference: Regulating the "Mail-Order Bride" Industry: Initial Solutions from Washington State (June 22, 2003)).


New York is widely regarded as both a transit and destination location for victims of human trafficking. This new law enables us to attack the crimes of sex and labor trafficking as they actually exist and provides punishments that fit their crimes. With aggressive application of this new law and increased public awareness, we can abolish modern-day slavery in New York.

Id. (quoting Governor Eliot Spitzer).
ecution of the individuals responsible for the trafficking of these vic-
tims.\textsuperscript{177} The VTVPA enumerates rights for the victims of sex tra-
tfficking.\textsuperscript{178} Some of those rights include immigration relief in the
form of visas; the T-visa is "for aliens who are victims of severe forms of [traffic-
king in persons]."\textsuperscript{179} This class of individuals is eligible to receive

immigration benefits;

federal and state benefits and services (e.g., certification by the Depart-
ment of Health and Human Services [HHS] and assistance through HHS's Office of Refugee Resett-
lement [ORR]);

medical services;

pro-bono and low cost legal services;

tictim service organizations;

victims compensation (trafficked aliens are often eligible for compensation from state and federal crime victims
programs);

the right to restitution; and

the rights of privacy and confidentiality.\textsuperscript{180}


\textsuperscript{178} Id. § 107, 114 Stat. at 1474.

\textsuperscript{179} ALISON SISKIN & LIANA SUN WYLER, CONG. RESEARCH SERV., RL 34317, TRAFFICKING IN PERSONS: U.S. POLICY AND ISSUES FOR CONGRESS 24 & n.65 (2010) (" 'T' refers to the letter denoting the subsection of the Immigration and Nationality Act (INA) that provides the authority for the alien's admission into the United States. . . . Although T nonimmigrant status is often referred to as the T-Visa, it is not technically a visa if it is given to aliens present in the United States because status is conferred by the Department of Homeland Security (DHS) who does not have the authority to issue visas. Only the Department of State (DOS) though [sic] consular offices may issue visas. Thus, only aliens present outside of the United States can receive T visas while aliens present in the United States receive T status.").

\textsuperscript{180} Id. at 26-27 (internal citations omitted).
The chart below illustrates how T-visas were issued in these specified years.\textsuperscript{181} Of the total number of applicants for FY2002 through FY2010, sixty-eight percent of the principal alien visas were issued and eighty-four percent of the derivative alien visas were approved.\textsuperscript{182}

| Table 1. T-Visas Issued: FY2002 through 2010\textsuperscript{183} |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Fiscal Year | 02      | 03      | 04      | 05      | 06      | 07      | 08      | 09      | 10      |
| Principal Aliens (Victims) | | | | | | | | | |
| Applied     | 115     | 557     | 278     | 229     | 345     | 230     | 394     | 475     | 345     | 2,968   |
| Approved    | 4       | 285     | 136     | 112     | 182     | 279     | 247     | 313     | 304     | 1,862   |
| Denied      | 0       | 28      | 292     | 210     | 52      | 70      | 64      | 77      | 87      | 880     |
| Derivative Aliens (Family) | | | | | | | | | |
| Applied     | 122     | 331     | 118     | 114     | 324     | 149     | 290     | 235     | 208     | 1,891   |
| Approved    | 0       | 207     | 216     | 114     | 99      | 261     | 171     | 273     | 225     | 1,566   |
| Denied      | 0       | 13      | 26      | 18      | 43      | 52      | 19      | 54      | 69      | 294     |

IV. A NEW STRATEGY

In order to strike a blow to the multi-billion dollar sex trafficking industry, it is imperative that we carefully examine why there is a demand for this "product" at all.\textsuperscript{184} Why are there men who desire to use and exploit women and children as if they are chattel slaves? What society and environment cultivate a man, a human being, to desire such a demand? Assume I am a businessperson and I am selling candy, but

\textsuperscript{181} See infra note 183 and accompanying text.

\textsuperscript{182} ALISON SISKIN \& LIANA SUN WYLER, CONG. RESEARCH SERV., RL 34317, TRAFFICKING IN PERSONS: U.S. POLICY AND ISSUES FOR CONGRESS 27 (2010): (William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007 (H.R. 3887 as Passed by the House): criminal law provisions quoting The Department of Homeland Security data provided to Congressional Research Service. The chart source notes that "[s]ome approvals are from prior fiscal year(s) filings. Also, some applicants were denied more than once (e.g., filed once, denied, and filed again). For FY2004 and FY2005, 170 of the denials stemmed from one case where the applicants did not qualify as victims of trafficking under TVPA." \textit{Id}.

