

Child Trafficking

By: Jonathan Broder



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Introduction

The worldwide trafficking of children for commercial sex and forced labor is rising rapidly, despite more than a century of laws, treaties and protocols banning the practice. Some 10 million children are trafficked each year, the majority of them girls forced into the underground sex trade. Poverty, natural disasters and now the COVID-19 pandemic have left destitute families and their children vulnerable to traffickers. The use of the internet to sell images of child sex abuse to pedophiles around the world has exploded. Law enforcement officials say they do not have the resources to stop the traffickers, who net some \$150 billion a year — second in profit only to the drug trade. A new U.S. law enables states to prosecute internet platforms that knowingly facilitate such trafficking, but critics have challenged the law in court, arguing it restricts free speech. Some experts say the best way to defeat trafficking is to align government policy with a sweeping United Nations sustainable development agenda that will add untapped resources to the battle.



Child trafficking victims in a shelter in Côte d'Ivoire in March wait to be returned to their homes in the neighboring West African country of Burkina Faso. Some 10 million children are trafficked every year, often due to the burgeoning online child sex trade. (AFP/Getty Images/Sia Kambou)

Overview

Sasha was just 14 when she turned her first trick as a victim of child sex trafficking.

The teenager had grown up in a poor, dysfunctional home in Florida, then endured soul-crushing bullying in high school after her family moved to Atlanta. Lonely and suffering from low self-esteem, Sasha said, she leapt at a chance for social acceptance when a classmate befriended her.

The friend then introduced her to an older man, who listened to Sasha sympathetically as she poured her heart out. He soon became, in her mind, her boyfriend and surrogate father. For the first time, “He made me feel like I was special,” Sasha recalled tearfully in a CNN documentary on child trafficking.¹

Soon, however, the man began exploiting Sasha's trust by pressuring her to have sex with other men for money in the back of a friend's Atlanta barber shop. Fearing the loss of his love and attention, Sasha agreed. But, finally, after being forced to sexually service nearly 40 men in one day, Sasha told the boyfriend she was fed up and wanted out.



Ethnic minority Rohingya children play at a temporary shelter in Indonesia in October. Rohingya refugees fleeing persecution in nearby Myanmar are easy prey for traffickers, who exploit their desperate situation. (AFP/Getty Images/Chaideer Mahyuddin)

“You ain’t going nowhere,” he said, pulling out a gun and daring her to walk away. Trapped between fear and dependence, Sasha continued to meet the man’s demands until she finally found the courage to seek help from a safe house for victims of sex trafficking.²

Sasha’s story is not unique — in the United States or elsewhere. Between 25 million and 40 million people worldwide are victims of human trafficking and modern slavery, 10 million of them under age 18, according to various sources. The vast majority are girls forced by threat, deception or economic desperation into the underground sex trade. Even United Nations peacekeepers have been accused of sexually trafficking women, girls and boys in countries where the soldiers are stationed. Exploitation includes online imagery of rape and abuse of toddlers, shared and sold to pedophiles around the world. Cyber-facilitated exploitation has grown exponentially in recent years, FBI officials say, overwhelming federal, state and local law enforcement.³

“We and our allies and partners find ourselves confronting a crisis that has reached previously unimagined proportions,” then-Secretary of State Mike Pompeo wrote in the Department of State’s 2020 annual report on global human trafficking.⁴

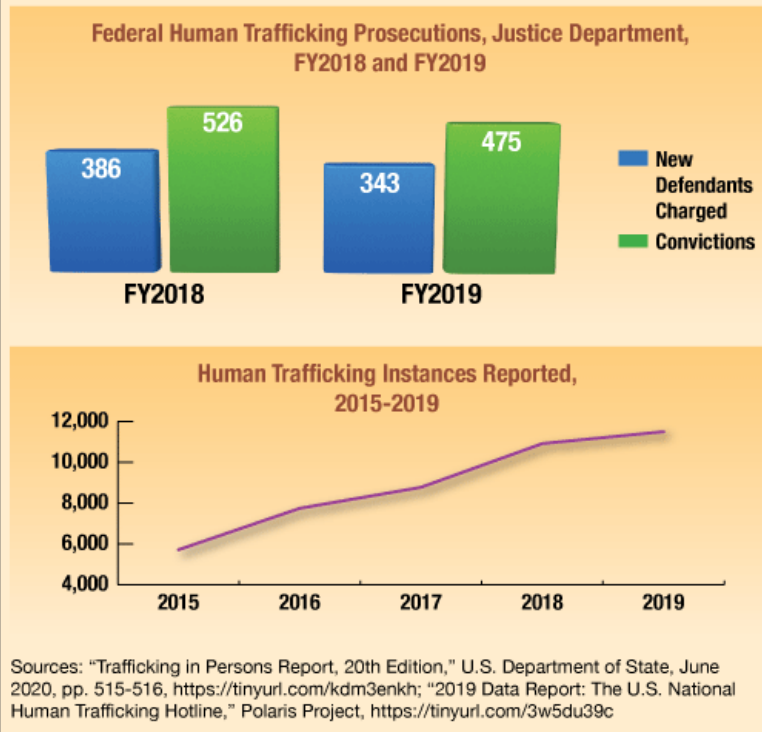
And, despite the more than a dozen U.S. and international laws and treaties enacted over the past century banning child trafficking and forced labor, the problem continues to grow. Experts say today’s traffickers are tech-savvy and highly skilled at using technology to cover their tracks and stay ahead of law enforcement. While many U.S. tech companies voluntarily police their platforms for child sexual abuse materials, other companies are far less attentive and fail to cooperate fully with law enforcement when they do find such materials, experts say.

Even the Department of Justice, which Congress made the tip of the U.S. spear in the fight against human trafficking, has encountered difficulties fulfilling this mission in recent years. Prosecutions and convictions of traffickers fell nearly 10 percent in 2019 compared to the previous year, despite an 11 percent spike in online child sex trafficking reports.⁵

“Last year, we got 18 million reports of child sex abuse materials being posted online,” an FBI agent told a Carnegie Mellon University information technology class earlier this year. “That’s a 10,000 percent increase over the last six years.”

U.S. Trafficking Prosecutions Fall as Reported Cases Rise

Prosecutions and convictions of human traffickers by the U.S. Justice Department declined from fiscal 2018 to fiscal 2019. Yet reported instances of trafficking have risen steadily since 2015, according to the Polaris Project, a nonprofit that runs a national trafficking hotline.



A Justice Department spokesman said U.S. prosecutions had declined in recent years even as reports of child trafficking rose because it is "a hidden crime. Minors are almost never advertised as minors, and the victims are often trained to hide their age from those who might help them," he says. In addition, victims — who often come from abusive homes or foster care — "typically harbor conflicted emotions about their trafficker," ranging from trauma-bonding to fear of retaliation if they cooperate with law enforcement.

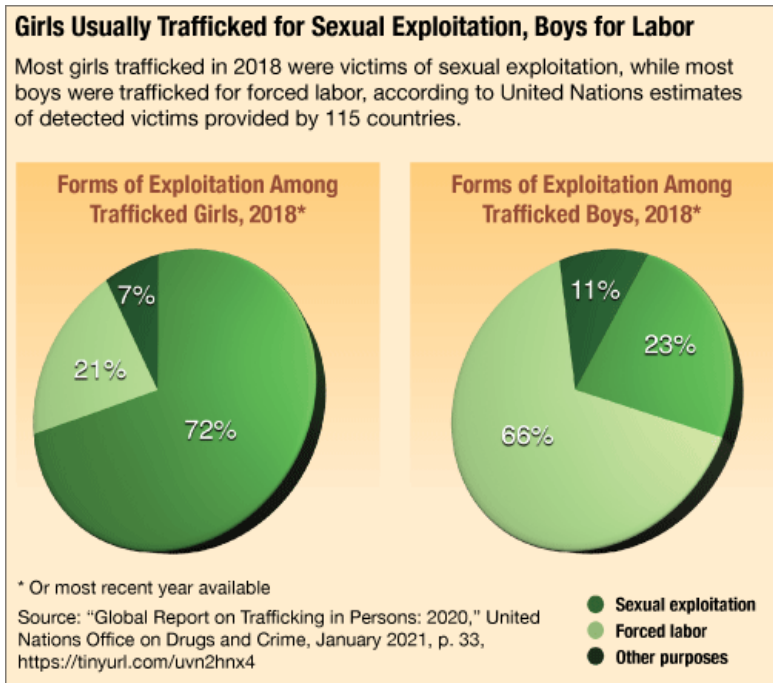
But Luis C. deBaca, former head of the Justice Department's human trafficking section and of the Office to Monitor and Combat Trafficking in Persons during the Obama administration, also blames Republican deficit hawks in Congress for reducing by half the \$60 million annual anti-trafficking budget. And the Trump administration shifted nearly \$6 million from the Department of Homeland Security's cybercrimes unit in 2019 — 40 percent of the department's discretionary budget — to immigration enforcement, he says.

A new U.S. law designed to curb online child sex trafficking faces legal challenges from free-speech advocates, and critics say it inadvertently endangers minors by forcing them to take their business dealings offline and into the street. For U.S. anti-trafficking efforts to be more effective, critics say, Congress should require law enforcement and tech companies to work together to stop online trafficking, instead of relying on the voluntary arrangement that currently governs their relationship. Others say the United States should embrace a sweeping U.N. agenda for sustainable development that would enlist labor, health and financial institutions — in addition to law enforcement — in the fight.

