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# Legal Approaches to Combating Sex Trafficking: A Compilation of Research and a Comparative Analysis of the Most Effective Means of Reducing Trafficking Globally

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LEGAL APPROACHES TO COMBATING SEX TRAFFICKING:  
A COMPILATION OF RESEARCH AND A COMPARATIVE ANALYSIS OF THE  
MOST EFFECTIVE MEANS OF REDUCING TRAFFICKING GLOBALLY

by

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LEGAL APPROACHES TO COMBATING SEX TRAFFICKING:  
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Emily Larkins

Southeastern University, 2016

This research explores the relationship between three important factors necessary for reducing sex trafficking globally through a comparative analysis of four specific countries and their success in addressing these factors. The three factors that will be discussed in their relation to sex trafficking are government cooperation, border control, and illegalization of prostitution. These factors were chosen based on how consistently they showed up in research done for this thesis. The countries chosen for analysis- Sweden, the Netherlands, Thailand, and Singapore- were chosen based on region, trafficking levels, and unique facts that stood out as potentially significant. As will be discussed, Sweden recently developed a significant anti-prostitution law that affected its levels of trafficking over the past fifteen years, making it an important country to include in a comparison of effective reduction methods. The Netherlands and Thailand both remain two of the worst countries for sex trafficking statistically, although their levels of government cooperation contrasted dramatically. The final country, Singapore, was chosen for its strict legal system and weak border control, making it a unique country to compare with the other three mentioned.

Key Words: sex trafficking, international law, prostitution

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## INTRODUCTION

As the sex-trafficking industry expands and the number of victims continues to steadily increase, the hope that trafficking will be stopped quickly fades. How can such a massive global problem like sexual exploitation be approached, much less reduced or eliminated? In recent decades, sex trafficking has become a topic of interest and concern throughout the world. Studies show that only .00001% of traffickers are convicted, and probabilities of success can overwhelm and discourage members of society from devoting their time and energy to addressing this issue (Kangaspunta, 2010). Yet it is often forgotten that similar issues regarding violation of human rights have been successfully addressed throughout history. Before stepping into an analysis of such a massive industry, looking back at the success of previous laws concerning human rights can give hope to applying these laws towards sex trafficking worldwide.

Consider the success of one well-known law implemented over 150 years ago against a similar violation of basic human rights. By the 1860s, slavery had dominated the Southern states of America and developed into a massive societal issue in the eyes of the Northern states. Through this disunion and the subsequent war, Lincoln stood in the gap of a split nation and issued the Emancipation Proclamation. As a result of the actions taken by Lincoln, the 13<sup>th</sup> Amendment was born. This legal stand against slavery brought about the necessary changes to society in the reconstructive south and dramatically reduced slavery in the United States. What seemed to be an unstoppable and expanding social dilemma dramatically lessened as a result of effective implementation of a national

law. This same concept can be taken and applied to international law regarding sex trafficking.

In an effort to unify nations against criminal behavior worldwide, international laws are continually put into place with the clear understanding that the majority of nations will adopt these laws into their individual prevention systems. Regarding human sex trafficking, these internationally recognized laws have the potential to greatly reduce the number of trafficked victims. Regrettably, several factors prevent this from becoming reality.

I intend to prove that international law can be applied most effectively in regards to human trafficking when three factors are met: government cooperation, border control, and local legislation, i.e. the illegalization of prostitution. I aim to demonstrate this by comparing four countries, each lacking one or more of these factors, to show how addressing these factors can affect the success of international law in various countries, including the United States. The countries discussed will be Sweden, the Netherlands, Thailand, and Singapore. I expect to find a direct link between the success of the above-mentioned factors and the decrease of rates in human trafficking. The following questions will be addressed in the conclusion of this thesis after I have compared and contrasted these four countries against the factors preventing the success of international law.

- To what extent can the combination of the three factors discussed (government cooperation, border control, and illegalization of prostitution) affect the success of international law in minimizing human sex trafficking?

- Is there a connection between the combination of one or more factors in each of the four countries and the amount of trafficking that country has?
- Is focusing upon the success of international law the best method to minimize human trafficking globally?

## OVERVIEW OF TRAFFICKING

The world demands a solution to the ever-growing problem of human sex trafficking, yet the attempts that the international community has made to combat the issue have been poorly accepted (Mattar, 2007). On a global scale, application of international law could potentially provide the best solution to minimize trafficking, yet several factors prohibit these laws from taking full effect. International law can be effective when these three factors are met: government cooperation, effective border control, and illegalization of prostitution. This chapter will begin with an overview of trafficking statistics and problems, both globally and regionally, and continue into a brief look at the status of current international laws, as well as an introduction of the three discussed factors.

Sex trafficking statistics have very little accuracy due to the global extent and clandestine nature of exploitation. Victims of trafficking often find it difficult to surface once freed from abuse, leaving countless stories untold. Several nations have come together to provide the best possible statistical range regarding levels of trafficking on a global scale. Currently, there are four top global databases that attempt to estimate the extent of exploitation: the United Nations on Drug and Crime (UNODC), the International Labour Organization, the U.S. State Department, and the International

Organization for Migration (Kangaspunta, 2010). Among these four databases, the estimated statistics of annual sex trafficking victims range from 21 million to 27 million persons (US Department of State, 2015). According to other various sources, the number of victims has reached 20 million people or more annually (Bales, Trodd, and Williamson, 2009; International Labour Office, 2012). Based on these two numbers, it is safe to say that an estimated more than 21 million people are sexually trafficked across the globe in a given year.

## REGIONAL ANALYSIS

Europe and Southeast Asia both raise concern for their rapid expansion of sex trafficking. Looking more specifically at Europe, measures have been taken to regionally minimize the amount of human trafficking. Two laws in particular that will be later addressed, the “UN Palermo Protocol” and the “European Framework Decision”, set important frameworks for the legal actions against human trafficking that European countries are expected to follow and adjust according to their own nation’s laws (Breuil & Reenen, 2011). In several European countries, government laws focus on punishing the perpetrator rather than helping the victim. Breuil demonstrates through his article that courses on the victim’s needs are essential in establishing effective laws against human trafficking.

Regarding Sweden and the Netherlands specifically, The U.S. Department of State 2014 Trafficking in Persons Report reported an estimated 400-600 victims believed by the Swedish government to be sexually trafficked annually. In 2013, 40 of these victims were actually identified (U.S. Department of State, 2014). In contrast to

Sweden's numbers, the Netherland government registered 1,195 trafficking victims in 2013. Among these, an estimated 80% are assumed to be sexually trafficked (U.S. Department of State, 2014). It is important to note that these statistics should be regarded as estimates, given the difficulty in accurately measuring the amount of sex trafficking.