\textsuperscript{183} \textit{Id}. Data for FY2010 is compiled through June 2010. \textit{Id}.

\textsuperscript{184} See generally Donna M. Hughes, Professor & Carlson Endowed Chair in Women's Studies at Univ. of R.I., Prostitution: Causes and Solutions at the Santiago de Compostela “Female Prostitution: Proposals and Interventions” Conference 3 (July 1-3, 2004), available at http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf (explaining how stopping the demand for prostitution and human trafficking will get to the root of the problem).
for varying reasons, no one is buying the candy (my product). It would stand to reason that, in the spirit of entrepreneurship, I would search for and find a product for which there is a market, thus making the venture profitable. So the question remains, why is there a global market for women and children to serve as sexual objects and for twisted sexual fetishes?

The “Johns,” the demented sexual culture, and the cultural climate, as well as the traffickers and obsolescent governmental officials, are areas that create and foster an environment that exploits these innocent victims. Those areas preventing women from being negatively portrayed in mainstream media, fostering educational equality, demanding equal pay for equal work, addressing explicit sexualization in the fashion industry, and prohibiting pornography are the areas that must be recognized and encouraged in their noble efforts. While the above are not ordinary “legal” avenues that have been previously researched, we must remember that we are addressing the “demand” side of this issue. We are examining the reasons this industry thrives in the first place. What could cause a man to dehumanize, degrade, and abuse another human? Where is our humanity in this heinous process?

Although the aforementioned categories are not typically discussed when addressing sex trafficking, the demand side is not ordinarily discussed either. When discussing a topic that has thus far been

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185 Id. at 3-6.
187 Hughes, supra note 184, at 3 (“Instead of legalization, there is another solution to the problem of prostitution and sex trafficking: Confronting the demand for prostitution. Instead of only warning women against recruiters, stop the recruiters. Instead of accommodating the demand, stop it.”).
188 Id. (“There are four components that make-up the demand: 1) the men who buy commercial sex acts, 2) the exploiters who make up the sex industry, 3) the states that are destination countries, and 4) the culture that tolerates or promotes sexual exploitation.”).
189 See id. at 2-3 (stating that “the most popular proposed solutions to sex trafficking and ‘out of control’ prostitution is legalization of prostitution”).
hushed and almost taboo, we must be willing to charter new territory if we are to make strides towards solutions.190

1. Advertising

One area that needs to be dissected in addressing the demand component is how women are made to become objects and stripped of their humanity.191 One would assume it is much easier to abuse and debase a person when that person has already been dehumanized.192 It is easier to mistreat an object than a person.193 So the first step in being able to partake in this “demand” for human beings as sexual objects is to make them as inhuman as possible.194 How is this done? One way is depicting women in television commercials as half-naked sexual objects.195 Women are portrayed in these advertisements, often played during sporting events on television, in a way that glamorizes sex.196 Women, many times, are scantily clad and are portrayed as sex objects.197 Sex is glamorized and the women are portrayed as a means to sex.198 In most of these same commercials, the men are fully clothed

190 See, e.g., Sonya Colberg, Two Oklahoma Victims of Sex Trade Finally Heal Years Later, DAILY OKLAHOMAN, Sep. 10, 2011, available at 2011 WL 1794939 (indicating victims avoid reporting incidents of sex trafficking because the subject is taboo); Melissa Martin, What is Canada to Do About Its Sex Trade?, WINNIPEG FREE PRESS, Dec. 7, 2011, at A4 (observing the sex trafficking debate was “hushed”).

191 Hughes, supra note 184, at 1 (“Around the world today, there is a human rights crisis of sexual abuse of millions of women, children, and thousands of men in prostitution and other forms of sexual exploitation. There are regions of the world where prostitution has gone from being almost non-existent to a hundred million dollar moneymaking industry.”).


193 See id.

194 See Hughes, supra note 184, at 4.

195 See infra notes 196-99 and accompanying text.


198 See id.
and depicted as individuals with nothing but sex, alcohol, and sports on their minds (and many times, in that order).\textsuperscript{199}

Our culture needs to treat women, men, girls, and boys as autonomous individuals that have value and worth outside of and apart from their sexuality.\textsuperscript{200} Women (and all people) deserve dignity and respect as individuals who are intelligent, worthy, hard-working human beings.\textsuperscript{201}

Increasingly over the last ten years, the sexualization of women has increased dramatically, and models have begun to look younger and younger.\textsuperscript{202} In some advertisements, women are positioned in simulated rape positions or overly-sexualized stances.\textsuperscript{203} In a recent print and billboard ad campaign by Skyy Spirits, an alcohol company, a woman is shown from the thighs down, in red stilettos, and in skin-tight, red, patent leather tights.\textsuperscript{204} She is appearing to have sexual intercourse with a large blue Skyy Vodka bottle.\textsuperscript{205} The rest of the “woman’s” body is not depicted, but the viewer/reader understands the message.\textsuperscript{206} The message is—“sex sells.”\textsuperscript{207}

The alcohol company admits that the ad targets the age market of twenty-one to thirty-four.\textsuperscript{208} Some pundits have called the advertise-


\textsuperscript{201} Id. at pmbl. art. 1.