Child trafficking, which takes several forms in addition to sexual exploitation, is the world's second most lucrative crime after the drug trade, earning traffickers some \$150 billion a year. In what the U.N.'s International Labour Organization (ILO) calls the modern equivalent of slavery, millions of the world's children are trafficked and forced to work for little or no pay in farming, mining, fishing and in garment factories and restaurant kitchens. Or they are forced to work off a family debt. Traffickers also use children to run drugs, beg for money on the street or serve as soldiers in rebel armies. Others are trafficked for the forced removal and sale of their organs. Some infants are kidnapped and sold for adoption.⁶

A common misconception about child trafficking is that a minor must be transported across state lines or an international border to legally qualify as a trafficking victim. But a U.S. law enacted in 2000, commonly called the Trafficking Victims Protection Act, and several U.N. human rights conventions state that anyone under 18 recruited for sex work, labor or organ removal is a trafficking victim — regardless of whether they are transported across a border.⁷

However, the United States, the U.N. and many anti-trafficking groups differ on the definition of child trafficking. The ILO's estimates that 40 million people worldwide are trafficked each year includes 15 million women and girls who have been coerced into marriage. The organization argues that child brides qualify as trafficking victims because they routinely are coerced to become sexual and domestic slaves for their spouses.⁸



The U.S. government, which estimates that 25 million people are trafficked each year, does not specify how many are children. U.S. officials also say forced marriage is a complicated issue, often involving cultural traditions and norms. Other experts say research has not definitively identified forced marriage as a form of human trafficking.⁹

However, there is widespread agreement that child trafficking is on the rise. The U.N.'s Vienna-based Office on Drugs and Crime says children now make up a third of the world's trafficking victims, with girls comprising 19 percent, and boys, 15 percent.¹⁰

The spike is caused by poverty as well as natural disasters, such as typhoons, earthquakes or tsunamis, that leave struggling families vulnerable to traffickers who promise jobs or education for their children in safer places, say U.S. and international experts. The COVID-19 pandemic has also played a role.

"[H]uman traffickers prey upon the most vulnerable and look for opportunities to exploit them," Pompeo said in the 2020 report. "Instability and lack of access to critical services caused by the [COVID-19] pandemic mean that the number of people vulnerable to exploitation by traffickers is rapidly growing."¹¹

The internet also has contributed to the spike in child trafficking, according to U.S. officials and outside experts. "Traffickers use digital platforms to recruit young victims with deceptive job offers" and advertise sexual services of young people on the internet, says Jane Sigmon, a senior adviser in the State Department's Office to Monitor and Combat Trafficking in Persons. "One of the more recently identified aspects of cyber-facilitated trafficking is [the use of] phones and webcams to live-stream acts of sexual abuse of children for profit."

Such live streams and photos appear on popular porn sites, where customers use search terms such as "young tiny teen," "extra small petite teen" or simply "young girl," according to *New York Times* columnist Nicholas Kristof, who has written extensively on child trafficking.¹² The most depraved live streams, showing rapes of children as young as 2 and 3 years old, appear on so-called dark web sites frequented by hardcore pedophiles, according to researchers and law enforcement.

But arresting the creators of such sites is "very, very difficult," Sigmon says. "Most law enforcement don't have the technical capacity or the resources to investigate and prosecute these crimes." And traffickers "move quickly [and] morph their techniques. They can just take down a site and move to a different site."

Several technical experts and Silicon Valley companies voluntarily help law enforcement identify such sites. Some have created algorithms that detect images of child sexual abuse.

Still, law enforcement officials are overwhelmed and underfunded, according to Michael D. Smith, a professor of information technology at Carnegie Mellon University and an expert on the role of technology plays in human trafficking. An FBI agent told one of Smith's classes this year that despite the huge increase in online child exploitation, "we had no increase in funding [so] we only investigate when we believe the victim is under the age of 6."

"Federal prosecutors are swamped," says Smith. "So, if there's a picture of a sexually abused 7-year-old posted online, they don't have the time or resources to investigate — not because they don't care but because they're already too busy with younger victims."

Followers of QAnon conspiracy theories have drawn attention to the child trafficking problem with their widespread use of seemingly altruistic hashtags, such as #SaveTheChildren. However, QAnon falsely claims that Satan-worshiping pedophile elites are operating a global child sex-trafficking ring. Experts say QAnon followers divert scarce police manpower when they inundate law enforcement and rescue hotlines with false reports of child trafficking. ([See Short Feature.](#))

Meanwhile, some countries have done little to prosecute offenders. A 2017 Associated Press investigation found nearly 2,000 allegations that U.N. peacekeepers had sexually trafficked, abused and exploited women, girls and boys in the Democratic Republic of Congo, the Central African Republic, Liberia and Haiti. And, although the U.N. has adopted numerous international treaties and conventions aimed at eradicating child trafficking, only a handful of the alleged offenders among its peacekeepers went to prison. Most were merely returned to their home countries, according to the AP.¹³

Sigmon says the lack of programs to mitigate poverty and family dysfunction contributes to the problem. "It's a real challenge to get enough resources for prevention, which is really critical to increasing child protection," she says. While the United States provides aid to several countries to help fight child trafficking, governments must "invest more in addressing these root causes of child trafficking, particularly by providing for the needs of marginalized communities."

Amid such challenges, here are some key questions being asked by officials, activists and experts:

Should the United States define forced marriage as a form of child trafficking?

Speaking to journalists in the Malaysian capital of Kuala Lumpur, the 13-year-old Rohingya girl tearfully recounted her ordeal in 2017, when her family fled government persecution of their ethnic group in their home country of Myanmar. She was caught by traffickers in Thailand, who sold her as a bride to a Rohingya man in Malaysia who was nearly twice her age.

He was cruel and controlling, she said, and confiscated her cell phone and left her alone in their home for days on end. After eight months, she managed to contact her father, who traveled to Malaysia to rescue her. She now lives with her family near Kuala Lumpur. But the husband refuses to grant her a divorce, and she fears he will force her to return to him.¹⁴



Turkish women being detained in Thailand hide their faces as their children rest. They were among more than 220 migrants, including 82 children, found hiding in a jungle camp in southern Thailand in 2014, all believed to be victims of a trafficking ring. (AP Photo/Sumeth Panpetch)

According to the ILO, the girl is one of some 40 million trafficking victims worldwide, with more than a third of the 15 million females coerced into marriage in 2016 under the age of 18 when they wed. And 44 per cent of those were under 15, while some were as young as 9, the organization said. While boys also can be victims of forced marriage, girls make up 96 percent of all victims of such coerced arrangements, the ILO says.¹⁵

Although the United States officially disagrees with calling such women and girls trafficking victims, experts on forced marriages have been urging the State Department to reconsider that position. If the United States were to classify forced marriage as human trafficking, it would affect country assessments in the department's annual report on human trafficking, which tracks worldwide compliance with the 2000 Trafficking Victims Protection Act and determines U.S. aid to countries accordingly.

A U.S. official points out that not all forced or arranged marriages constitute trafficking and must be assessed on a case-by-case basis.

The ILO's 2017 report on global slavery contends those millions of girls locked into marriages without their consent qualify as trafficking victims because "they were enduring a situation that involved having lost their sexual autonomy and often involved providing labour under the guise of 'marriage.'" Such circumstances fit the criteria for trafficking and involuntary servitude in international anti-slavery conventions, to which the United States is a signatory, the report said.¹⁶

In addition, say some U.S. anti-trafficking groups, forced marriage fits the Trafficking Victims Protection Act's description of involuntary servitude. The law defines involuntary servitude as being "induced by means of any scheme, plan or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process."¹⁷

"Because forced marriage happens as a result of various threats, pressure or coercion, where one or both participants do not or cannot consent, forced marriage is human trafficking," wrote Anita Teekah, an attorney who heads the anti-trafficking program at the New York-based Safe Horizon organization.¹⁸

But former U.S. officials question how the ILO derived its 15 million figure for forced marriage victims. Sarah Mendelson, a former U.S. ambassador to the U.N. for human rights, says representatives of Australia's anti-trafficking Walk Free Foundation briefed her in 2016 on how the ILO, working with the foundation, came up with its figures. "And I must say, the methodology didn't really hold up," she says.

DeBaca, the former head of the FBI's human trafficking section, also questions whether forced marriage should qualify as human trafficking. Like others, he stresses the complexity of the issue, noting that in many countries, 16- and 17-year-olds can marry with a parent's consent or a judicial ruling. And in some societies, he notes, a forced marriage occurs when a rapist is permitted to escape criminal prosecution by marrying the victim, usually with the consent of her family.

"If you are a person in a particular legal tradition where your father still has ownership over you in the way that most people in the West no longer assume for women, to what extent is that person a forced marriage victim?" he asks. "And how do cultural practices play into that determination?"

"It's horrifying," Martina E. Vandenberg, president of the Human Trafficking Legal Center, says of societies that permit rapists to escape prosecution by marrying their victims. Her Washington, D.C.-based organization provides pro bono legal assistance to trafficking victims.

But Vandenberg, like previous U.S. administrations and others in the anti-trafficking community, questions the practice of defining all forced child marriages as trafficking.

DeBaca, now a lecturer at Yale Law School, also questions whether a single ILO report provides sufficient grounds to warrant a change in how the United States counts trafficking victims. "To have the ILO frame applied to child marriage has to presuppose that this is a form of labor," he says. "And there are a lot of people that have a real hard time with that idea."

More research is needed to resolve the issue, he says. "In the last 10 years," he notes, "we have not had the academic work ... that it takes in international law and national law here in the United States to be able to say, as a matter of public policy, that child marriage is a form of slavery."

Should the U.S. incorporate the U.N.'s Sustainable Development Goals into its anti-trafficking efforts?

Until now, the United States has focused on using law enforcement as its primary tool to fight child trafficking. But a shortage of resources among federal and state police has limited their ability to respond to the growing number of reported cases.

As the Biden administration prepares to confront human trafficking, some activists say it should view the problem not only as a criminal justice issue but also as a global development challenge. That would enable the United States to enlist a broader range of institutions, organizations and businesses in the anti-trafficking fight, they argue.

To do that, they say, the United States would have to officially embrace the U.N.'s Sustainable Development Goals (SDGs), a collection of 17 broad objectives — such as ending poverty and hunger, promoting economic growth and fostering gender equity — along with 179 specific targets to achieve them.

"Child trafficking is a profound development problem," says Mendelson, the former U.N. ambassador for human rights. "In development, if you have a collection of countries, cities, the private sector, that feel there's value in this common framework, then you can make a change."

She and other former senior U.S. officials say implementing the 17 U.N. development goals would spread the word about the evils of child trafficking beyond the law enforcement community and build greater support for the cause.