Looking at Southeast Asia, an important contributor that fueled the rapid growth of trafficking in this region came with the increase in soldiers stationed in Asia during the 1960s (Munro, 2012). Demands for the entertainment and satisfaction of these soldiers dramatically increased sex tourism, which in turn led to a growth in human trafficking. Further research on the borders between these countries shows that a large amount of corruption exists among border officials, which in turn affects the growth of trafficking migration between nations in this region (Munro, 2012). In an article addressing globalization Samarasinghe also pointed out that legislation passed by Asian governments has a tendency to focus more on reprimanding the prostitutes rather than convicting the clients; this is largely in part because of the cultural mentality that women remain submissive to men (Samarasinghe, 2003).

## INTERNATIONAL LAW

International law can be defined as “the body of rules that define the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries. Its domain encompasses a wide range of issues of international concern such as human rights, disarmament, international crime, refugees, migration, problems of nationality, the treatment of prisoners, the use of force, and the conduct of war, among others” (UNODC, 2004). Due to the more recent rise in sexual

exploitation, international laws regarding this topic have only been established for the past few decades, considering that the first General Assembly to discuss providing international law against trafficking met first in 1998 (UNODC, 2004).

The primary international law known worldwide for its legal regulation of sex trafficking is known as the Palermo Protocol. This particular international law was passed in 2004 in an attempt to provide effective action to prevent trafficking on an international level. While taking into consideration the different factors and cultural influences that affect trafficking in each specific region of the world, the Palermo Protocol provides a skeletal structure that is theorized to be the most effective legal means of reducing trafficking, regardless of the region applied (UNODC, 2004). This protocol was first initiated with the concern that the victims, and *potential* victims, of sex trafficking would be completely helpless without the strong support of international law. The General Assembly that convened in 1998 established a resolution that members of the UN referred back to when designing the Palermo Protocol.

In essence, this Protocol is an Annex of a much larger legal document entitled the *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*. The three goals of this protocol are to prevent and combat trafficking, to protect and assist victims, and to promote cooperation among States regarding international sex trafficking (UNODC, 2004). The most important part of the Palermo Protocol is the stress it placed on the need for each individual country to create its own legislation specific to the demands of its trafficking situation. All governments that comply with this international law will then be identified as attempting to minimize trafficking through research, application, and enforcement of necessary laws against the trafficking of

persons. Other significant factors addressed in the Protocol include border control, sanctions and punishment, and training of law enforcement personnel. If borders between States are weak, then the efforts of each individual country will be overshadowed by the migration that occurs in the trafficking business. The Protocol itself does not address specific sanctions to be enacted as punishment for violating the law; rather, it states that each State is expected to create its own method of sanctions applicable to its own situation.

The European Union contributed to international law standards by establishing the 1997 Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation (Hague Declaration). Out of this declaration, the National Rapporteur was established, which takes on the responsibility of reviewing all annual reports of trafficking in participating states and acting upon them if necessary. Beyond simply reporting levels of internal sex- trafficking believed to occur annually, this declaration strongly recommends that participating countries initiate specific research with the goal of preventing further trafficking. It also advises nations to create an international network of research and awareness campaigns that could be beneficial to other nations (Mattar, 2007).

The Organization for Security and Co-operation in Europe (OSCE) Action Plan of 2003 further supplemented EU Efforts by giving more detailed suggestions to participating states on methods of acting upon the research initiated by the Hague Declaration (Mattar, 2007). Examples of these methods would be researching and targeting specific organized crime groups or focusing on the part of the country most susceptible to trafficking (Mattar, 2007). The Convention on the Elimination of All

Forms of Discrimination Against Women (CEDAW) also monitors government actions in relation to sex trafficking by requiring them to submit annual reports to the United Nations. However, they simply monitor rather than provide specific methods of minimizing sexual exploitation for each country to adopt (Mattar, 2007).

Alongside an acceptance of international anti-trafficking law, each country is accountable for instituting its own methods of investigating and enforcing anti-trafficking laws. One particular method of analyzing the internal government actions in each country is through the U.S. Department of State “Trafficking in Persons Report” (TIP). This report provides a resource with which the United States government can analyze the status of sex trafficking in individual countries globally and determine whether each government is making a serious effort to prevent trafficking in its country (U.S. Department of State, 2015). As a result of the TIP, an individual government’s involvement in combating sex trafficking in and through its own country can be monitored by a powerful outside source. Although the TIP report system has been fairly successful, some question whether countries should be required to report to the United States government on trafficking within their country (Mattar, 2007).

As shown above, several international and national laws have been established in the past few decades, therefore the levels of sex trafficking globally should diminish in reaction to these laws. However, this is not the case; moreover, the situation currently is worse than ever before. Why are international laws not efficiently reducing the elevated levels of sex trafficking? The obscure, multi-dimensional answer lies in the development of three foremost factors that powerfully inhibit the success of international law.

## GOVERNMENT COOPERATION

The first factor needing to be addressed is the importance of government cooperation, which consists of accepting and enforcing international laws, minimizing corruption, and the proper training of law enforcement officials. When one or more of these factors is absent or weak, the level of trafficking theoretically rises, which will be demonstrated through close comparative analysis of four different countries with varying levels of sex trafficking.

*Enforcement:* A large part of government cooperation lies in accepting and *enforcing* internationally recognized anti-trafficking laws. This should be considered the first step towards creating a strong legal force against this crime. The reasoning behind creating broad international laws is the idea of camaraderie among nations that creates an unmatched strength against an unprecedented crime. Going beyond recognizing an international law as legally standing, governments must learn how to properly enforce the law. This goes along with the simple phrase “actions speak louder than words.” Governments are expected to act upon the laws they have established with whatever means are necessary.

*Corruption:* Another factor that stunts the effectiveness of international law is government corruption. Any level of corruption creates a weak foundation that makes it impossible for any international law to take effect. With regard to sex trafficking, government corruption takes the form of sex traffickers being found within the government itself, or existence of government officials agreeing to turn a blind eye in

exchange for profit. In a recently published book on human trafficking, Lorenz discusses an issue in the Chinese government where child trafficking was directly affected by governmental corruption:

Desperate parents repeatedly stage protests against police passivity. One such protest was held in the southern migrant worker city of Dongguan, where about 1,000 children disappeared between 2008-2009. The local police only listed 200 victims in their files. They rejected the remaining cases claiming that there was no proof that a crime had been committed...Local officials are a part of the system...Everyone knows when a new child has suddenly arrived in the village and no one asks any questions (Des Chenes, 2012).