\textsuperscript{203} See id.

\textsuperscript{204} Bruce Horovitz, Skyy Pushes the Envelope With Sexy Ad Campaign, USA TODAY (Sept. 28, 2010), http://www.usatoday.com/money/advertising/2010-09-28-vodka28-ST_N.htm.

\textsuperscript{205} Id.

\textsuperscript{206} See id. (indicating the only visible portions of the woman’s body were those from the thighs downward).

\textsuperscript{207} Tallim, supra note 202.

\textsuperscript{208} Horovitz, supra note 204.
ment “porn-a-hol” and “jamming a bottle in a woman’s crotch.” The government admits that there are no specific guidelines in place to address these types of issues.

Similarly, the popular clothing company Abercrombie & Fitch has resorted to placing its catalog in covered bags to avoid inadvertent exposure of the sexualized images depicted in the advertisements. Given the influence of the preteen, teen, and young adult consumers, this kind of sexual selling of products has crossed over into all areas of the media: film, television, pop culture, and music videos. Similarly, musicians Christina Aguilera and Britney Spears have actually performed videos choreographed by directors of pornographic movies.

The veteran photographer who shot the advertisement for Skyy Vodka has worked with other world-renowned designers, and many of those designers use these same questionable sexualized techniques. Many of these designers use highly eroticized images of “young-looking” women to sell their goods. In a series of advertisements for Buffalo Jeans, CosmoGirl!, a magazine for adolescent girls, portrays a young girl simulating masturbation, laying flat on her back, with her blue jeans open and her hands down her pants. A number of ads by Gucci depict women in submissive positions (either on both hands and knees or kneeling at the male’s waist area) or in clearly sexual positions. The ads are designed to send a message of male superiority and domination. Perry Ellis famously dismembers and objectifies the

209 Id.
210 Id. (noting that Mary Engle, associate director for advertising practices of the Federal Trade Commission (FTC), stated that the FTC encourages companies to comply by using self-regulatory mechanisms and self-imposed codes of conduct).
211 Tallim, supra note 202.
212 Id.
213 Id.
214 Horowitz, supra note 204.
216 Id.
217 Id.
218 Id.
219 Id. (“Ads containing sexualized images also deliver strong messages about gender relations. This Gucci ad campaign uses young females to promote its clothing, but with overtones of violence and domination.”).
females in its advertisements.\textsuperscript{220} One ad depicts a fully clothed woman lying "lifeless" on the floor of a shower with a naked man standing over her (his genitals are not visible).\textsuperscript{221}

Sex sells, and companies are well aware of that fact.\textsuperscript{222} Even if it means using models that resemble underage girls in highly sexually suggestive ways, if that is what it takes to sell a product, then so be it.\textsuperscript{223} Because sex sells, manufacturers and businesses exploit this to generate as much profit as possible.\textsuperscript{224}

2. Pornography

Another significant area of influence is pornography, which in many ways directs the sex trafficking industry.\textsuperscript{225} A lengthy discussion could address the precise definition of pornography, but Catherin MacKinnon, an expert in this field, has articulated it quite well.\textsuperscript{226} She once said, "If it appears to be, it is because power constructs the appearance of reality by silencing the voices of the powerless, by excluding them from access to authoritative discourse."\textsuperscript{227}

Pornography gives a voice to rape, prostitution, assault, and abuse of the human body.\textsuperscript{228} At its core, pornography is the systemic brutalization and dismantling of the human spirit.\textsuperscript{229} It operates in such