A recent report by the United Nations University's Centre for Policy Research found that anti-trafficking and anti-slavery efforts can help achieve up to 113 of the 179 U.N. development targets, particularly those addressing poverty, gender equality, quality education, justice and strong institutions.¹⁹

For instance, Mendelson cites the goal of preventing the use of child labor in global supply chains. Besides the Justice Department, she says, under the SDG framework such efforts would involve other government agencies, including the departments of Labor, Health and Human Services and Commerce, as well as U.S. corporations and nongovernmental anti-trafficking organizations.

"Sometimes people will come up to me and they'll say, 'This issue of child labor in supply chains seems so abstract,'" she continues. "Well, do you drink coffee? Do you eat chocolate? Do you wear cotton? Do you have an iPhone? It's not abstract at all. It's part of the economy, and we need to address it. And SDGs are a way to do it."

"I'm not saying that the prosecution of human traffickers isn't important," Mendelson says, but "it hasn't got us to where we want to go. We need to broaden constituencies that know about this issue and are demanding changes in behavior by companies."

Mendelson and other anti-trafficking advocates concede that sustainable development goals such as ending poverty are long-term aspirations. But those in the thick of the battle against child trafficking need more money and manpower right now for federal and state law enforcement, more training for investigators and more prosecutors fluent in human rights law. "It's not just one or the other," Mendelson says. "Both are needed."

Experts say other countries and their companies have taken the U.N. development goals far more seriously than U.S. agencies and businesses. Former President Donald Trump's "America First" foreign policies often distanced Washington from the U.N. and multilateralism, leading his administration to ignore the SDGs. For example, during the four years Trump was in office, the United States did not produce a single Voluntary National Review, the periodic reviews used by the U.N. to track how member countries are complying with the development goals. As of 2019, 142 countries had filed such reviews at least once, according to Cooperation Canada, an independent Ottawa-based think tank that tracks global compliance with the goals.²⁰



Several former Trump officials declined to comment on his administration's record of compliance with the U.N. development goal agenda. But a former member of the Trump administration's interagency committee tasked by Congress with collecting data on the administration's progress in implementing the goals, who asked not to be identified, says the administration deliberately refused to implement them for trade, climate change and, particularly, gender equity.

"Those two words — gender equity — was language that the U.S. would try to strike in every U.N. resolution that came up, which of course meant they would never go anywhere," the former official says, alluding to the veto the United States wields as a permanent member of the U.N Security Council. "Really, what it came down to was the issue of sovereignty. Anything that called for the U.S. or other countries to contribute to gender equity or climate change or what have you, that was stuff that the administration would oppose."

Nevertheless, the former official says, "A lot of this is stuff that the U.S. government already does," such as alleviating poverty and hunger, fighting international crime and encouraging supply chains that are free of forced labor and trafficking.

So far, the Biden White House has given no guidance on whether it will incorporate the U.N. goals into its anti-trafficking efforts. But if it does, the administration's first challenge will be educating skeptics and those unfamiliar with the goals on how helpful they can be in broadening the fight against child trafficking beyond law enforcement, experts say.

"There's a whole bunch of folks out there for whom trafficking is purely a criminal issue, that it's about interdicting girls at the border who have duct tape on their mouths," deBaca says. "But child trafficking also touches upon things like poverty and hunger, health and education and the institutions that deal with those issues. So many of the SDGs can be brought to bear on the issue of child trafficking."

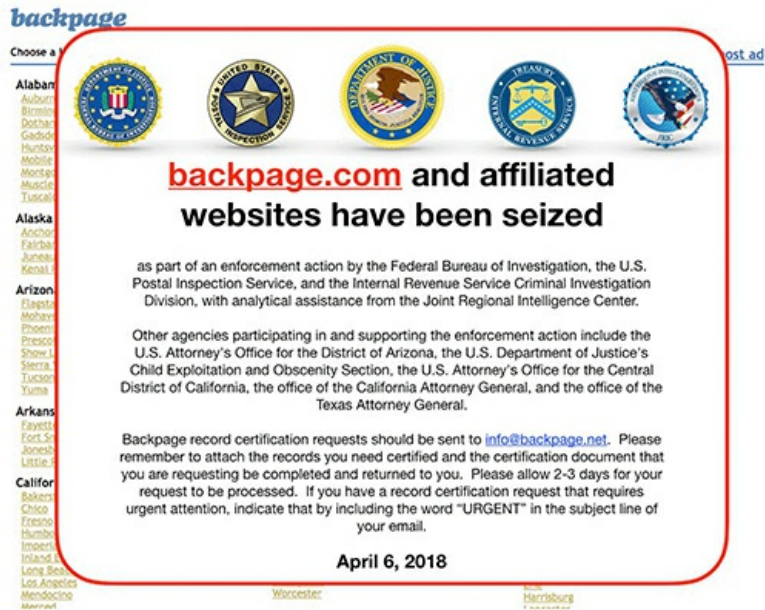
Has a U.S. law blocking websites that facilitate child sex trafficking inadvertently endangered its victims?

In 2018, President Trump signed into law the Fight Online Sex Trafficking Act (FOSTA), which authorized federal and state prosecution of internet platforms that knowingly facilitate child sex trafficking.²¹ Lawmakers and child advocates have repeatedly hailed the law, saying it protects underage victims and gives them legal recourse in state courts against internet providers who fail to remove child sex trafficking websites from their platforms. Several other laws also give victims recourse in federal courts.

The law amended Section 230 of the Communications Decency Act, which had defined internet service providers, such as Google, Facebook and Twitter, not as publishers but as mere distributors of content, such as a phone company or a utility. Thus, under that provision, internet companies had been immune from liability for content provided by entities using their platforms.

Before FOSTA was enacted, platforms such as Backpage, a major online marketplace for ads selling sex, had successfully used Section 230 to argue that they were not responsible for third-party ads on their platforms that offered sex with minors. But after lawmakers heard emotional testimony from child sex trafficking victims, FOSTA sailed through Congress with overwhelming majorities.²²

A week before FOSTA was enacted, federal agents had shut down Backpage and charged its executives with child sex trafficking, including facilitating the sale of minors for sex and publishing abusive pictures of young girls. Before its demise, Backpage was earning more than \$100 million annually, lawmakers say.²³



The U.S. government shut down Backpage, an online marketplace for selling ads for sex, and charged its executives with child sex trafficking. A 2018 law allowed similar actions against other websites that knowingly facilitate such crimes. Critics say the law violates free speech. (Screenshot)

After FOSTA's enactment, internet service providers became liable for knowingly allowing sex trafficking ads and child sexual abuse materials to appear on their platforms, so they either closed or scrubbed their sites of all sex ads. Craigslist eliminated its "Personals" section, including nonsexual subcategories such as "Missed Connections" and "Strictly Platonic," along with its "Therapeutic Services" section.

"We are finally decimating the online sex trafficking industry," Republican Rep. Ann Wagner of Missouri, the chief sponsor of the bill, said in a statement. "FOSTA gives federal, state and local prosecutors the tools they need to take down the websites selling our children with impunity."²⁴

But critics say the law has had some unintended consequences that hurt both voluntary adult sex workers and adult and child trafficking victims being exploited by pimps who routinely use threats and violence to prevent them from quitting.

Kristen DiAngelo, a former sex trafficking victim who now heads the Sex Workers Outreach Project, a Sacramento, Calif.,-based organization that advocates for sex trafficking victims, said FOSTA endangered them by shutting down websites that allowed them to conduct their business safely online. Both sex trafficking victims and voluntary adult sex workers have been forced to return to the streets, where they are vulnerable to rape and robbery, she told lawmakers in a letter.²⁵

Both supporters and opponents of FOSTA agree that Backpage deserved to be shut down because it catered largely to pedophiles, posting ads for sex with children as young as 2 years old and photos and videos of young children being raped, according to law enforcement officials.

But FOSTA critics say Craigslist and now-shuttered specialized websites such as Eros, a site advertising escorts, and sex worker directories such as CityVibe and NightShift helped both voluntary adult sex workers and trafficking victims vet potential clients by offering so-called bad date lists, which flagged clients with histories of violence, nonpayment or being police informants.²⁶

In a recent study on the fallout from FOSTA, Danielle Blunt, a Brooklyn sex worker who holds a masters' degree in public health, noted that the law also forced the closure of VerifyHim, an encrypted website that required potential clients to get previous sex workers to vouch for them.²⁷

DeBaca, the former head of the FBI's human trafficking section, says such arguments do not sway FOSTA'S supporters in the anti-trafficking community.

"Some FOSTA supporters are basically saying, 'We don't really care if the law has shut down the websites you used to screen your dates, because you aren't the children that we were concerned about. And if protecting the children means shutting down the entire sex market, then we don't mind that either, because there shouldn't be a sex market in the first place,'" deBaca says.

DeBaca concedes that the new law has made it harder for law enforcement to catch child predators. Before FOSTA, he explains, "one cop could make 40 arrests in a day by crafting an online sex ad that said the person is a child and then just scoop up all of the Johns when they showed up at the hotel room that the police rented for the sting.

"Before, it was like shooting fish in a barrel," he says. "After FOSTA was enacted, it was more like finding fish in an ocean."

Meanwhile, the Electronic Frontier Foundation, an organization that advocates for free speech, privacy and innovation on the internet, has filed a lawsuit against FOSTA, claiming it is an unconstitutional restriction on free speech. And in January, more than 70 civil rights groups and social justice organizations wrote to Congress and the Biden administration, urging them to investigate FOSTA's impact on human rights because it led to the removal of important online resources for vulnerable and marginalized people.²⁸

Yiota Souras, senior vice president and general counsel of the National Center for Missing & Exploited Children, the national clearinghouse for reports of child trafficking and online child sexual abuse, says she understands the plight of adult sex workers, but for her there is no contest when it comes to which sex workers are being hurt the most.

“It’s always been very interesting to me that when the sex workers and their proponents make their safety argument, they never acknowledge the value of not having children sold to somebody against their will and raped a dozen times a night while someone else pockets the money,” she says. “Let’s not forget these children suffer incredible and really long-lasting damage as a result of that experience.”