Passivity is not always seen as a form of corruption, but if law enforcement officials do not fully perform the duties required of them then the system will crumble, affecting more than sex trafficking. Aside from passivity, bribing of government officials is no rare occurrence globally (Des Chenes, 2012). The justice system cannot be trusted or effective when bribing of officials is a common thread in the trafficking industry. In certain regions of the world, government corruption is so rampant that sex trafficking is *encouraged* to provide means of tourism for the country (Vejar & Quach, 2013). Without addressing the problem of government corruption, sex trafficking cannot be fully minimized or greatly reduced.

*Training of law enforcement:* The third necessary factor included in government cooperation is proper training of law enforcement. When government officials have not been made aware of the severity of human trafficking internationally, as well as in their region of the world, they cannot approach the issue in the best way. Not only do government officials need to be made aware of the entire detailed process of trafficking persons, but they also need specific training on how to identify when human trafficking is taking place. A sizeable drawback currently happening is the ignorance of government officials who could pass directly by a trafficked individual- or business- and be unaware

of what is occurring. In order for human trafficking to be reduced and international law to take effect, government officials must be properly trained. In her dissertation entitled “Identifying Victims of Human Trafficking,” Ann Marie Aiesi says the following regarding law enforcement:

Law enforcement does not have the physical space, technical, social, economic or intelligence support available to investigate trafficking crime and needs to rectify this situation. As a result, crimes are being viewed in one dimensional or isolated fashion and potential victims are slipping through the cracks. In cases where authorities cooperate, prosecutions are increasing (Aiesi, 2011).

When law enforcement is fully on board with all anti-trafficking procedures already set in place by the international community, more traffickers are prosecuted. More importantly, Aiesi points out that law enforcement often has its hands tied through the lack of resources and space needed to effectively investigate sex trafficking. Therefore, in order for stronger training of law enforcement, governments need to provide both resources and space for this to happen. In a study done by the International Association of Chiefs of Police (IACP) in 2006, the following checklist was created to assist law enforcement agencies in effectively training for identification of and response to sex trafficking:

#### **Action Agenda Checklist**

- Conduct department-wide training on human trafficking, including dispatch
- Educate your community about the crime of human trafficking
- Develop foreign language resources for your department
- Identify non-profit agencies that provide victim assistance
- Develop collaborative relationships before a human trafficking case occurs
- Assess locations that may serve as a front for illegal activity
- Identify industrial/service-based businesses that employ low paid workers and learn how they are recruited and treated
- Assess the local sex industry in your community and the forms it takes (e.g. street prostitution, massage parlors, strip clubs)
- Identify escort agencies in your community that advertise foreign or “exotic” women

Although this list was produced in 2006, its principles still apply. Lists such as these provide a strong foundation for developing law enforcement agencies worldwide in training to recognize and address sex trafficking. This training should include raising community awareness as well as establishing victim assistance programs. Once these are established, the entire community will be more aware and will be more responsive toward law enforcement attempts at addressing trafficking within the community. Agencies should conduct research on patterns found in other communities of common locations where underground trafficking organizations thrive and put forth effort in identifying these locations within their own community. Regardless of the legality of prostitution in a particular country, law enforcement officers need to be fully aware of the probability that sex trafficking is continuing to take place under the mask of prostitution. If law enforcement agencies worldwide have not created and employed a list such as the checklist above, they are not doing what they can to improve training of law enforcement.

An effective way of first analyzing the level of government cooperation in each country is the 2015 “Trafficking in Persons Report” established by the United States FBI. As stated previously, the TIP report provides a visual comparison of how much cooperation they feel that each State is giving towards accepting international law and enforcing it within its own country. Each country is given a Tier rating, depending on how well they have attempted to enforce international laws, such as the Palermo Protocol, with regard to human trafficking. The most-cooperative tier is Tier 1, while the least cooperative is Tier 3. In the four countries analyzed below, there are varying levels of government cooperation that have been researched and critiqued through several

sources, particularly the 2014 TIP Report. The following graphs give a comparison of the last seven years in TIP Reports for all four countries:

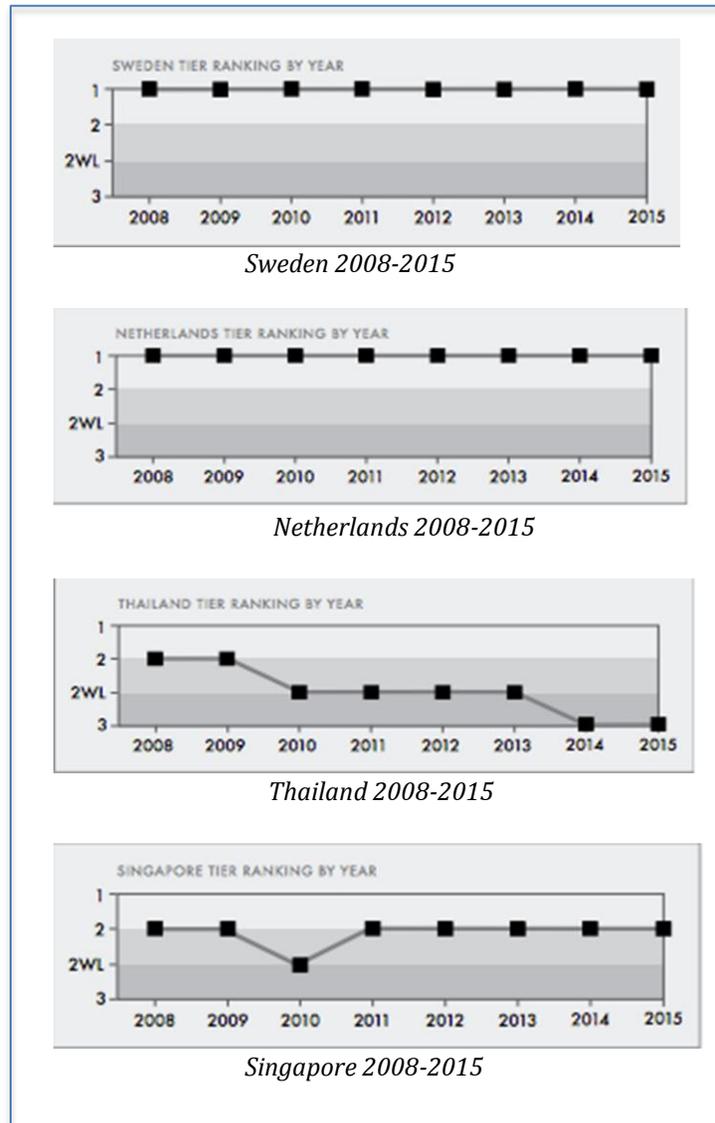


Figure 1. 2015 TIP Report Analysis of Government Cooperation

## THE NETHERLANDS

In the most recent report, the Netherlands received a Tier 1 rating, meaning that it fully complies with the minimum standards for the elimination of trafficking (U.S. Department of State, 2015.) This seems to contradict the common perception of the Netherlands in relation to sex trafficking, which is that the country has some of the highest levels of trafficking in the world. This perception is based largely on the city of Amsterdam, where sex trafficking is rampant. Staring believes this to be a direct result of window prostitution and Amsterdam's Red Light District, where the high levels of prostitution create a perfect environment for trafficking to be prevalent (Staring, 2012). However, in looking at the Netherlands as a whole, the country has cooperated with the passing and enforcing of international law within its borders. The following is an excerpt from Cullen-DuPont's analysis of the level of cooperation the Netherlands has given with regard to international laws:

The Netherlands is a party to many of the international instruments that prohibit various forms of modern slavery. It has signed and accepted the UN Protocol, and it has signed and ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography... It also has ratified the three major International Labour Organization (ILO) instruments relating to modern-day slavery...(Cullen-DuPont, 2009).