\begin{thebibliography}{99}
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\item \textsuperscript{220} Id.
\item \textsuperscript{221} Id.
\item \textsuperscript{224} Sex in Advertising: An Evolution of More Than 80 Years of OHHHS and AHHHS: Introduction, supra note 222.
\item \textsuperscript{225} See Tallim, supra note 202 (discussing the pervasiveness of subtle pornographic material in our popular culture and its ramifications).
\item \textsuperscript{226} Catharine A. MacKinnon, Pornography, Civil Rights, and Speech, 20 Harv. C.R.-C.L. L. Rev. 1, 3 (1985).
\item \textsuperscript{227} Id.
\item \textsuperscript{228} Id. at 17.
\item \textsuperscript{229} See id. at 16-17.
\end{thebibliography}
a way as to belittle, dehumanize, and suppress women and children.\textsuperscript{230} In one setting, pornography illustrates rape, battery, sexual harassment, prostitution, and sexual abuse.\textsuperscript{231} But it has come to be widely accepted as “sex, sex, sex, sex, and sex.”\textsuperscript{232} Pornography glamorizes, endorses, authorizes, and legitimizes rape, battery, sexual harassment, prostitution, and the sexual abuse of children.\textsuperscript{233} Pornography illustrates in horrific and violent ways the subordination, suppression, and brutalization of women.\textsuperscript{234} In the United States alone, pornography is an eight-billion-dollar industry.\textsuperscript{235}

Pornography shows sex in a harmonious, glorious way.\textsuperscript{236} It is a world where women desire to be treated in an inhumane, animalistic way.\textsuperscript{237} In hardcore pornography, the women “want to be bound, battered, tortured, humiliated, and killed.”\textsuperscript{238} This is what preteen and young boys view almost as a rite of passage.\textsuperscript{239} Many times, pornography portrays the victim as desiring to be beaten, abused, violated, and mistreated.\textsuperscript{240} Pornography, in this way, works in the minds of the men it targets, and that causes them to believe that the victims of sex trafficking desire the treatment they are receiving.\textsuperscript{241} Pornography creates a “c’est la vie” mentality in the minds of those who rent and purchase

\textsuperscript{230} See id. at 13-14.
\textsuperscript{231} Id. at 12.
\textsuperscript{232} Id. at 16-17.
\textsuperscript{233} Id. at 17.
\textsuperscript{234} Dworkin, supra note 34, at 9.
\textsuperscript{235} Id. at 10. See also Jon Swartz, Free Porn on ‘Tube Sites’ Puts a Big Dent in Industry, USA TODAY (Mar. 2, 2010), http://www.usatoday.com/tech/news/2010-03-02-porn02_ST_N.htm (estimating the worth of the porn industry in 2010 to be around thirteen billion dollars). But see Dan Ackman, How Big is Porn, FORBES.COM (May 25, 2001) http://www.forbes.com/2001/05/25/0524porn.html (claiming that the porn industry, as of 2001, was worth only between 2.6 and 3.9 billion dollars).
\textsuperscript{236} MacKinnon, supra note 226, at 17 (citing Margaret Baldwin, The Sexuality of Inequality: The Minneapolis Pornography Ordinance, 2 LAW & INEQ. 629, 631-32 (1984)).
\textsuperscript{237} Id.
\textsuperscript{238} Id.
\textsuperscript{239} See Dworkin, supra note 34, at 11 (“It is access to our bodies as a birthright to men . . . ”).
\textsuperscript{240} Id. at 10; MacKinnon, supra note 226, at 17.
\textsuperscript{241} See Baldwin, supra note 236, at 640-41 (describing the way in which pornography affects society).
women and children. See id. See id. at 631-43 (discussing the effects pornography has on women and society).

242 See id.


244 See Baldwin, supra note 236, at 640-41.

245 See id. at 631-43 (discussing the effects pornography has on women and society).

246 See id.

Society has cultivated this thought process as a "boys will be boys" rationalization. When a "boys will be boys" way of thinking operates in direct opposition to a girl's right to be free from sexual violence, basic human rights are violated, and we have a serious issue that we must address and resolve. Pornography is in direct opposition to the inalienable rights we all are born with as humans; it is an industry that devastates women, men, and all involved. Pornography has the power to gnaw away at the humanity of all involved.

Pornography is:

[W]omen turned into subhumans, beaver, pussy, body parts, genitals exposed, buttocks, breasts, mouths opened and throats penetrated, covered in semen, pissed on, shitted on, hung from light fixtures, tortured, maimed, bleeding, disemboweled, killed.

. . . .

It is scissors poised at the vagina and objects stuck in it, a smile on the woman's face, her tongue hanging out.

It is a woman being fucked by dogs, horses, snakes.

It is every torture in every prison cell in the world, done to women and sold as sexual entertainment.

It is rape and gang rape and anal rape and throat rape: and it is the woman raped, asking for more.

It is the woman in the picture to whom it is really happening and the women against whom the picture is
used, to make them do what the woman in the picture is doing.

It is the power men have over women turned into sexual acts men do to women.

It sexualizes inequality and in doing so creates discrimination as a sex-based practice.

It is women, kept a sexual underclass, kept available for rape and battery and incest and prostitution.