Background

Banning Trafficking

The sexual and commercial exploitation of children is as old as human civilization. But it was not until the early 1900s that serious efforts to halt such practices emerged — and those contained a strong element of racism in an era when legal and social discrimination against people of color was widespread.

The international movement against “white slavery,” as it was then called, defined as the forceful procurement of a white woman or girl for prostitution, grew out of concerns about increased migration of European women seeking work in other European countries and the United States. Police investigations in early 1900s showed that many were being trafficked for prostitution.

Following conferences in Paris, London and Budapest in 1902, officials of several European countries crafted the 1904 International Agreement for the Suppression of the White Slave Traffic, which focused largely on the repatriation of trafficked women and girls. A second agreement signed by 13 countries — the 1910 International Convention for the Suppression of the White Slave Trade — criminalized trafficking in white females.²⁹

“Federal prosecutors are swamped. So, if there’s a picture of a sexually abused 7-year-old posted online, they don’t have the time or resources to investigate — not because they don’t care but because they’re already too busy with younger victims.”

**— Michael D. Smith
Professor of Information Technology
Carnegie Mellon University**

Concerns also spread to the United States, prompting Congress in 1910 to pass the Mann Act, which made it a felony to transport any woman, regardless of her race, across state lines for “prostitution or debauchery, or for any other immoral purpose.” The law was used primarily to criminalize interracial marriage and restrict immigration. Once restrictions were relaxed on marriage and immigration in the 1950s and ‘60s, human trafficking was not considered a major issue in the United States until several decades later.³⁰

In 1921, the recently formed League of Nations held an international conference in Geneva, where delegates from 34 countries agreed to replace the term “white slave traffic” with “trafficking in women and children,” a change that added nonwhite women and children, including boys, to the definition of trafficking victims.

The conference also produced the International Convention for the Suppression of the Traffic in Women and Children, which required its 33 signatory countries to prosecute traffickers and protect potential victims, thereby placing the 1910 convention under the league’s authority. The League of Nations also published reports in 1927 and 1932 that examined the trafficking of European and Asian victims to destination countries, as well as traffickers’ financial incentives and the methods they used to entice and retain women and girls in the illicit sex trade.

The reports described the “heartless fraud and cruelty of a different character” used by traffickers, similar to the methods of control and exploitation used today, according to Kristiina Kangaspunta, the head of applied research at the U.N. Interregional Crime and Justice Research Institute.³¹

Banning Child Labor

Meanwhile, social reformers were pushing to ban child labor in Europe and the United States, where the Industrial Revolution was in full swing. Children were considered ideal workers because they could be paid less, were small enough to perform tasks that adults could not and were less likely to strike. By 1900, 18 percent of all American workers were under the age of 16.

In 1904 reformers established the National Child Labor Committee, which aimed to regulate and ultimately eliminate child labor in the United States. Along with state child labor committees, the reformers lobbied lawmakers and the public, using pamphlets and photographs of the deplorable working conditions for children in factories and mines. Studies also described how such conditions were harming children’s health and educational development.³²

While many state legislatures regulated the use of child labor, Congress did not immediately enact national legislation, largely because Southern states, where plantation owners relied heavily on Black child labor, resisted such laws. In 1916, Congress passed the country's first national child labor law, which banned interstate commerce involving certain products made with child labor.

But in 1918, the Supreme Court ruled the law unconstitutional on the grounds it exceeded the government's authority to regulate interstate commerce. In 1924, Congress passed a constitutional amendment that authorized federal child labor laws, but both the Southern states and several New England manufacturing states that used child labor combined to block its ratification.³³

Child labor was not regulated on a national scale in the United States until the Great Depression and the sweeping measures enacted under President Franklin D. Roosevelt's New Deal. The National Industrial Recovery Act of 1933 reduced child labor for two years, but in 1935, the Supreme Court ruled it was also unconstitutional because it violated the constitutional separation of powers by delegating legislative powers to the executive branch.

In 1938 Congress passed the Fair Labor Standards Act, which prohibited employers from using children under 18 for certain hazardous jobs and banned children under 16 from working in factories and mines during school hours.³⁴ The law also limited the number of hours a child could work in nonagricultural jobs.

Unlike previous child labor laws, the Fair Labor Standards Act was firmly rooted in the Constitution's clause allowing federal regulation of interstate commerce. Thus, it excluded from coverage children not involved in activities affecting such commerce or children employed by a parent or guardian on a family farm or in a small business, such as a "mom and pop" grocery store.

During the 1930s, the ILO, an independent body created by the Allied powers after World War I, worked to prevent all forms of forced labor worldwide, including the exploitation of child labor. In 1946, the ILO became a specialized agency within the newly formed United Nations. However, the ILO did not take its first meaningful steps against child labor until 1973, when it created the Minimum Age Convention, which prohibited employment of children under 15 and banned children under 18 from certain hazardous jobs.³⁵

In 1989 the United Nations Convention on the Rights of the Child, a legally binding international agreement, established the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities, supposedly protecting them against abuse, neglect and exploitation. To date, 196 countries have ratified the convention. Although the United States helped draft the convention and signed it, the treaty was never submitted to the Senate for ratification because conservatives, citing concerns it would undermine U.S. sovereignty, opposed it.³⁶

In 1999, the ILO wrote the Worst Forms of Child Labor Convention, which required all U.N. member states to eliminate child slavery, forced prostitution and the use of children for abusive sexual materials, criminal or hazardous activities and soldiering in armed conflict. The convention has been ratified by all 187 ILO members, including the United States. Each member state is responsible for enforcing it, with the ILO monitoring compliance.³⁷

Sex Trafficking

Meanwhile, the fight against international sex trafficking shifted from the League of Nations, to the U.N., which replaced the league as the world's premier international body. In 1949, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which entered into force in 1951, became the international body's first legally binding instrument to address human trafficking.³⁸

The United Nations defines a convention as legally binding when a member state ratifies it. But such conventions have no international enforcement mechanism, leaving implementation and enforcement to each ratifying member state.

With the collapse of the Soviet Union in 1991, human trafficking became a subject of growing concern in the United States, as people from the former Soviet republics and Eastern Europe migrated to the West seeking jobs. Transnational criminal gangs began making huge profits from sex trafficking and the forced labor of women from those countries, according to U.S. intelligence agencies.

The Trafficking Victims Protection Act provided the legal tools necessary to protect victims of sex and labor trafficking, prosecute traffickers and prevent trafficking in the United States and abroad. It also allowed the government to withhold certain kinds of U.S. aid from countries that did not comply with the law's standards — but also permitted waivers for national security reasons. For example, President Trump granted waivers to Iraq, Afghanistan, the Democratic Republic of Congo, Mali, South Sudan and Yemen.³⁹

Also in 2000, the U.N. adopted the first legally binding instrument focusing on human trafficking since the 1949 Convention. The Protocol to Prevent, Suppress and Punish Trafficking in Persons defined trafficking in persons for the first time and reaffirmed its criminalization, along with all forms of exploitation.⁴⁰ To date, 117 countries have signed onto the protocols, including the United States.



Empty desks commemorate the schoolgirls still missing in 2019 after the Islamist group Boko Haram abducted 276 girls to use as sex slaves in Nigeria's Borno state in 2014. Although many of the girls either escaped or were released after negotiations, more than 100 are still missing. (AFP/Getty Images/Kola Sulaimon)

In 2001, the 15 member countries of the Economic Community of Western African States agreed on a plan to tackle slavery and human trafficking in that region, which supplies much of the world's cocoa. The following year, anti-slavery groups joined the world's major chocolate makers to create the International Cocoa Initiative, a Swiss-based nonprofit that advocates eliminating child labor by working with cocoa farmers, governments, international organizations and donors. The International Cocoa Initiative represented the first time members of an entire industry joined forces to tackle child slavery in its supply chains.

Brazil followed suit in 2004, launching its National Pact for the Eradication of Slave Labour. The move brought together government, businesses and civil organizations to pressure companies to eradicate forced labor in their supply chains, primarily in the country's coffee industry. Using the so-called "name-and-shame" approach, participants created the "Dirty List" of companies found selling products produced by child slaves and cut commercial ties with them.⁴¹

Trafficking Peacekeepers

In 2005, after reports emerged that U.N. peacekeepers in the Democratic Republic of Congo were involved in child trafficking, the world body established a new Conduct and Discipline Unit, responsible for preventing sexual exploitation and abuse by U.N. peacekeepers and enforcing a new zero-tolerance policy toward such crimes, as well as assistance for victims. From 2007 to the end of this January, the United Nations says it received 1,102 allegations that U.N. peacekeepers had sexually exploited or abused women and girls, not only in the Democratic Republic of Congo but also in the Central African Republic, Colombia, Guinea-Bissau, Jerusalem, Lebanon, Liberia, Mali, Sudan, South Sudan and Haiti.⁴²

The 2017 Associated Press investigation reportedly found 2,000 allegations of abuse by U.N. peacekeepers over the course of 12 years. The reports from Haiti were particularly disturbing: Some Sri Lankan peacekeepers in Haiti allegedly would coerce children as young as 12 to provide sex by denying them food and other necessities and then paying them with cookies and small change.

"I did not even have breasts," one girl told U.N. investigators, adding that for three years, from age 12 to 15, she had sex with nearly 50 peacekeepers, including a "commandant" who paid her 75 cents per encounter.⁴³

Despite the U.N.'s disciplinary procedures, it has struggled to hold perpetrators accountable, in part because victims often are reluctant to testify under oath to investigators, fearing retribution. With their allegations left unsubstantiated, their cases often were dropped. From 2010 to 2020, a decade in which the United Nations received 777 allegations of sexual exploitation and abuse by peacekeepers, U.N. investigators substantiated only 255 accusations.⁴⁴

And while the United Nations repatriated nearly all of the alleged perpetrators and withheld their pay in those cases, criminal punishment fell to the home countries of the perpetrators. Of the 255 substantiated cases of sexual exploitation and abuse, only 57 soldiers were jailed, according to U.N. figures.⁴⁵

"The U.N. does not have its own courts," says a spokesperson for the U.N. Department of Peace Operations. Thus, it is up to member states to ensure appropriate follow-up on investigations, as well as accountability and disciplinary procedures, says the spokesperson, who requested anonymity. "They must ensure that the uniformed personnel they contribute are selected and trained in a way that entrenches zero-tolerance for sexual exploitation and abuse. They must act quickly on credible allegations, have the required legislation and processes in place so perpetrators can be held to account and victims receive effective remedies."