Although the Netherland government has complied with international law, its own nation's laws that legalize prostitution and sex trafficking seem to counteract the efforts of international law to reduce trafficking. With regard to Amsterdam, a later discussed factor that has dramatically raised the levels of trafficking in that region is the legalization of prostitution. Legal prostitution provides the perfect cover for massive underground trafficking operations to go unnoticed by untrained law officials. Even in analysis of the Netherlands alone, it can be seen that there is a giant web of

interconnected factors that together create a seemingly impossible issue to tackle. The purpose of this research paper is to organize and explain each factor in a way that simplifies the issue and sheds light on possible solutions.

The Netherlands was rated 5 on a scale from 1-168, with 1 as the lowest level of government corruption, which is supported by the TIP analysis that listed it as a Tier 1 country in government compliance (Transparency International, 2015). Although present, the government corruption in the Netherlands does not stand out as a major reason for the growth of human trafficking there. Government corruption towards sex trafficking specifically can often be very difficult to measure; yet documents such as the 2015 TIP Report provide basic information necessary to know if it is a massive issue. If government corruption is rampant, the TIP Report will most likely place the country in a Tier 2 Watch List or Tier 3, due to the lack of cooperation by corrupt officials. A large reason why the Netherlands is a Tier 2 country when its trafficking rates are so high is due to cooperation of government officials, as well as minimization of government corruption (U.S. Department of State, 2015). An area of concern for the Netherlands with corrupt officials lies in border regulation, as many victims are trafficked into the country from places such as Thailand and Latin America (Braspenning, 2006).

The Netherlands seems to be excelling in proper training of law enforcement in relation to sex trafficking. The actions taken against sex trafficking itself, apart from prostitution, are strong and seemingly effective (Staring, 2012). Police corps even go so far as to invest in “structurally researching the internet looking for advertisements of non-licensed sex businesses, who subsequently are being asked to apply for a license” (Staring, 2012). This is one of many tactics taken by government officials to help them

become more aware of the problem of trafficking in the Netherlands. One area they can improve on is in the investigations of seemingly legal prostitution, where sex trafficking tends to grow rampant and unnoticed under the mask of legality.

## SWEDEN

Sweden is a unique country when it comes to government involvement in the issue of sex trafficking. On the 2015 TIP Report, Sweden received a very strong Tier 1 rating, meaning it complies fully with international laws. Sweden has made every effort to not only accept international trafficking laws but also to strongly enforce them and support them with its own anti-trafficking laws (US Department of State 2015). As will be discussed later on in this paper, Sweden created the 1999 *Sexköpslagen*, or “Sex Purchase Law,” that illegalized all prostitution and placed an emphasis on criminalizing the trafficker, but not the victim (Monasky, 2011). In essence, Sweden criminalized the act of purchasing a prostitute but did not criminalize the act of prostitution itself. A review of Sweden’s *Sexköpslagen* in 2008 stated “Sweden has drastically reduced human trafficking and prostitution by imposing a ban on the purchase of sexual services (Spiegel, 2007).” The *Sexköpslagen* is only one of the many ways in which Sweden’s government chose to comply with international law and make strong efforts on its own to create and enforce all anti-trafficking laws.

Sweden is rated 3 on a scale from 1-168 for lowest level of government corruption globally (Transparency International, 2015). There is little to no information that supports a strong corruption factor of Sweden’s government regarding sex trafficking. Similar to the Netherlands, the Tier 1 rating received from the 2015 TIP

Report suggests that the government as a whole is operating for the betterment of the nation and the international community, although some corruption will always exist.

An area that Sweden lacks in is the proper training of law enforcement. One recommendation given by the TIP Report (assessed the value of this on pp.8-9) for Sweden was to “ensure judges receive training on the application of the anti-trafficking law...ensure municipal authorities understand victim protection protocols...vigorously prosecute and convict labor and sex trafficking offenders using Sweden’s anti-trafficking statute (U.S. Department of State, 2015). These three suggestions imply that although trafficking levels are much lower than surrounding countries due to several factors, Sweden needs to focus on the proper training of government officials working against sex trafficking- whether in the court system or on law enforcement. Monasky confirms this by stating, “...the government provides insufficient resources to implement the law, and those implementing the law do not receive adequate training” (Monasky, 2011).

Sweden took the first step to correct this situation in 2008 by resourcing more money towards training of officials and assisting of victims. One area of concern is the limited focus of the Swedish police on public prostitution alone, not on deeper issues of sex trafficking (Monasky, 2011). In recent years, countries such as Norway and Switzerland have adapted the Swedish model of criminalizing the purchase of sexual services due to their growing sex trafficking problems, which supports the idea that Sweden may have discovered a powerful tool with its anti-trafficking laws and methods of enforcement.

## SINGAPORE

The 2015 TIP Report listed Singapore as a Tier 2 country, meaning that it does not fully comply with the standards given by the U.S. Department of State in regulating of sex trafficking. Since 2008, Singapore has remained a Tier 2 nation, with the exception of being put on the Tier 2 Watch List in 2010 (U.S. Department of State, 2015).

Concerning government actions, Singapore is widely known for its strict enforcement of laws regardless of the type therein. Caning is still a commonly used method of sanctioning for criminal behavior, and because of it the crime rates are significantly lower across the board than most other Southeast Asian countries (U.S. Department of State, 2015). In this sense, Singapore complies with international law by strictly enforcing all established laws of its country. However, the U.S. Department of State listed it as a Tier 2 country because it often fails to properly prosecute or convict sex traffickers (U.S. Department of State, 2015). Here we find the majority of Singapore's issues in minimizing sex trafficking: government corruption, weak border systems, and all around lack of government cooperation.

Singapore rates as 8 on a scale from 1-168 in level of overall government corruption and rates similarly low in relation to trafficking specifically (Transparency International, 2015). A large area in which corruption still thrives is in the migration of victims from neighboring countries. Government agents commonly receive payments in exchange for trafficking victims to be transported in and out of the country (Vasu, 2014).