It is the heretofore hidden system of subordination that women have been told is just life.

Under male supremacy, it is the synonym for what being a woman is.

What pornography does is "eroticize hierarchy" and "sexualize inequality." This effect creates the culture that allows sex trafficking to survive, thrive, and flourish.

V. Application

In spite of all the laws on the books that address sex trafficking, those laws have been woefully inadequate at addressing and reducing the demand for sex trafficking victims. It would appear that the

247 Dworkin, supra note 34, at 10.
248 MacKinnon, supra note 226, at 18.
249 See Dworkin, supra note 34, at 11 (discussing the societal harms that result from a flourishing pornographic industry); MacKinnon, supra note 226, at 18 (discussing what makes pornography appealing and its ramifications on gender relations and sexual inequality).
United States is ill equipped to effectively address the demand issue of sex trafficking, and a direct consequence of that is the lack of any substantive, concrete legal efforts aimed at reducing or ending the demand.\textsuperscript{251} In order to change the direction of its current trajectory, the demand has to be addressed and stopped.\textsuperscript{252} Moreover, legislation needs “policies aimed at decreasing the demand for commercial sex.”\textsuperscript{253} As stated previously, if a businessman selling candy has no customers, he will eventually go out of business. We must create laws that will curb the demand and cause sex traffickers to go out of business.\textsuperscript{254}

In an effort to combat sex trafficking both at home and abroad, the United States Departments of State, Labor, Justice, Homeland Security, and Health and Human Services and the United States Agency for International Development contributed approximately $375,000,000 toward antitrafficking programs between 2001 and 2006.\textsuperscript{255} While there were 3000 trafficking convictions globally in 2004, much more needs to be done on a worldwide scale to end this modern day system of slavery.\textsuperscript{256}

There are specific countries that are attempting to take steps to address and end sex trafficking.\textsuperscript{257} In contrast, with a Tier 2 government, South Africa has not yet fully complied with the minimum standards as set forth for the elimination of human trafficking.\textsuperscript{258} South Africa’s lack of action in eradicating sex trafficking must be pointed

\textsuperscript{252} Id.
\textsuperscript{253} Id.
\textsuperscript{254} Id.
\textsuperscript{256} Id.
\textsuperscript{257} U.S. DEP’T OF STATE, supra note 94, at 5.
\textsuperscript{258} Id. at 297 (noting that South Africa has moved forward in convicting its first sex traffickers and has created laws at the provincial and national levels that are designed to protect children, enacted interministerial operating policies, trained government employees on antitrafficking laws, enhanced their victim identification process, and strengthened agency roles in fighting sex trafficking).
out, hopefully, in an effort to bring about much needed change.\textsuperscript{259} Sporting events are notorious for attracting even more sex trafficking incidents than are normally present.\textsuperscript{260} Prior to the 2010 World Cup (which was held in South Africa), this country had ample opportunity to pass and enact an antitrafficking bill.\textsuperscript{261} What was more frustrating to the antitrafficking community was that the South African government had been promising the bill would become law since 2008.\textsuperscript{262} South Africa also had another opportunity to positively impact those affected by sex trafficking by enforcing and/or financing the 2007 Children’s Amendment Act.\textsuperscript{263} Sadly, South Africa contributed sparse funding for law enforcement geared toward sex trafficking or protecting victims of sex trafficking.\textsuperscript{264} Even more egregious was the fact that NGOs and foreign donors gave large amounts of money to South Africa for this very purpose.\textsuperscript{265} The country’s financial contributions towards law enforcement aimed at sex trafficking or protecting victims are minimal and practically nonexistent.\textsuperscript{266}

Notably, when evaluating the prosecution of these kinds of offenses, the South African government barely increased its law enforcement efforts to target sex trafficking during the 2008-2009 tracking period.\textsuperscript{267} The government has a law on the books, the South African Sexual Offenses Act (SOA), which criminalizes sex trafficking.\textsuperscript{268} This law also has penalties that are practically equivalent to penalties prescribed for similarly serious offenses.\textsuperscript{269} The South African government began to formalize the Prevention and Combating of Trafficking in Per-
sons Bill in March 2010, but as of the date of this publication, the law is still not in effect.\textsuperscript{270}

Sadly, many of the cases initiated in 2006-2009 against alleged sex traffickers were still unresolved as of the publication date of the 2010 Trafficking in Persons Report.\textsuperscript{271} An example is the 2008 trial of “Diana,” a woman charged with sexually exploiting three young girls from Mozambique.\textsuperscript{272} Another case, the only South African human trafficking conviction (as of the 2010 Trafficking in Persons Report), was a prosecution of a husband and wife.\textsuperscript{273} They were convicted on seventeen counts of “racketeering, money laundering, and [other] offenses under the SOA.”\textsuperscript{274} However, as of the date of this publication, there has not been a sentencing.\textsuperscript{275}