The U.N. and member states also are working to facilitate "claims of paternity and child support," the spokesperson says.

Jenna Stern, a former member of the U.N.'s Conduct and Discipline Unit, said many countries that contribute troops "are reluctant to admit the misconduct of their peacekeepers, especially where such misconduct can be traced back to inadequate training, and would rather sweep allegations under the rug."⁴⁶

Stopping Cybertrafficking

Meanwhile, in 2008, as use of the internet exploded, President George W. Bush signed the PROTECT Our Children Act, landmark legislation that ordered the Justice Department to develop and implement a national strategy to protect children from the growing problem of online sexual exploitation and prosecute violators.⁴⁷ But since then, experts say, many of the law's key provisions — such as full funding for investigations, broad authority for the strategy's coordinator and regular progress reports to Congress — have remained unfulfilled.

The Justice Department did not respond to a request for comment, but in the past it has blamed insufficient congressional funding for its failure to fulfill the law's provisions.

Meanwhile, the Council of Europe's 47 members ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The treaty, which entered into force in 2010, required members to fight child trafficking, prosecute traffickers and protect their victims. The treaty differed from previous international conventions because it empowered a group of experts to monitor member countries' anti-trafficking measures and publish public reports evaluating their progress.⁴⁸

Besides governments, some corporations joined in the fight against child trafficking. In 2010, the Body Shop, an U.S. company that sells beauty products, launched a campaign against child sex trafficking, displaying eye-catching posters with headlines that read “Slavery Wasn't Abolished in 1865,” referring to the end of the Civil War, and “Drugs Guns Kids — Sold on a Street Corner Near You.” The posters urged people to donate money to ECPAT International, a global network of anti-trafficking organizations.⁴⁹

In 2014, child trafficking made international headlines when the extremist Islamist group Boko Haram kidnapped 276 girls from a school in northern Nigeria and sold them as sex slaves to fellow fighters for the equivalent of \$12 each. Many of the girls eventually were rescued or escaped, but six died in captivity; more than 100 never returned.⁵⁰



Jeffrey Epstein, a New York financier and registered sex offender, is pictured in 2005 with his companion Ghislaine Maxwell. Both were accused of trafficking and facilitating the abuse of underage children. Epstein died in jail in 2019 while awaiting trial, in a death that was ruled a suicide; Maxwell is in jail awaiting trial in New York City. (Getty Images/Joe Schildhorn/Patrick McMullan)

Meanwhile, some U.S. states and the federal government focused on ridding manufacturers' supply chains of human trafficking. In 2011, California enacted the Transparency in Supply Chains Act, which required major manufacturers and retailers to disclose their efforts to eliminate forced labor and human trafficking from their supply chains.⁵¹

In 2013, Australia's Walk Free foundation released its first Global Slavery Index, which estimated there were 29.8 million slaves globally, including children. A year later, the estimate had grown to 35.8 million. That same year, Najat Maala M'jid, the U.N. special rapporteur on the sale of children, child prostitution and child pornography, said children were more at risk than ever of being sexually exploited or sold.⁵²

“Millions of girls and boys worldwide are victims of sexual exploitation, even though this issue in recent years has gained increased visibility,” she said.⁵³

In 2015, Britain's Modern Slavery Act required businesses to disclose how they ensured that their supply chains were free of slave labor. The law also mandated maximum life-in-prison sentences for convicted traffickers and compelled them to compensate their victims. In the same year, the United Nations adopted the 17 Sustainable Development Goals, which included ending slavery and eradicating forced labor and human trafficking.⁵⁴

In the fall of 2016, at the height of a U.S. presidential election, phony allegations of child sex trafficking that spread online figured prominently in a conspiracy theory that was debunked but later became the basis for the QAnon movement. It claims that a cabal of Satan-worshipping, cannibalistic pedophiles — including 2016 Democratic presidential nominee Hillary Clinton — is running a global child sex-trafficking ring.⁵⁵ [\(See Short Feature.\)](#)

By 2017, the ILO estimated that 40.3 million people worldwide were victims of trafficking — one-quarter of them under the age of 18.⁵⁶

After several child trafficking scandals in 2019 involving figures such as financier Jeffrey Epstein, a friend of U.S. politicians and Prince Andrew of the British royal family, and Robert K. Kraft, owner of the New England Patriots pro football team, Trump held a White House summit on human trafficking. He issued an executive order establishing a new White House position focused on trafficking, created a new government website devoted to the issue and directed his administration to develop better methods in quantifying the problem.⁵⁷

But critics said the administration's past performance belied Trump's professed concern for trafficking victims. Some cited the State Department's 2020 human trafficking report, which noted that the Homeland Security Department ignored several cases of forced labor trafficking inside private detention facilities holding, among others, women and children trafficked into the United States from Mexico.⁵⁸

"The administration has been especially dismissive of claims by women and children who have been trafficked over the U.S. southern border," said Eric Schwartz, president of Refugees International, a humanitarian organization that advocates for displaced people. He called the summit little more than a "photo op."⁵⁹

Current Situation

High-Profile Cases

Despite the nearly two dozen laws and treaties designed to halt child trafficking and forced labor, minors are being coerced, intimidated and duped into forced labor and the sex trade in growing numbers, with some of the most disturbing instances emerging in the past three months.

One of the most high-profile cases involved John Geddert, the former coach of the U.S. women's Olympic gymnastics team. Shortly after being charged in February with human trafficking and sexually assaulting children between the ages of 13 and 16, Geddert killed himself.

The charges stemmed from the 2018 investigation and conviction of Larry Nasser, the team's doctor, who was sentenced to life in prison after being convicted of sexually abusing more than 150 female gymnasts during their training. During Nasser's trial, team members recounted how Geddert had physically and mentally injured them as part of his harsh coaching practices, and then insisted that they train while injured.

Gymnast Makayla Thrush described Geddert's constant intimidation and mental abuse, which included urging her to kill herself when she failed to meet his training demands. She said Geddert had thrown her onto the uneven bars, tearing her stomach muscles, rupturing lymph nodes in her neck and giving her a black eye.⁶⁰

In bringing human trafficking charges against Geddert, Michigan Attorney General Dana Nessel used the language of the 2000 Trafficking Victims Protection Act, which defines human trafficking as any kind of labor that is forced, coerced through threats or intimidation or attained by fraud. In her indictment, Nessel said Geddert "subjected his athletes to forced labor or services under extreme conditions that contributed to them suffering injuries and harm."

"It checks all the boxes," said Ouleye Ndoye, a member of the board of directors of Wellspring Living, an Atlanta shelter for trafficking victims, referring to the "force, fraud and coercion" that defines human trafficking. "They don't have to be kidnapped."⁶¹

Also this year, an FBI investigation into child sex abuse turned into one of the deadliest shootings in the bureau's history, and a Canadian fashion mogul was indicted for sex trafficking.



Law enforcement officers investigate the scene where two FBI agents were killed and others shot on Feb. 2 as they served a warrant on David Huber in Sunrise, Fla. Huber, who was suspected of involvement in violent child pornography, reportedly killed himself as agents closed in. The thriving market for child pornography is a major driver of child trafficking. (Getty Images/Joel Raedle)

In February, FBI agents investigating David Huber, 55, suspected of being involved in violent online child pornography, approached his apartment in Sunrise, Fla., to execute a search warrant. Huber allegedly opened fire on the team, killing two agents and wounding three others. Huber's body was later found inside the apartment, an apparent suicide.⁶²

The shooting has focused attention on the soaring numbers of online child sexual abuse cases that have overwhelmed federal and state law enforcement.

The National Center for Missing & Exploited Children often gets tips about child trafficking from social media companies such as Facebook, which are required to report child sex abuse imagery or other materials on their platforms. Last year, the center turned over 21.7 million such reports to the FBI and local law enforcement, says the center's Souras.

FBI officials say the bureau's investigations into child trafficking reports are among the most difficult assignments, because agents must watch deeply disturbing online images and videos of very young children being sexually abused. "There's even a category called pre-verbal, which is kids who are abused before they can talk," says Hany Farid, a computer science professor at the University of California, Berkeley, who created an algorithm that helps social media platforms spot child sexual abuse imagery. "I saw an ad where a predator posted an ultrasound image of a fetus in the womb of his girlfriend or wife, saying, 'I have new material coming soon.' That's the world we're dealing with."

The bureau also monitors pedophile forums on the dark web, where members are anonymous and trade graphic images of child sexual abuse. Some such websites have "private rooms," which only admit members willing to share imagery of themselves sexually abusing children, according to FBI officials.

Suspicious that Huber engaged in such abuse triggered the search warrant in the Sunrise case, FBI officials say. The shooting occurred amid a spate of high-profile arrests involving online child exploitation, including three others in Florida involving a pediatrician in Broward County, a fourth-grade teacher in Boca Raton and a pastor in Central Florida.

Meanwhile, FBI agents in Los Angeles recovered 33 missing children in an operation against child traffickers in January. Eight of the children were being sexually exploited at the time of their rescue, the FBI said.⁶³

In December, sex trafficking charges were handed down against the 79-year-old Canadian fashion magnate Peter Nygard, who built a multinational women's fashion empire. With his flowing mane of silver hair, Nygard was often photographed with an entourage of attractive young women and teenage girls.