## THAILAND

Thailand received a Tier 3 rating by the U.S. Department of State, meaning it fails to comply and cooperate with minimum standards in every way. Thailand is well known across the globe for its drastic statistics of sex trafficking and the lack of success in minimizing trafficking. This circumstance can be attributed to several factors, including the Thai government's lack of acceptance of international law and inability to enforce its own laws. Jayagupta states that the issue is not in the anti-trafficking policies that Thailand has created, but it is in the lack of action that the Thai government employs to effectively implement its policies (Jayagupta, 2009).

A huge reason behind Thailand's sex trafficking issue is the suppression of the people's voice by a strong, corrupt government, specifically the northern tribal lower class who are most affected by sex trafficking (Arnold & Bertone, 2002). Thailand is rated as 76 on a scale of 1-168 in level of government corruption globally (Transparency International, 2015). This blatantly corrupt government system dominates borderland trade; Munro argues that there is no coincidence in the high level of sex trafficking in Thailand and the corruption of its government systems (Munro, 2012).

Although the government is making an effort to produce legislation to combat trafficking, it is not enforcing these laws, and the laws themselves are flawed in methods of minimizing sex trafficking (Blackburn, Taylor, & Davis, 2010). Prior to 1960, sex trafficking in Thailand was minimal to nonexistent; the surge in trafficking came with the Vietnam War and the demands of American military men stationed in Southeast Asia (Arnold & Bertone, 2002). Between 1990 and 2002, the amount of Thai women trafficked within Thailand decreased while the amount of women trafficked into Thailand

increased dramatically, with unclear reasons as to why (Arnold & Bertone, 2002). This suggests that Thailand began to develop into a major global hub for the trafficking industry, with sex tourism spiking and the global trafficking industry honing in on the potential for profit there. While Thailand has developed important legislation and has begun working to enact this legislation more strictly, the Thai government must focus on training law enforcement officials and addressing government officials and addressing government corruption, especially around its borders (Sorajakool, 2013).

## BORDER CONTROL

Regardless of the efforts given by each individual country to minimize trafficking through government cooperation and illegalization of prostitution, sex trafficking will remain a global issue until there is effective border control between nations. “Smuggling human beings across national borders for sexual and labour exploitation is a complex crime, and efforts to collect evidence can be particularly challenging” (Des Chenes, 2009). This statement argues that law enforcement training has to coincide with increasing border control and strength for nations to effectively minimize sex trafficking. When analyzing the type of sex trafficking prevalent in a given country, the TIP Report has defined three specific categories that each country is placed into: destination, source, and transit. A country may be placed in one or more of these categories, depending on how prevalent trafficking is in that area. If a country is labeled as a destination country, it is a large receiver of trafficking victims *from* other countries. A country is considered a source if it is recognized as a country in which sex trafficking victims are taken and transported *to* other countries. To be labeled as a transit country, trafficking must be prevalent across the nation’s borders; women and children are transported *through* the country (U.S. Department of State, 2015). The study on border control in each country discussed will be first analyzed through the 2015 TIP Report.

## THE NETHERLANDS

The Netherlands has been labeled as a source, destination, and transit country. This implies that the levels of sex trafficking in, from, and through the Netherlands are prevalent enough to be recognized by the U.S. Department of State. A large reason for the trafficking of Dutch women inside the country can be attributed to the legalization of prostitution in tourist areas such as Amsterdam (Staring, 2012). During the 1980s and 1990s, the Netherlands established areas called ‘toleration zones’ that were strictly regulated by law enforcement and became a hub for window prostitution, the legal method taken to advertise by having women stand in showcase windows. “Although it improved the situation for some prostitutes, it also opened up opportunities for human traffickers, illegal prostitutes, and drug dealers” (Staring, 2012). Staring disagrees that legal window prostitution attributes to the amount of trafficking within the country. He considers that Dutch women will get involved in prostitution as a means of making money, and this is what often leads to these women being trafficked.

As a destination country, the Netherlands is a large center for receiving sex trafficking victims from various regions of the world, especially from Central and Eastern Europe. “After the Eastern European borders opened, there was an influx of female sexual labor towards the Netherlands...The rise in unemployment figures, changes in familial structures, the position of prostitutes and the situation of ethnic minorities in sending countries are push factors to explain the flux of these women into the Netherland” (Staring, 2012). Border control in Eastern and Central Europe looks very differently than in Southeast Asia due largely in part to the open borders established in

Europe; migration and transport in between European countries is far less difficult than in other regions of the world (Braspenning, 2006).

Along with the Netherlands being a destination and source country, it is also considered a transit country; meaning victims from other countries are transported through the Netherlands to other countries to be sold into sex trafficking. Out of the three categories, transit is the lowest category (U.S. Department of State, 2015). This could be due to several factors, including a mass amount of trafficking already occurring within the country. When sex trafficking is so prevalent within a region, victims are often transported into or out of the country, not simply through. Since the increase in sex trafficking, the Dutch government has strengthened its borders by means of investigating “quick stays” within the country (Braspenning, 2006). These investigations lead to locating common areas traffickers bring their victims to within the Netherlands while waiting to move them across the border again. Their hope is to crack down on the amount of victims that are simply transported through the country. Border control is still an issue with the Netherlands, although the main trafficking problem involves the legalization of prostitution.

## SWEDEN

The 2015 TIP Report labeled Sweden as primarily a destination country, which differs from the 2014 Report that labeled Sweden as more of a source country (U.S. Department of State, 2014). Looking at Sweden’s recent anti-trafficking laws, the reason behind declining destination rates can be analyzed. As Sweden has increased its strict enforcement of trafficking and prostitution laws within the country, traffickers have

begun to avoid transporting their victims into and through the country. However, Sweden still remains a strong source country as Swedish women travel across borders into other nearby countries where prostitution is more acceptable. Traffickers will use Sweden's anti-prostitution laws to convince women and children to leave the country for better economic opportunity; it is in situations like these that Sweden continues to experience trafficking. Border control in and out of Sweden needs to be more of a priority if the Swedish government truly wants to see trafficking rates lowered.

## SINGAPORE

With respect to sex trafficking, Singapore is seen mainly as a source and transit country, and its strict enforcement of internal and international legislation makes the issue of sex trafficking less prevalent than other Southeast Asian countries (Vasu, 2014). Although the Singapore government has established secure importing borderland systems that have made internal sex trafficking much more difficult to maintain, it has a difficult time controlling the exportation of trafficked victims to neighboring countries (Munro, 2012). As an island country, Singapore is geographically in a unique location, with the only countries near it being Malaysia in the north and Indonesia to the Southwest. Singapore has consistently depended on maritime strength and trade, although it is extremely vulnerable to becoming a transit or source country for sex trafficking (Sato, 2012). A major problem with Singapore's borders lies in the fact that the waters surrounding this small nation belong to Indonesia, making the majority of issues that arise with its borders out of their control (Sato, 2012). The strength of the Singapore government in dealing with security issues helps alleviate some of the potential for this

geographical characteristic to drastically escalate levels of sex trafficking; however, it still does not provide for incredibly strong border control.