Another country that has a poor record of sex trafficking is Singapore.\textsuperscript{276} Singapore is a Tier 2 Watch List country and has yet to make any significant steps towards reaching Tier 1.\textsuperscript{277} One of the many ways that women are lured from their countries of origin is by way of false promises for a job, an education, and a better future.\textsuperscript{278} When these unsuspecting women arrive in the host country, they are met with the sad reality of life as a prostitute in a brothel, massage parlor, or strip club.\textsuperscript{279} That is how many young women and girls arrive in Singapore, lured by deceitful and fabricated stories that entice them away from home, family, and friends, to live a life of torture and abuse.\textsuperscript{280} These promises of a fairytale life are soon crushed by the reality of life as a sex slave.\textsuperscript{281}

\textsuperscript{270} Id.
\textsuperscript{271} Id.
\textsuperscript{272} Id.
\textsuperscript{273} Id.
\textsuperscript{274} Id.
\textsuperscript{275} Id.
\textsuperscript{276} Id. at 292.
\textsuperscript{277} Id.
\textsuperscript{278} See id.
\textsuperscript{279} Id.
\textsuperscript{280} Id.
\textsuperscript{281} Id.
The Singaporean government has shown little evidence of a desire to positively affect this industry.\textsuperscript{282} One example of the utter lack of care or concern is evidenced by "convicting and punishing [only] two trafficking offenders."\textsuperscript{283} Eradicating the scourge of sex trafficking should be a top priority for the Singaporean government, but their proactive measures taken to identify and assist victims, as well as prosecute perpetrators, are lacking and proving to be inefficient and ineffective.\textsuperscript{284}

Many NGOs rightfully question Singapore's ability and willingness to locate and identify victims, initiate serious investigations, and prosecute those running and operating criminal enterprises.\textsuperscript{285} During the 2008-2009 reporting period, "[t]he government investigated 32 [cases] of sex trafficking."\textsuperscript{286} A case involving five Thai women forced into prostitution netted the perpetrator one year and seven months in prison.\textsuperscript{287} This case illustrates the seriously inadequate punishment for sex traffickers.\textsuperscript{288} In a separate case, an individual was sentenced to nine weeks in jail and received a $20,000 fine.\textsuperscript{289} The perpetrator was a brothel owner who had a Thai girl as a prostitute.\textsuperscript{290} To further illustrate the lack of effort by the government to effectively attack this industry, during searches of brothels and other related businesses, the police arrested 7614 women for "prostitution violations."\textsuperscript{291} Of these women, the government identified only one woman as a sex trafficking victim.\textsuperscript{292} The rest of the women were sent back to their countries of origin after their arrests, some were deported at the end of the police investigations, and some were even prosecuted for violating certain immigration laws.\textsuperscript{293} This is the typical way Singapore has dealt with sex trafficking.
trafficking.\textsuperscript{294} It is clearly neither a sensitive nor effective manner of dealing with the problem.\textsuperscript{295} To say that Singapore’s efforts to impact the sex trafficking industry are lacking and leave much to be desired is an understatement.\textsuperscript{296} There is much candy being sold and many purchasers of that product. We have to encourage countries like Singapore to close the candy store.

Another country with a trafficking problem is Greece.\textsuperscript{297} Greece, a Tier 2 country, has women arriving mainly from “Eastern Europe, the Balkans, and Nigeria.”\textsuperscript{298} Many traffickers reportedly use “emotional abuse and financial harm as tools of coercion, instead of physical force, in attempts to evade law enforcement prosecution.”\textsuperscript{299} Concerns involving police and government complicity, inadequate protection and identification of victims, as well as insufficient funding for antitrafficking exist among NGOs.\textsuperscript{300} There are laws on the books in Greece that, if enforced, would make a dent in the sex trafficking industry, but, like in many countries, those laws are evident only on paper without any real enforcement.\textsuperscript{301} In 2006, the Greek government learned of a case where three police officers allegedly raped a woman while she was in custody.\textsuperscript{302} For at least two years after the alleged assault, the officers “remained free on bail.”\textsuperscript{303} In 2009, in another case of alleged police involvement in sex trafficking, “one active and one retired [police] officer were held without bail” while awaiting trial.\textsuperscript{304} In an effort to curtail this activity, the Greek government, collaborating with NGOs, provided antitrafficking training to law-enforcement offi-