After federal agents raided his Nygard International corporate headquarters in New York and his Los Angeles home, Nygard stepped down as head of the company, which then filed for bankruptcy protection. He is in jail in Winnipeg, Canada, and U.S. authorities are seeking to extradite him to face charges of child sex trafficking, racketeering and other crimes. The U.S. attorney's office in Manhattan claims that over a 25-year period Nygard used his wealth and influence to recruit women and underage girls in Canada, the United States and the Bahamas to have sex with him and his associates. Some in the media now refer to him as "the Jeffrey Epstein of Canada."⁶⁴



Rep. Matt Gaetz, R-Fla., addresses the Conservative Political Action Conference in Orlando, Fla., on Feb. 26. As part of a sex trafficking probe, federal authorities are investigating whether Gaetz had sex with a 17-year-old girl and paid for her to travel with him, a charge he denies. (Getty Images/Joe Raedle)

In March, *The New York Times* reported that the Justice Department is investigating Rep. Matt Gaetz, R-Fla., an outspoken supporter of former President Trump, as part of a federal sex trafficking probe. The investigation, which began in the final months of the Trump administration, grew out of a sex trafficking indictment of a former Florida state tax official and friend of Gaetz, who allegedly used a website that connected men with women and girls for sex in exchange for gifts and travel.⁶⁵

According to the indictment, one of the girls is 17. Federal authorities are investigating whether Gaetz had sex with her and paid for her to travel with him, *The Times* reported. Gaetz denies he has been romantically involved with minors and says the investigation is part of a \$25 million extortion plot against him and his family.⁶⁶

Congressional Action

Some U.S. lawmakers, looking for new ways to crack down on cybertrafficking, are expected to reintroduce a bipartisan bill to remove some of the exemptions that protect internet platforms from liability. The Eliminating Abusive and Rampant Neglect of Interactive Technologies bill, or the EARN IT Act, died at the end of the 116th Congress on Jan. 3.

Its co-sponsors, Republican Sen. Lindsey Graham of South Carolina and Democratic Sen. Richard Blumenthal of Connecticut, say they will reintroduce the measure, which would allow states to sue service providers who allow end-to-end encryption on their platforms without enabling law enforcement to decrypt the material, according to a spokesperson for Blumenthal.

The measure would be the latest attempt to roll back civil immunity provided to internet service providers in Section 230 of the Communications Decency Act. However, Section 230 does require service providers to remove criminal content from their platforms, such as child sexual abuse imagery and materials that facilitate child sex trafficking.

Meanwhile, many are watching the Electronic Frontier Foundation's lawsuit challenging the constitutionality of FOSTA on grounds that it limits free speech. The law makes internet companies liable for knowingly failing to remove content that facilitates child sex trafficking.

The law's "broad language makes criminals of those who advocate for and provide resources to adult, consensual sex workers and actually hinders efforts to prosecute sex traffickers and aid victims," said David Greene, the foundation's senior staff attorney.⁶⁷

Souras, of the National Center for Missing & Exploited Children, dismisses the free speech argument. "Speech is speech, and criminal conduct is criminal conduct," she says. "You can promote prostitution. You can talk about it. That's free speech. But you can't facilitate the prostitution of another person, which is another way of saying trafficking. There's just nothing speech-like about it."

Meanwhile, Sen. Mark Warner, D-Va., has introduced a bill that would allow Web users to sue Facebook, Google and other tech giants if a company's refusal to police the photos, videos and posts on its platform results in real-world harm, such as child sex exploitation, child rape, fraud, cyber-stalking or the spread of child sexual abuse materials. Free-speech and internet privacy advocates oppose the measure.⁶⁸

In other legislative moves, Sens. Elizabeth Warren, D-Mass., Ron Wyden, D-Ore., and Bernie Sanders, I-Vt., have introduced bills that would require Congress to investigate the impact FOSTA is having on marginalized populations. In the House, a bipartisan group has reintroduced a measure to require tech companies that report child sexual abuse materials on their platforms to preserve those materials for 180 days — double the current 90-day requirement — to give law enforcement more time get to those cases.⁶⁹

State Efforts

Advocates for sex trafficking victims are pushing states to expand laws that seal or expunge criminal convictions connected to the trafficking.

Most states have criminal record relief laws that expunge a trafficked person's criminal convictions for prostitution. But many victims have convictions — and sometimes prison records — for additional crimes their pimps forced them to commit, such as drug possession and theft.

Without expanded record-relief laws, advocates say, sex trafficking victims cannot get legitimate jobs to rebuild their lives once they have broken free from their traffickers. Connecticut, Kansas, Michigan, New York and Virginia are among the states considering new criminal record relief legislation for trafficking victims.

Erin Marsh, a research and policy analyst at Polaris, an anti-trafficking nonprofit that operates the National Human Trafficking Hotline, said some state laws are so restrictive that trafficking victims cannot get their records expunged. And in many states where some relief is available, Marsh said the application process is so cumbersome and expensive victims cannot seek relief.

Marsh said lawmakers often say they are afraid of expanding the offenses for which records can be expunged because "they don't want to open the floodgate. They are afraid that they are going to have people convicted of murder who are trying to clear their record." But, she added, "that is not what we see."⁷⁰

Marsh recommends that lawmakers authorize judges to decide on a case-by-case basis whether criminal record relief should be granted to a trafficking victim.

Outlook

"Storm Clouds" Ahead

Most experts expect child trafficking to continue to rise in the coming years. Most such trafficking occurs behind closed doors and in the recesses of the dark web. And, as with illicit drug trafficking, the exploitation of children for sex and slavery is simply so lucrative it is difficult to eliminate, the experts say.

In addition, researchers say, the world's widening economic and demographic inequalities, armed conflicts and climate change will leave more children in desperate straits and thus more vulnerable to traffickers, further fueling the rise in trafficking.

Meanwhile, it is unclear how the Biden administration will handle the issue. Whatever its priorities, former officials say, the administration will need to do some significant catching up, since the United States failed to meet some of its own minimum global standards for combating human trafficking during the Trump administration.

According to the State Department's 2020 human trafficking report, the Trump administration failed to inform Congress of its anti-trafficking actions for the past two years. In addition, the report says, the United States must increase investigations and prosecutions of labor trafficking cases; restore the full range of congressionally mandated legal services for trafficking victims; and strengthen, rather than erode, protections for immigrant survivors of human trafficking.

DeBaca, the former head of the FBI's human trafficking section, was unsparing in his concerns over Washington's future rankings on its anti-trafficking efforts.

"This year's report, though it commemorates the 20th Anniversary of the modern anti-trafficking movement, should be read not as a triumphalist document but as a warning of storm clouds on the horizon," he said.⁷¹

Souras says, "You can't look at laws alone to solve a problem like trafficking, which is so broad in scope, multifaceted and complicated by a lot of societal factors. We need strong laws, absolutely, but that alone won't solve the tragedy of trafficking, especially in many international settings."

Also needed, and working in concert, she says, are "enforcement, prosecution, judicial and societal acceptance of child trafficking as a crime, laws to protect and provide recovery services for child victims, prevention and education." In some international settings, she says, "the array of needed solutions is even broader, especially when you factor in a weak or nonexistent rule of law in many geographic regions."

Carnegie Mellon's Smith says child trafficking will probably continue to rise because of a combination of lax law enforcement, increased demand and the ease — and profitability — of creating markets on the dark web to connect perpetrators with victims.

"The reality is so depressing and so emotionally draining that it's hard to get any sort of sustained attention among voters, who would rather think about less draining subjects that are easier to solve," he says.

In addition, he says, "crime generally outpaces the law, especially when there is a technological component, as with child sex trafficking." For example, he says, FOSTA updated the 1910 Mann Act to criminalize managing or operating a website with the intent to facilitate prostitution.

"That was just in 2018 — many years after websites were being used to facilitate prostitution," he says, but more than a century later, "the law was just catching up to where the crime had gone. This is a constant part of the work advocates have to do: continue to push for the laws to modernize and become more robust and to follow the crime trends, while also pushing for better enforcement, prosecution, resources, education and awareness around the problem."

Pro/Con

Does the U.S. law against child sex trafficking online endanger its victims?

Pro



Robert Winterton

Director of Public Affairs, NetChoice. Written for *CQ Researcher*, April 2021

Despite the best intentions of the Fight Online Sex Trafficking Act (FOSTA), statistics show the law has not achieved its goal and has proven to be harmful since its passage in 2018. The most recent Department of State statistics show the fight against sex trafficking has stalled — convictions fell almost 10 percent from 2018 to 2019, even though potential cases identified through the National Human Trafficking Hotline rose more than 11 percent during that period. The State Department also admits the numbers of prosecutions and victims served have [decreased](#) since FOSTA was implemented.

FOSTA also has harmed vulnerable communities. Just this January, 70 civil rights and social justice groups [pleaded](#) with Congress to examine FOSTA's impact on human rights. These groups hoped to highlight how amending Section 230 of the Communications Decency Act to make online intermediaries legally responsible for vaguely "facilitating" someone else's creation of illegal content led to the mass removal of important online resources for vulnerable and marginalized people.

If we make websites legally responsible for the content of their users, we should not be surprised when they end up removing legitimate and important content to ensure they do not run into trouble with the law. FOSTA led to the removal of content related to sex trafficking from legitimate forum sites and social media, even as it failed to save victims from sex traffickers and did little to remove sex trafficking from the web. A study from 2018 showed that after FOSTA was signed, there was no [long-term reduction](#) in the number of sex ads displayed online.

Recent progress in the fight against sex trafficking has not relied on FOSTA. Before FOSTA was enacted, the FBI was able to take down [Backpage.com](#), a website that a [Senate report](#) identified as knowingly facilitating sex trafficking. The law also was not used in more recent online sex trafficking suits filed by New York and Texas.

Given these important concerns, Congress should investigate whether FOSTA has failed. That is why NetChoice supported [legislation](#) introduced by Sens. Elizabeth Warren, D-Mass., Bernie Sanders, I-Vt., and Ron Wyden, D-Ore., to review the impact of FOSTA on vulnerable communities. Unfortunately, FOSTA's congressional supporters have not yet backed such a review.

Holding legitimate, well-intentioned websites liable for their users' posts is evidently not the quick fix FOSTA's proponents claimed. If we want to make genuine progress in the fight against sex trafficking, we should enable law enforcement and tech to work together, rather than against each other.

Con



Yiota Souras

Senior Vice President, General Counsel, National Center for Missing & Exploited Children. Written for *CQ Researcher*, April 2021

Between 2011 and 2017, courts across the country struggled to provide legal relief to children sold for rape and sexual abuse on websites that facilitated such trafficking. One appellate court dismissed a case involving 15-year-olds raped more than 900 times after being sold for sex online. Section 230 of the Communications Decency Act, the court said, required it to "deny relief to plaintiffs whose circumstances evoke outrage." Another court dismissed trafficking charges, saying Section 230 provides immunity even to internet platforms "alleged to support the exploitation of others by human trafficking."