## THAILAND

Thailand raises red flags in every single category discussed throughout this paper, including border control. The 2014 TIP Report labeled Thailand as a source, transit, and destination country with dangerously weak border control (US Department of State, 2015). Due to the corrupt government structure seen overall in Thailand, its borders have become a major connector in Southeast Asia for traffickers and their victims to travel through (Samarasinghe, 2003). There must be a reason as to why traffickers feel more comfortable passing through Thailand compared to other Southeast Asian countries. One contributing factor is in the economic opportunities offered in Thailand than other Southeast Asian countries. Since the country is a major hub for prostitution and sex tourism, traffickers find it convenient to travel through Thailand to do business. Also, due to the corruption in the government, Thailand's lack of strong border control make the transit much easier than through other Asian countries. Regardless of the reason, weak border control definitely has the potential to keep sex trafficking rates on the rise in Thailand.

## ILLEGALIZATION OF PROSTITUTION

A direct link between prostitution and sex trafficking needs to be established. In the places where prostitution is legal and thriving, trafficking appears to be dramatically higher than in other areas, as will be demonstrated in the following section. Legal prostitution is the perfect mask for underground trafficking organizations to thrive. Young women who venture into prostitution set themselves up perfectly to be deceived, manipulated, or forced into being trafficked, regardless of the region of the world. In a recent article discussing the link between prostitution and sex trafficking, spokeswoman Marta Gonzalez for Proyecto Esperanza, an anti-trafficking NGO, states the following:

Clients don't realize that many of these women could be victims of trafficking. Lots of people would be more wary if the prostitutes were clearly under lock and key or had obviously been subject to physical abuse. They don't realize that all it takes is a death threat to their families back in Nigeria or Brazil, and the woman is already being coerced into prostitution (Des Chenes, 2009).

The underground trafficking organizations that operate under the mask of prostitution will continue thriving until prostitution is dealt with. This is not to say, however, that illegalization of prostitution will eliminate trafficking. Sadly, sex traffickers will find ways to continue their business, but without the easy option of legal prostitution, the levels of trafficking will become reduced. Looking at different prostitution laws in the four countries discussed will help prove this theory.

## THE NETHERLANDS

One of the primary issues found in the Netherlands is the legality of several types of prostitution. With the legalization of prostitution, another avenue for sex trafficking flourishes. The government in the Netherlands has enacted an article in its 2005 Criminal Code that creates stipulations for legal and illegal prostitution. Although it did not legalize prostitution, it placed restrictions on activity. While the physical act of prostitution is considered legal in the Netherlands, this 2005 Criminal Code illegalized profiting from the exploitation of another person (Criminal Code, 2015). Staring argues that while the enactment of this law is a start, if not enforced strongly then it is worthless.

The issue of prostitution in the Netherlands is complex. In Dutch criminal legislation prostitution has never fully been illegal- it has simply been strictly regulated. In the early 1980s, the Netherlands became the first European country to abolish the prohibition of brothels (Staring, 2012). When discussing the reasoning behind legal prostitution, Staring states, “The idea came to exist that prostitution was impossible to eliminate and thus it should be regulated in ways that would decrease the undesirable consequences (harm reduction) an approach also followed, for example, in the field of illegal drugs (Staring, 2012).” Rather than attempting to eliminate the issue of prostitution, the Dutch government decided to simply regulate it. Further research and illustrations will analyze the effectiveness of this decision.

## SWEDEN

In the 1990’s, Sweden saw prostitution as the root of sex trafficking and therefore moved to legalize prostitution, in turn minimizing sex trafficking internally. As

mentioned, the focus of the Swedish Law is unique to other trafficking legislation in that it focuses on addressing the demand (the buyers) and convicting them, rather than punishing the women who are seen as “victimized” in prostitution (Eckberg, 2004). Sweden also discovered that once prostitution is illegal, the government must make significant efforts to provide other means of income and poverty reduction to women who feel that their only option is work in the sex industry (Eckberg, 2004). Critics of the Swedish Law against prostitution state that it simply eliminated the timid and nicer customers who were afraid of punishment and left the hardened criminals who ignore the law. As a result, violence and sexual assault have increased in the Swedish prostitution industry (Monasky, 2011).

In 2011, Waltman published an article supporting the success of the Swedish Law giving estimated statistics as demonstration. According to Waltman, there were approximately 3,000 women prostituting on the streets in 1995; by 2008, only 300 women were reported. This dramatic reduction proves the effectiveness of international law and enforcement of legal stipulations. Waltman then states that prostitution and trafficking are so directly linked that it would be severely damaging to legalize any prostitution, regardless of the country or region. As the Netherlands began withdrawing legislation in order to legalize prostitution again, Sweden started enforcing legislation after noticing the growing intensity of sex trafficking and realizing the potential damage in ignoring the problem (Waltman, 2011). In concordance with Waltman, authors Bucken-Knapp, Schaffer, and Stromback (2012) published an article demonstrating that the reason Sweden has been so successful in dramatically minimizing trafficking within its country directly connects with its emphasis on gender equality and concern for the

psychological needs of women within prostitution. The authors argue that anti-trafficking laws in other countries would be more effective if they were to focus on more than national security when reforming their laws.

## SINGAPORE

The research done on laws enacted by the Singapore government did not reveal any specific laws that legalized or illegalized prostitution. However, another source stated that the Singapore government has a reputation for strictly enforcing and adhering to all passed legislation, specifically with regard to the punishment for sex trafficking and abuse of women (U.S. Department of Human Rights and Labor, 2006). This is seen as a primary reason for the relatively low levels of trafficking in the country. As is common with many Southeast Asian countries, prostitution as a means of tourism is very normal in Singapore, although it is more strictly regulated than in other countries such as Thailand (Sorajjakool, 2013).

## THAILAND

Thailand has consistently struggled with the rising levels of prostitution that cause tourists to flock to the country. Although it has established basic anti-trafficking laws, the desire for economic gain from sex tourism seems to prevent the government from acting upon these laws. From 1960 to 1965, the Thai government followed the Suppression of Prostitution Act, which strongly penalized prostitutes and slightly punished the buyers (Sorajjakool, 2013). In 1996, the legislation enacted became more focused on punishment toward the buyers and viewed prostitutes more as victims. In 2007, an article was

published demonstrating that Thai government officials do not want to address sex trafficking because of the economic impact that sex tourism has had on their country (Singh & Hart, 2007). A large reason behind this is the Entertainment Places Act of 1966, which legalized organizations that promote commercial sex, allowing for the Thai Government to turn a blind eye to the problem of trafficking under the mask of legality (Singh & Hart, 2007). Aside from these basic legislations intended to regulate prostitution, Thailand has failed to comply with the international Trafficking Victims Protection Act and the Palermo Protocol and refuses to address the ongoing problem of prostitution in their country.