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  \item \textsuperscript{294} See id. at 294.
  \item \textsuperscript{295} See id. (deporting victims does not provide incentive for victims to report trafficking).
  \item \textsuperscript{296} See supra notes 278-95 and accompanying text.
  \item \textsuperscript{297} See infra notes 298-306 and accompanying text.
  \item \textsuperscript{298} U.S. Dep’t of State, supra note 94, at 158.
  \item \textsuperscript{299} Id.
  \item \textsuperscript{300} Id. at 159.
  \item \textsuperscript{301} Id.
  \item \textsuperscript{302} Id.
  \item \textsuperscript{303} Id.
  \item \textsuperscript{304} Id.
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The Greek government also made this training available to judges, prosecutors, and police of neighboring countries.\textsuperscript{306}

Although many countries still have work to do to eradicate their trafficking problems, if no "Johns" demanding sexual acts existed in the first place, the denial of women and children’s basic human right to be free from slavery would end.\textsuperscript{307} Without anyone to view or purchase online pornographic images, commercial exploitation of persons portrayed in those materials would also cease.\textsuperscript{308} If the state did not profit financially from the trafficking of women and children, the state would reinforce the dignity and self-worth of all people through serious enforcement of the laws on the books.\textsuperscript{309} If education and valid (legal) employment opportunities were available for victims of sex trafficking, traffickers would be unable to trick women or children into believing sexual slavery is a legitimate job.\textsuperscript{310} If there was no candy, there would be no business.

\section*{VI. Conclusion}

If our global community is serious about paving a path to freedom for these victims, governments must make serious efforts to draft (where applicable) and implement comprehensive antitrafficking laws.\textsuperscript{311} Local, state, and national governments must fully fund antitrafficking laws and antitrafficking efforts of NGOs.\textsuperscript{312} NGOs’ prevention

\textsuperscript{305} Id.

\textsuperscript{306} Id.

\textsuperscript{307} See, e.g., id. at 170 (noting countries that have and have not instituted programs to "reduce demand for commercial sex acts" as a means of prevention).

\textsuperscript{308} See Hughes, supra note 25, at 64 ("Demand reduction is part of prevention of sex trafficking.")

\textsuperscript{309} See, e.g., id. at 8 (discussing proliferation or acceptance of sex trafficking because governments can profit from the business).


\textsuperscript{311} See, e.g., U.S. DEP’T OF STATE, supra note 94, at 331 (recommending governments implement comprehensive anti-trafficking laws to reduce sex trafficking).

\textsuperscript{312} See id. at 14 ("At its best, victim protection is a series of laws and policies that are broadly funded, understood, and implemented . . . .")
strategies that address the issue of demand in this field need to be promulgated and publicized.\textsuperscript{313}

Governments must take steps to increase officials’ ability to recognize, identify, and assist victims of sex trafficking.\textsuperscript{314} When governmental officials are implicated or found to have taken an active role in the trafficking, governments must prosecute the officials to the fullest extent of the law.\textsuperscript{315}

Governments should also research ways to make legal assistance affordable and accessible to victims of trafficking.\textsuperscript{316} Victims should know that prosecuting governments will not place unreasonable demands on them.\textsuperscript{317} Governments should design laws to work in the favor of these innocent people.\textsuperscript{318} We can hope to decrease the demand for commercial sex acts by strictly enforcing unutilized laws that are currently on the books.\textsuperscript{319} These unenforced laws prohibit the importation of women for commercial sexual services, such as prostitution and working in brothels, massage parlors, nightclubs, and strip clubs.\textsuperscript{320} “Johns” might be less likely to partake in this industry if the penalties for doing so were more severe and if “Johns” understood that law enforcement would target the “Johns,” instead of the victim, as the offender.\textsuperscript{321} A step in the right direction would be ensuring that victims