Faced with such judicial outcomes, Congress narrowly revised Section 230 to remove blanket immunity when website operators knowingly facilitate sex trafficking. Since the law was enacted, victims can now get their day in court against everyone, including a website operator, who knowingly facilitates their trafficking, and website operators have legal incentives to ensure they do not facilitate online sex trafficking.

The new law, the Fight Online Sex Trafficking Act (FOSTA), threw open the courthouse doors for sex trafficking victims. Since then, it has been used in at least 10 cases against website operators that allegedly facilitated trafficking. These narrowly drafted cases are far from the flood of frivolous suits FOSTA opponents predicted. Courts are no longer compelled to dismiss such cases as soon as Section 230 is invoked, but they have dismissed some cases after initial review, while others have been allowed to move forward. Far from endangering victims, the law empowers them by giving them access to justice against everyone — including website operators that facilitate trafficking and abuse.

After enactment of FOSTA, certain websites where our organization knew children were regularly trafficked for sex shut down. While content can move to other websites, the shutdown of such sites causes disruption and makes it more difficult for a trafficker to market and sell children for sex online and for buyers to purchase them. FOSTA also forces website operators to consider potential liability and ensure that they are not knowingly facilitating online trafficking.

FOSTA's encouragement of self-regulation is a tremendous benefit for victims and potential victims. While we must do much more to keep children safer online, FOSTA is an essential step forward and an important model to give victims their day in court and apply market pressure to create incentives for websites to ensure bad actors are not using their sites to profit from the rape of children.

Discussion Questions

Here are some issues to discuss regarding child trafficking:

- Why do you think child trafficking is still proliferating, despite a century of efforts to ban it through laws and treaties?
- What do you think would best solve the problem of child trafficking?
- Do you think internet service providers are doing enough to keep child traffickers from using their platforms? If not, what regulations or penalties should be enacted to spur greater efforts?
- Some civil libertarians argue that laws permitting the prosecution of websites that facilitate child trafficking violate free speech. What is your view of this debate?

- Why do some people argue that a broad United Nations agenda of programs for sustainable development would aid the fight against child trafficking?
- If you were a parent, what steps would you take to protect your children against child trafficking? How would you sort out genuine threats from imagined, conspiratorial ones?

Chronology

1900s–1950s	International organizations and treaties outlaw slavery and trafficking.
1904	The leaders of several European countries sign the International Agreement for the Suppression of White Slave Traffic, aimed at preventing white women and girls from being forced into prostitution.
1910	The U.S. Congress passes the Mann Act, making it a felony to transport a woman across state lines for the purpose of prostitution, debauchery or for any other immoral purposes.
1926	The League of Nations adopts the Slavery Convention, requiring signatory countries to suppress all forms of slavery.
1948	The United Nations' Universal Declaration of Human Rights prohibits all forms of slavery and servitude, including forced and bonded labor.
1949	The U.N. adopts the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, which takes effect in 1951. The treaty focuses on repatriating sex workers and requires signatory countries to pass and enforce similar repatriation laws.
1990s–2000s	The Soviet collapse spurs an increase in human trafficking, leading to a global response.
1991	The breakup of the Soviet Union prompts migration to Western Europe from former Soviet republics and Eastern Europe in search of jobs, accompanied by a surge in human trafficking, often organized by Russian crime syndicates.
2000	Convention 182 to eliminate the worst forms of child labor, sponsored by the International Labour Organization (ILO), goes into force after ratification by more than 100 countries.... President Bill Clinton signs the Trafficking Victims Protection Act, which establishes methods to prevent human trafficking, prosecute traffickers and protect victims.... U.N. adopts Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the first international instrument to criminalize human trafficking.
2002-04	The U.S. Department of State issues its first report on human trafficking, which grades nations on their efficacy in combating trafficking.... Major chocolate companies and anti-slavery groups adopt the International Cocoa Initiative, the first time an entire industry tries to eliminate child slavery in its supply chain.
2005	The ILO estimates the number of enslaved people worldwide at 12 million. A 2012 update puts the number at nearly 21 million.
2008	Council of Europe's Convention on Action Against Trafficking in Human Beings takes effect, providing greater protections for trafficking victims than U.N. treaties and establishing a monitoring system to oversee compliance by its 47 signatories.
2010–Present	Despite multiple efforts to curb human trafficking and sexual exploitation of children, the number of victims keeps rising, aided by the internet.
2011	The ILO adopts a convention establishing basic rights for domestic workers.... The state of California requires companies to ensure their products are not made with trafficked or slave labor.
2013-16	The Walk Free Foundation's first Global Slavery Index estimates nearly 30 million people worldwide are enslaved as of 2013. By 2016, the figure is nearly 46 million. The United States, which does not include the victims of forced marriages in its compilation, says there are 25 million enslaved people worldwide.
2015	Under intense pressure from anti-trafficking activists, the British Parliament passes the Modern Slavery Act, which stiffens penalties for human traffickers, increases protections for victims and requires businesses to disclose their efforts to ensure their supply chains are free of slave labor.... U.N. adopts 17 Sustainable Development Goals, including the targets of ending slavery, forced labor and human trafficking.
2016	To strengthen its 1930 Forced Labour Convention, which criminalized forced labor, the ILO adds provisions to prevent forced labor and protect victims and provide access to legal remedies, including compensation.
2018-20	President Donald Trump signs the Fight Online Sex Trafficking Act, which authorizes federal and state prosecutors to go after internet platforms that knowingly facilitate child sex-trafficking and allow third parties to post images of child rape.... Several child trafficking scandals emerge involving high-profile figures, including financier Jeffrey Epstein.... Acting to disrupt what they mistakenly believe to be a secret ring by Satan-worshipping, child-trafficking pedophiles, QAnon followers threaten the lives of U.S. politicians, stage an armed standoff near the Hoover Dam, derail a train in Los Angeles, kidnap children in Colorado, Kentucky, Massachusetts and Utah, and allegedly kill a man in New York City.
2021	QAnon followers are among those who attack the U.S. Capitol (January).... <i>The New York Times</i> reports that the Justice Department is investigating whether U.S. Rep. Matt Gaetz, R-Fla., violated child trafficking laws by having sex with a 17-year-old. Gaetz denies any wrongdoing.

Short Features

QAnon Steals Charity's Hashtag

Misinformation “has nothing to do with keeping children safe.”

The latest conspiracy theories about child trafficking began cropping up on social media last July. One insisted that texts purportedly from the U.S. Postal Service were connected to child trafficking. Another alleged that some unusually high-priced furniture with girls' names that online retailer Wayfair was advertising were actually ads for the sale of missing children.¹

“#HumanTrafficking #wayfair ugh reading all of this is making my heart sank (sic),” tweeted a woman who called herself Black Cherie. “These poor kids.... Jesus Christ.... I believe it ... there's too many ‘coincidences’ for it to be fake. \$10,000+ for furniture with a missing child’s name attached.”²

Even though Wayfair explained that the items' prices were mismarked, and the postal service flagged the texts as a phishing scam, both posts went viral. Within a month, alarmed citizens, responding to calls on Facebook, held anti-trafficking rallies in some 200 cities and towns across the country, where many held up placards that read “Save the Children.” By the first week of August, the hashtag #SavetheChildren was used more than 800,000 times on Twitter, according to an analysis by the media intelligence firm Zignal.³

Most of the demonstrators did not know at the time that followers of QAnon had organized the rallies. QAnon is a movement of internet conspiracy theorists who believe a secret group of Satan-worshiping pedophiles in government, Hollywood and the media — primarily Democrats — operate an international child trafficking ring. The theory has spread to millions of people on Facebook and has been linked to several violent crimes, including threats against politicians, an armed standoff near the Hoover Dam in Nevada, two kidnappings and a 2019 murder in Staten Island, N.Y.⁴

QAnon had resurrected a discredited allegation spread online during the 2016 presidential election by far-right figures, the Turkish press and Russian intelligence agencies. They claimed that Democratic nominee Hillary Clinton and other high-ranking government officials were trafficking children for sex, operating from the basement of a neighborhood pizzeria in Washington, D.C. The conspiracies led a North Carolina man to drive to Washington, enter the restaurant armed with an assault rifle and fire several shots, claiming he was there to rescue the children. Although no one was injured, the man was sentenced to four years in prison on weapons charges.⁵

Last year, the FBI branded QAnon a potential domestic terrorism threat — a warning that proved prescient when the group's supporters were among the most visible participants in the storming of the U.S. Capitol in January.⁶

In 2019, however, many had written off QAnon after the internet message board 8chan — where the group's mysterious pseudonymous seer, Q, had posted his theories — was shut down. But at the height of last summer's presidential campaign, QAnon came roaring back, this time both online and in town squares, using the “Save the Children” slogan.



A protester holds up a sign during a “Save Our Children” rally in London on Oct. 10. Law enforcement authorities say QAnon, which promotes false conspiracy theories about child sex trafficking and hijacked the trademark name of the respected charity Save the Children, diverts scarce resources by making bogus claims about children being abducted by Satanic pedophile cannibals. (Getty Images/Hollie Adams)

QAnon followers had hijacked the trademarked name of Save the Children, the respected Connecticut-based humanitarian organization that provides medical, food and emergency aid to millions of children worldwide. The real charity has repeatedly said it has no connection to the #SavetheChildren hashtag used to spread QAnon's conspiracy theories.⁷

“In the United States, Save the Children is the sole owner of the registered trademark ‘Save the Children,’” the charity said in a statement. “While people may choose to use our organization's name as a hashtag to make their point on different issues, we are not affiliated or associated with any of these campaigns.”⁸

Then, during last year's presidential campaign, President Donald Trump helped move QAnon into the mainstream, when at a nationally televised town hall he answered a question about the group by saying: "I do know they are very much against pedophilia. They fight it very hard."⁹

There is no evidence that QAnon followers have ever saved a child from traffickers, a Justice Department spokesman says.