## COMPARE AND CONTRAST

### EUROPE

The Netherlands and Sweden represent the European region of the world in this comparative analysis. According to statistics mentioned previously, The Netherlands recorded an estimated 1,200 sexually trafficked victims annually, while Sweden registered at 400-600 victims a year. This alone proves that Sweden must be doing something more effective than the Netherlands if the gap between the two statistics is that large.

Looking at government cooperation, both Sweden and the Netherlands received a Tier 1 rating from the 2015 TIP Report, suggesting a high level of acceptance and enforcement of international laws for both countries. In a comparison of levels of government corruption, as best as possible, both countries seem to have low levels of corruption in relation to sex trafficking. Although still present in both, the governments of Sweden and the Netherlands both seem to genuinely want to work against trafficking and cooperate with international efforts and regulations while doing so. This assessment is based on the research offered throughout this paper, but the real situation could be obscured by a lack of statistical support in proving government corruption. Regarding training of law enforcement, Sweden struggles more than the Netherlands in properly teaching officers of the law to be aware of potential trafficking and to approach each situation in the best way possible.

The 2015 TIP Report has labeled Sweden as primarily a destination country and the Netherlands as a source, destination, *and* transit country. This fact alone suggests that the Netherlands either has prevalent government corruption, poor border control, or both in order to have been labeled so strongly in the area of transporting sex trafficking victims. For Sweden to have been labeled a destination country, the theory stands that while Sweden may have a tighter grip on prostitution and government corruption, it is not as strong with respect to border control and is weakest in the area of law enforcement training.

The major contrasting feature between Sweden and the Netherlands is in the legalization of prostitution. While Sweden was creating successful laws to lower prostitution in 1999, the Netherlands was creating legislation that legalized brothels and pimping (Cullen-DuPont, 2009). Although the purpose of the latter was alleged to be an effort to reduce trafficking, the mayor of Amsterdam admitted seven years later that this legislation had not reduced trafficking within prostitution but proceeded to do nothing to change these laws (Cullen-DuPont, 2009). Based on this analysis, one can assert that the legalization of prostitution has negatively impacted the Netherlands, and Sweden's new take on prostitution laws has positively affected this.

## ASIA

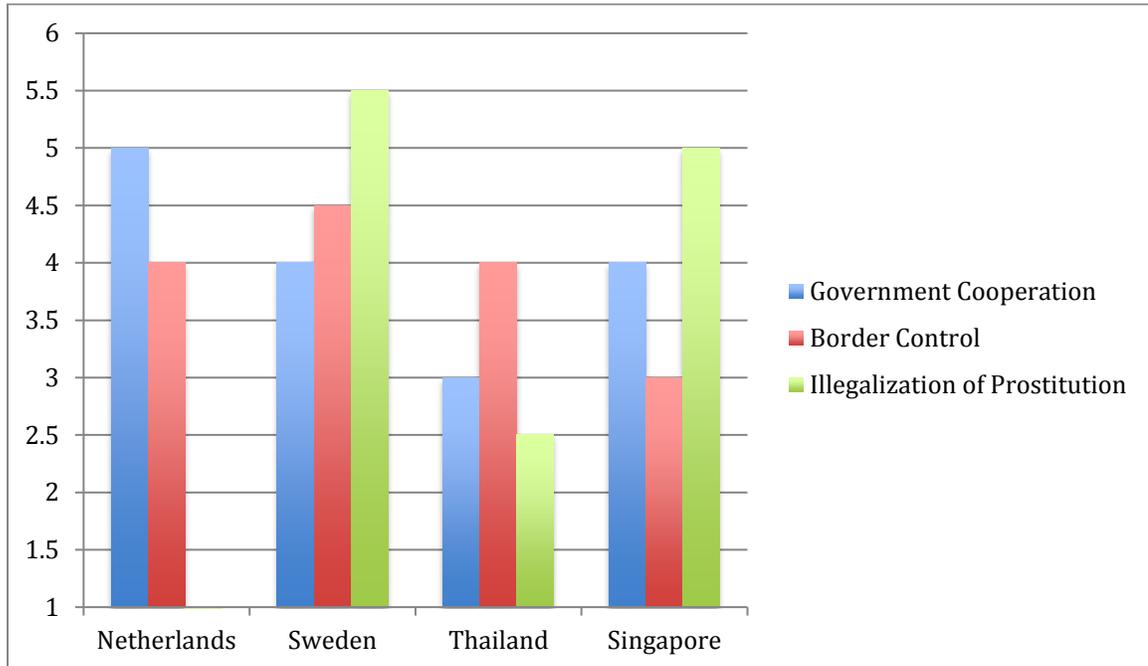
Singapore (Tier 2) and Thailand (Tier 3) represent the Asian region of human trafficking analysis. With regard to government cooperation, Singapore has a higher level of government involvement and acceptance of international law than Thailand, according to several sources (U.S. Department of State, 2015). Thailand's level of government

corruption was also rated at a much higher level than that of Singapore, although this fact is difficult to measure. Regarding the training of law enforcement, Singapore's government has one of the top enforcement statistics in Asia, whereas Thailand has one of the lowest. When comparing legalization of prostitution, both countries have technically illegalized prostitution. However, Singapore's strict enforcement of these laws strongly contrasts with Thailand's non-enforcement of them. This factor alone seems to point to one of the many reasons why Thailand's trafficking rates are drastically higher than Singapore's rates. A comparison of border control between the two countries is difficult, since there are no solid statistics or ways of effectively analyzing border control comparatively regarding sex trafficking. Based on these results, I believe that government cooperation, specifically the elimination of government corruption, in this region of the world is the most important factor in minimizing trafficking rates, with border control being the second most important factor.

## COMPARATIVE ANALYSIS

Based on all compiled research, the following graph gives a visual comparative analysis of the differences between all four countries in all three factors discussed. It depicts the level of success each country has had in addressing the three factors researched in this thesis. Each factor is placed on a scale from 0 to 6, with zero being the least amount of success or cooperation by the country to address the factor and 6 being the greatest amount of success or cooperation. A graph such as this one is important for understanding the effect of each individual factor on the rates of trafficking in each country, as well as all three factors collectively:

Table 1. Comparative Analysis of Success of The Three Factors



Sweden receives an average rating of **4.7**, ranking it as #1 out of the four countries in efforts to reduce trafficking rates through addressing each of the three factors. Regarding government cooperation, Sweden is being crippled by its lack of success in effectively training law enforcement to recognize and address trafficking within the country. Sweden's border control is also rated as the strongest out of the four countries; however, the most recent TIP Report in 2015 showed that Sweden is now being recognized as a transit country. When this happens, it is logical to assume that its borders have become weak and easy to pass through. Because Sweden has such a strong grasp on the levels of prostitution within their borders, their main focus needs to be directed toward developing law enforcement and strengthening borders.