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\item[313] See, e.g., \textit{id.} at 298 (recommending South Africa “continue to support prevention strategies developed by NGOs” and broadly recommending programs to educate and inform the public to reduce sex trafficking).
\item[314] HUGHES, \textit{supra} note 25, at 64-65 (discussing various improvements to law enforcement in this area).
\item[315] \textit{Id.} at 64.
\item[316] U.S. DEP’T OF STATE, \textit{supra} note 94, at 113 (recommending China “support legal assistance programs that assist both foreign and Chinese trafficking victims”).
\item[317] \textit{See id.} at 5 (heralding the United States’ introduction of the TVPA as a “key milestone[ ] in the fight against modern slavery”).
\item[318] \textit{See id.} (applauding the United Nations’ adoption of the Palermo Protocol, which instructs governmental response to focus on “prevention, criminal prosecution, and victim protection”) (emphasis removed).
\item[319] \textit{See} HUGHES, \textit{supra} note 25, at 22 (“As commercial sexual activity is more openly advertised and laws against illegal activity are not enforced, the standards become unclear.”).
\item[320] \textit{See, e.g.}, 22 \textit{U.S.C.} §§ 7101(b)(2), 7106 (Supp. IV 2010).
\item[321] \textit{See} HUGHES, \textit{supra} note 25, at 64 (advocating for prosecution of “purchasers of sex . . . to eliminate the markets for victims”).
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\end{footnotesize}
receive the help and assistance they need and are not treated as common criminals for acts committed in connection to being trafficked.\textsuperscript{322} At the very least, a country must take steps to create a nationwide database to monitor, collect, and evaluate statistics involving sex trafficking, anti-trafficking efforts, and effective solutions.\textsuperscript{323} This database could include a "Most Wanted List" of convicted sex traffickers.\textsuperscript{324} This "list" should be prominently displayed to discourage future "Johns" from soliciting the services of trafficked women or children, thus curbing the demand for such services.\textsuperscript{325}

Governments should make frequent public service announcements to keep sex trafficking and its ever-evolving face in the minds of citizens and to make citizens aware of how fluid the industry is.\textsuperscript{326} Governments must always have specific, highly-trained groups of professionals in place to deal with the youngest victims of commercial sex trafficking.\textsuperscript{327} These children need specialized attention, if it is not already too late, to prevent them from being scarred for life.\textsuperscript{328}

We must take a hard look at how we ingratiate males into that "all-boys" society by teaching males that all people have value, dignity, and self-worth.\textsuperscript{329} Commercialized and glamorized sex in the media has to be brought into perspective and recognized for its role in the industry of sex trafficking.\textsuperscript{330} Women and children must not face dehumanization and portrayal as sex objects.\textsuperscript{331} This process lessens the humanity,
dignity, and value in people, and victims are no longer seen as people but objects.  

Society must evaluate education, poverty, and status to address the deep divides and chasms in our global community. Poverty drives individuals to desperate, unthinkable acts of grave inhumanity. By educating and creating economic opportunities, we might decrease the number of impoverished individuals that turn to committing those inhumane acts.

The unending and consistent struggles of the United States and most of the world with sex trafficking are intimately tied to questions concerning the “rule of law” and “good governance.” Many have called this fight against modern-day slavery the “new abolitionist movement.” As a caring, compassionate global community, we should all be encouraged and strongly motivated to join in this fight to save countless, faceless, nameless victims. The goal should be to dismantle the demand and end this system of slavery forever.

In the end, global sex trafficking or “slavery is a moral dilemma that forces confrontation with one’s commitment to human dignity.” As such, we must recognize that as a global community we will be able to significantly decrease the number of victimized sex slaves if governments institute stringent enforcement policies, punish

332 See supra note 61 and accompanying text.
333 See Prevention, supra note 310.
334 See Hughes, supra note 25, at 24 (“[C]onditions such as aggravated poverty . . . have created a large pool of potential victims.”).
335 See Prevention, supra note 310.
338 Id.
339 See supra notes 15-16 and accompanying text.
"Johns," and create penalties to decrease the demand for the services of those trafficked by "Johns."\(^{341}\)

Demand is the grease that spins the wheels of a well-oiled and operating sex trafficking machine.\(^{342}\) This demand is creating a living hell for innocent women and children around the globe; society can no longer turn a deaf ear to their plight and the brutality to which they are subjected.\(^{343}\)

We must remember that the victims are real people who deserve recognition and protection.\(^{344}\) To illustrate this point, one victim's letter pleads with Pastor Chun Ki-won and implores, “I want to live like a human being for one day. I am a human being. How can I be sold like this? I need freedom.”\(^{345}\) Another child victim recalls how scared and alone she felt when “clients” raped and brutalized her.\(^{346}\) In testimony given to a Senate Committee, Luis CdeBaca reasoned, “With all of us, and those who we will touch, young people need to know that they are not alone: that we will not turn a blind eye to their abuse.”\(^{347}\)

\(^{341}\) See supra Part II.

\(^{342}\) See supra Part II.

\(^{343}\) See supra note 60 and accompanying text; supra Part IV.

\(^{344}\) See supra notes 200-01 and accompanying text (“Our culture needs to treat women, men, girls, and boys as autonomous individuals that have value and worth outside of and apart from their sexuality. Women (and all people) deserve dignity and respect as individuals who are intelligent, worthy, hard working human beings.”).

\(^{345}\) Hughes, supra note 116.

\(^{346}\) CdeBaca, supra note 159.

\(^{347}\) Id.