In 2020, Facebook removed QAnon content from its platforms to limit the risk to public safety, and Twitter followed suit in January. But the movement's followers managed to get around the companies' content moderators by creating "Save the Children" Facebook groups that serve as "soft fronts" for the movement, said Marc-André Argentino, a doctoral student at Concordia University who studies QAnon. He called such groups "pastel QAnon."¹⁰

Argentino said last year he had found 114 Facebook groups identifying themselves as anti-trafficking forums that were crammed with QAnon conspiracy theories. Between July and the end of September last year — in the run-up to the 2020 elections — membership in these groups and activity within them surged by 3,000 percent, he said. "Save the Children really revitalized the community after Twitter and Facebook took action against QAnon," Argentino said. "It's introduced an entire new population to QAnon."¹¹

Researchers say QAnon's rebrand has attracted parents and grandparents, evangelicals, and online communities focused on health, wellness and yoga. "The way in which people encounter QAnon now is through relatively mainstream, non-absurd topics," Melanie Smith, the head of analysis for the social media research firm Graphika, told the House Intelligence Committee last October. "We're seeing a huge explosion in content around child sex trafficking and child exploitation through the Save the Children movement."¹²

Meanwhile, QAnon followers have inundated law enforcement and legitimate anti-trafficking organizations with false tips of child trafficking, diverting scarce resources from real cases. Polaris, an anti-trafficking organization that operates the U.S. National Human Trafficking Hotline, added a page to its website last year in an effort to dispel the misinformation spread by QAnon's Save the Children movement.

"QAnon and similar groups have an agenda that has little or nothing to do with reducing human trafficking and whose real aim is creating an atmosphere of fear and division. All evidence shows that QAnon is behind the #SaveTheChildren hashtag and various rallies, events and misinformation spread under that umbrella. Research into the way such groups operate shows very clearly that the best way to spread fear and division online is to focus on issues and topics — such as child exploitation — that spark strong emotions and inspire people to act on those emotions — whether they are based on real, factual information or not," Polaris cautioned.¹³

QAnon supporters recently added a new conspiracy theory to their canon of beliefs. When a large container ship became stuck in the Suez Canal and blocked shipping for a week, QAnon supporters claimed that Hillary Clinton was at the helm of the ship and that its 20,000 containers were packed with child sex slaves.

Their reasoning: The Taiwanese company that operates the ship is called Evergreen — which was Clinton's Secret Service code name when she was first lady.¹⁴

— **Jonathan Broder**

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Tours Educate Visitors about Child Trafficking

The hope is "everybody will walk away with a deeper understanding of the issues."

As travelers begin slowly returning to the skies, a unique tourism company is again offering groups with a social conscience trips to Colombia and Thailand, where they can get an unvarnished look at child trafficking and the modern slave trade.

The Hawaii-based company, AltruVistas, has specialized since 2013 in what some call “advocacy journeys.” Their tours combine sightseeing, shopping and relaxation with educational programs aimed at raising awareness of the social, political, economic and environmental challenges in more than two dozen countries.

“The intention is that everybody will walk away with a deeper understanding of the issues and the work done on the ground,” said AltruVistas' founder, Malia Everette.¹⁵

After a 2017 trip to study the child trafficking that underpins Thailand's infamous sex tourism, participant Karen Weiss was asked if the trip was depressing.

“I assure you that it was not,” said Weiss, a board member of the U.S. branch of the anti-trafficking group End Child Prostitution and Trafficking (ECPAT), which helped organize the trip in partnership with AltruVistas. “It combines the excitement of visiting a fascinating country with a rare opportunity to broaden your understanding of the problem of human trafficking.”¹⁶

The company hopes to resume some tours this fall and is accepting reservations now for Colombia and Thailand trips tentatively set for the fall of 2022, according to Everette.

The pandemic forced Everette to cancel nearly a dozen tours in March 2020, including a trip to the Balkans to learn about conflict resolution, to the Middle East for lessons on the region's chronic tensions and to New Zealand, Romania and Peru to study various environmental challenges. Before the pandemic struck, AltruVistas had led groups to Cuba for lectures on the communist country's history, health care system and agricultural ecology.

In previous years, the company ferried tour groups to Ghana to learn about slavery from the spot where millions of Africans were led in chains through the “door of no return” to lives of bondage in Brazil, the Caribbean and North America. Other groups traveled to India for lessons about sustainable agriculture and to Iran to learn about Persian culture.

Advocates for human rights, cultural diversity, political freedom or the environment accompany the groups, depending on their focus, Everette says. Once in-country, the groups meet local activists, who in turn introduce participants to people deeply affected by the problems they are studying. Local guides handle the sightseeing and shopping days.

Everette says some of the revenue earned from the tours is earmarked for philanthropy. Of the \$3,500 fee for the 2017 Thailand trip, for example, \$500 went to a tax-deductible donation to ECPAT-USA. Another 10 percent was donated to local anti-trafficking organizations that the group visited, while 25 percent of the fee paid for hotels, transportation and guides. “Around half of the tour fee stays in the country,” she says.

Another participant on the Thailand trip, freelance writer Daniela Petrova, recounted the experience in *The New York Times*. “Instead of spending our days lounging by the pool between visits to tourist sights and attractions — although we did find time for some of that — we attended meetings with government representatives and local organizations involved in the fight against trafficking,” such as the headquarters of ECPAT International and the local offices of the International Labour Organization, she wrote.¹⁷



Women walk through the entertainment district in Pattaya, Thailand, in 2016, known for its beautiful beaches as well as its sex tourism, which activists say employs many underage girls who have been trafficked. (Getty Images/Paula Bronstein)

The group also visited Thailand's Ministry of Social Development and Human Security, where officials had struggled to curtail the growing trafficking industry before the pandemic shut down sex tourism, leaving up to 300,000 sex workers with no clientele or livelihoods.¹⁸

Sex tourism, which is openly practiced in Bangkok's red-light districts and in the nation's beach resort cities, generated as much as 7 percent of Thailand's pre-pandemic GDP, the Netherlands Embassy in Bangkok said in a briefing paper.¹⁹

Although technically illegal in Thailand, prostitution remains a thriving business, regularly greased by bribes to police and drawing tourists from around the world looking for cheap sex with women, girls and boys. In Thailand, a 30-minute trick with a sex worker can cost as little as the equivalent of \$16, according to End Slavery Now, a Cincinnati-based organization that educates the public on modern slavery around the world.

Trafficked children typically work in Bangkok in seedy basement brothels, garishly lit sex clubs, remote massage parlors and on the streets, as well as in the beach cities of Phuket and Pattaya.

Many of the exploited children are Thai, but some come from neighboring Myanmar, Laos and Cambodia, where traffickers have capitalized on wars, political upheaval and poor economic conditions to lure children with false promises of a better life in Thailand. There they are sold to brothel owners or pimps for the equivalent of \$200 to \$875 and then must work off their purchase price. Lately, Russian and Japanese criminal gangs have trafficked Russian and Eastern European children to Thailand, according to End Slavery Now.²⁰

"We learned that behind the ornate temples, polite smiles and colorful baskets of fruits and vegetables, there was a grim reality," Petrova said.

— **Jonathan Broder**

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Contacts

Alliance to End Slavery and Trafficking

1320 19th St., N.W., Suite 600, Washington, DC 20036
202-370-3625

endslaveryandtrafficking.org

A coalition of 15 U.S. and international organizations that works to address the political, legal and humanitarian challenges posed by slavery and human trafficking.

American Civil Liberties Union

125 Broad St., 18th Floor, New York, NY 10004
212-549-2500

aclu.org

A leading constitutional rights advocacy organization that lobbies for free speech and privacy on the internet, among other things, and challenges legislation that it alleges curtails those rights.

ECPAT International

328/1 Phayathai Road, Khwaeng Thanon Phetchaburi, Ratchathewi, Bangkok 10400, Thailand
+66-2-215-3388

ecpat.org

An international organization that fights the sexual exploitation of children by supporting shelters for survivors, training law enforcement, lobbying governments and conducting research.

Electronic Frontier Foundation

815 Eddy St., San Francisco, CA 94109
415-436-9333

eff.org

An advocacy organization that fights for free speech, privacy and innovation on the internet.

International Labour Organization

4 Route des Morillons, CH-1211, Geneva 22, Switzerland
+41-0-22-799-6111

ilo.org

A U.N. agency that brings together governments, employers and workers of 187 member states to establish labor standards, promote workers' rights and protect children against forced labor.

National Center for Missing and Exploited Children

333 John Carlyle St., Suite 125, Alexandria, VA 22314
703-224-2150

missingkids.org

National clearinghouse that works with law enforcement to rescue sexually exploited and missing children and provides legal resources to families, legislators and internet service providers.

Office to Monitor and Combat Trafficking in Persons

2201 C St., N.W., Washington, DC 20520
202-647-4000

state.gov/bureaus-offices/under-secretary-for-civilian-security-democracy-and-human-rights/office-to-monitor-and-combat-trafficking-in-persons/

U.S. State Department agency that produces an annual report on human trafficking, which determines U.S. foreign aid for anti-trafficking efforts.

Polaris

PO Box 65323, Washington, DC 20035
202-790-6300

polarisproject.org

Advocacy organization that operates the U.S. National Human Trafficking Hotline and shares its data with law enforcement, researchers and the anti-trafficking movement.

Walk Free Foundation

PO Box 3155, Broadway, Nedlands, Western Australia 6009
+61-8-6460-4949

walkfree.org

Human rights organization that produces the Global Slavery Index, reports and policy papers and lobbies governments, international organizations and businesses to help eradicate modern slavery.

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About the Author



Jonathan Broder is a Washington-based reporter and editor. He was a senior writer for *Newsweek*, a senior editor at *Congressional Quarterly* and served as a foreign correspondent in the Middle East, South Asia and the Far East for the *Chicago Tribune*. Broder's writing also has appeared in *The New York Times Magazine*, *The Washington Post*, *Smithsonian* and the *World Policy Journal*, among other publications. He previously reported for *CQ Researcher* on China's Belt and Road Initiative and arms control.