Based on this chart, Singapore ranks #2 with an average rating of **4**, with Thailand ranking third at a **3.2**. While Singapore has illegalized prostitution, it scores lower than

Sweden due to the fact that it has not taken the step to create laws that see prostitutes as simply victims, not criminals. Both Thailand and Singapore scored similarly in the area of border control, although research showed that Singapore is seen as a dominantly transit country due to its weaker border control. Thailand struggles as well with their borders; however, in comparison with Singapore, it has a slightly better grasp on this factor. Thailand took the first steps in addressing prostitution by recognizing international laws illegalizing both the act and the buying of sex. However, these laws are rarely enforced and are aimed at punishing the prostitute equally with the buyer, which is why this nation is rated dramatically lower in illegalization of prostitution. In order for its rating to rise in the area of prostitution, Thailand would need to start dramatically enforcing the laws it claims to recognize against prostitution, as well as develop its own nation's laws in this area. Thailand struggles as well with government cooperation, as seen by its TIP rating at Tier 3 and overall issue with internal corruption. This is the most difficult factor to address, as changing an already corrupt governmental structure requires outside assistance by international organizations with the power to assist and discipline.

The country that ranked lowest overall with a rating of **3** is the Netherlands. Based on the 2014 and 2015 TIP Reports, government cooperation is strong as a whole, which makes its dramatic levels of trafficking somewhat surprising. However, when the third factor of illegalization of prostitution is noticed, it becomes clear as to why the Netherlands still struggles with their trafficking rates. Border control is ranked the same as Thailand and just under Sweden. While Sweden rates high in addressing prostitution, the Netherlands' failure to illegalize prostitution places it far below Sweden in overall control of factors affecting the rate of sex trafficking. As stated before, Sweden's

trafficking rates are roughly half that of the Netherlands', and its approach toward prostitution is seen as its strongest asset. It can be theorized, then, that according to these graphs, legalization of prostitution seems to be the most important factor that needs to be controlled out of the three, as it is a major cause of the dramatic rise in trafficking rates in the Netherlands.

## CONCLUSION

International law has the potential to be effective but is limited by legalized prostitution, weak borders, and the failure to implement international law by untrained law enforcement officials. Laws that illegalize prostitution and emphasize the punishment of the buyer above the prostitute can greatly contribute to the reduction of trafficking. Stability within the governmental structure, including border control and lack of political corruption, must be present for each country to implement international anti-trafficking laws. Although these laws may be displayed in a nation's public demonstration of how it combats trafficking, the government has the responsibility to effectively enforce these laws. This connects with the last factor: the training of law enforcement, which must occur if anti-trafficking laws are to be enforced. The four countries discussed have various levels of trafficking within the countries, yet they all lack at least one of the above factors discussed. If international law is to take full effect in each country, all three factors must be addressed.

However, expecting every country to successfully address all factors discussed is naïve. After comparing and contrasting all four countries, it seems that the best combination of factors that will produce the greatest reduction in sex trafficking is illegalization of prostitution and government cooperation in international efforts. With a corrupt government and rampant prostitution, a nation's ability to minimize sex trafficking is nearly impossible. However, by uniting with the international community and addressing internal corruption, the potential for successfully combatting it is far

greater. Sex trafficking is a global issue that must be attacked head on before it overwhelms the entire global community.

This thesis intended to answer the following three questions:

- To what extent can the combination of the three factors discussed (government cooperation, border control, and illegalization of prostitution) affect the success of international law in minimizing human sex trafficking?
- Is there a connection between the combination of one or more factors in each of the four countries and the amount of trafficking that country has?
- Is focusing upon the success of international law the best method to minimize human trafficking globally?

The graph given in the previous section illustrates the importance of addressing all three factors in order to reduce trafficking rates. However, the flaw in the research conducted lies in the inability to prove that focusing on these factors will help international law succeed. Sadly, the international laws themselves seem to be flawed in their ability to be enforced by the international community, which makes the effort countries put towards accepting them of less importance. With that being said, research strongly supported the relationship between these factors and the reduction of trafficking rates.

Based on the overall analysis depicted in the graph, it is clear that there can be a correlation made between the levels of trafficking in each country and the attention given to each factor discussed. Illegalization of prostitution carried the most weight in establishing an average rating for all four countries, suggesting its high level of

importance in reducing trafficking. Compared to Sweden, the Netherlands' government cooperation rates higher, yet their lack of addressing prostitution reduces their average rating down to the lowest ranked country out of the four. This shows that its trafficking rates could potentially decrease dramatically if it was to legalize prostitution and legally view prostitutes as victims, as did Sweden. The second factor, the lack of strong border control was a constant among all four countries, suggesting there is a strong link between the consistency of trafficking and the strength of borders. Should countries enforce their borders more strongly, the amount of trafficking across these borders would decrease dramatically, and with it there is the potential for global statistics to gradually drop until sex trafficking is no longer seen as one of the most profitable industries in the world.

Although the research completed in this thesis now provides a foundation for further research, it was difficult to prove the connection between all three factors and the success of international law. However, I am confident that in fully addressing these three factors, any country will be able to see its trafficking rates decrease. I was very discouraged in my research of international law as I began to realize just how flawed the international legal system has become. Therefore, I do not believe that the three factors discussed should be addressed for the *sole* purpose of providing a place where international law can be enforced. However, while countries work to strengthen their factors, the international community needs to begin strengthening its enforcement of international law.

In conducting this research, it was very difficult to provide definite statistics as the levels of trafficking rates are hard to measure. This made it difficult to illustrate and rate each country due to the lack of hard data. Another difficulty came in analyzing the

level of government corruption toward sex trafficking specifically, as countries are not quick to admit corruption and it is also difficult to measure. The benefits of this research come in taking the small-scale comparative analysis conducted and expanding this to other regions and countries globally, which should be the next step. Alongside further research, it is important to make the global community aware of the necessity in addressing these factors, which provide a starting point to tackling a massive and devastating industry that seems to only be expanding. If action is not taken now, numbers will only continue to rise.

The information provided in this paper is simply a collaboration of research done by several authors desiring to end a global injustice. My hope is that in reading this, others may be able to apply their own knowledge, reasoning, and creativity and use their voice to join the fight to end human trafficking.

## APPENDIX



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