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HUMAN TRAFFICKING: THE MISSING MALE VICTIM

by MICHAEL T. TIEN

One of the great legacies of [the Violence Against Women Act] is that it didn't just change the rules, it changed our culture. It empowered people to start speaking out.

—President Barack Obama¹

On March 7, 2013, President Barack Obama signed a bill reauthorizing the Violence Against Women Act (VAWA).² The reauthorization of VAWA was a bipartisan effort—despite a tumultuous political dynamic—and undeniably makes strides for survivors of domestic violence.³ Interestingly, the Trafficking Victims Protection Reauthorization Act (TVPRA) was added as an amendment to VAWA's reauthorization.⁴

In the past, the TVPRA has been called “landmark legislation,” and even the “centerpiece for all U.S. anti-human trafficking laws.”⁵ Simply put, the TVPRA’s reauthorization was critical to help build awareness around anti-trafficking and those at risk of being trafficked, strengthen services for victims, bring traffickers to justice, and overall, “protect the human rights of children and adults in the [U.S.] and around the world.”⁶ However, more troubling than this important legislation remaining expired since September 2011 may be that it was embedded in VAWA, an act aimed at “putting a stop to violence against women and other vulnerable groups.”⁷

This time around, VAWA was broadened to protect “Native Americans, LGBT women and illegals who are victims of domestic violence, rape and sex trafficking.”⁸ Such an expansion makes it seem relevant, if not practical, to place TVPRA *in* VAWA, as a codification of a universal stereotype that human trafficking happens only to women and children.⁹ However, this approach to human trafficking is problematic, at best, because it ignores the prominence of male victims of human trafficking in the U.S. and abroad.

THE EXISTENCE OF THE MALE VICTIM

It is clear that a disproportionate number of trafficking victims are women—comprising about two-thirds of reported victims—while men make up the majority of traffickers.¹⁰ In fact, over 90% of the prison population worldwide is comprised of men; many of these men behind bars for violent crimes.¹¹ However, like the trafficking of women, the trafficking of men is also universal.¹² While “[s]ome reports indicate that women may be subject to more exploitative conditions or more vulnerable to becoming victims of forced labor or trafficking . . . [and] more subject to violence and sexual exploitation than men . . . [there are] few gender differences when it comes to vulnerabilities to exploitation and abuse.”¹³ The response to human trafficking victims, based on their sex, is universal as well.¹⁴ While scholars rightfully focus much of their attention on the male *demand* perpetuating a vicious cycle of trafficked *women*, there is little discussion concerning the male victim himself.¹⁵

It is important to first dispel any belief that location, age, familial status, or lack of education is determinative of a male’s susceptibility to being trafficked.¹⁶ While the desire to earn money has been a “common denominator” in men’s decisions to migrate—“most studies show that the vast majority of

victims of trafficking and exploited migrants consider themselves to be poor at the time of migrating”—this, too, is not determinative of susceptibility to being trafficked.¹⁷ This is because male victims are generally recruited and trafficked by use of deceptive tactics.¹⁸ Male victims are often controlled by psychological, physical and sexual abuse.¹⁹

Male victims exist in every country. For example, Cambodian men and boys have been “deceived onto long-haul fishing boats . . . out to sea for up to two years or more [in] virtual prisons on which the trafficking victims endure inhuman working conditions, and physical abuse.”²⁰ Further, while “[e]veryone knows that Afghanistan is one of the world’s worst places to be female . . . [f]ewer people realize that Afghanistan is one place in the world where boys are more likely to be trafficked than girls.”²¹ Additionally, the Salvation Army reports that 41% of the adult victims of human trafficking that it assists in England and Wales are men.²² These worldwide occurrences should be no surprise as they have been recognized and documented in the U.S. State Department’s 2012 “Trafficking in Persons Report,” which further detailed the stories of men or boys trafficked in India, Brazil, and Burma - Thailand.²³

Male victims are seen in the U.S. as well, often in child pornography. “[T]he sex trafficking of young boys feeds the high demand for child pornography in the [U.S.], more than half of which features boys rather than girls.”²⁴ In addition to child pornography, the rising demand for discounted labor combined with men from poverty-stricken nations migrating to the U.S. for work has resulted in the labor trafficking of males domestically.²⁵ These male victims are not just from abroad; they are comprised of U.S. citizens, legal residents, and lawful visitors, too.²⁶

THE MALE VICTIM IS MISSING

Overall, male victims of human trafficking are relatively under-detected.²⁷ The trafficking of males has been “rarely represented in official national statistics” likely because the major form of male exploitation is for labor purposes, and this is already an “extremely underreported” form of trafficking.²⁸ Experts believe forced labor is less frequently detected and reported than sexual exploitation for three reasons.²⁹ First, the criminalization of forced labor is a relatively recent development, as many countries have only recently expanded trafficking definitions beyond sexual exploitation.³⁰ Second, the public and law enforce-

ment tend to relate human trafficking only to the sexual exploitation context.³¹ And third, sexual exploitation—especially in the form of prostitution—is more easily detected than forced labor because it is more “visible”; it occurs in public spaces within urban areas where clientele exists, whereas forced laborers are generally “hidden” in rural agricultural fields, mines, factories, or even in closed homes as domestic servants.³²

In addition to this lack of awareness, other factors to consider in the general oversight of the male victim include deportation and gender biases.³³ It has been shown internationally that male victims are often deported without consideration of such activity as “irregular migrants.”³⁴ Additionally, male victims may not identify themselves as victims due to gender roles:

[W]hile female vulnerability is often highlighted in contemporary media discourse, male vulnerability is consistently obscured by modern-day media expressions of male dominance and invulnerability perpetuated under the guise of masculinity. To some extent, men and boys have become the victims of this media-driven, socially constructed conception of maleness.³⁵

Finally, men that are exploited, deprived of freedom and control, or subjected to physical abuse and threats, are generally not identified as “trafficked,” whereas women of similar circumstances are.³⁶ Consequently, these women are afforded support and protection, and the men are often not.³⁷

FINDING AND AIDING THE MALE VICTIM

Even if men may be more reluctant to accept help or assistance than women due to gender or cultural roles, support must be tailored to male victims to alleviate these concerns.³⁸ Male victims must understand that combatting human trafficking itself is more significant than the male victim’s status as a male or immigrant.³⁹ Once identified, male victims must be accommodated with shelter, the same medical services that women victims may need, counseling to address later symptoms (e.g., stress, depression, shame, insecurity, low self-esteem, hopelessness, and alcoholism), and assistance in finding economic opportunities in order to return to their countries of origin.⁴⁰ Most importantly, like all trafficking victims, male victims must be afforded justice.⁴¹

While all of these reactionary measures are important to assist the male victim himself, the value of preventative measures cannot be ignored.⁴² It has been

found that when countries specifically raise awareness of male victims, including how to identify such demographic, the identification of trafficked males has increased.⁴³ Further, the international monitoring, exchange and sharing of human trafficking information is vital in gaining insight into the topic, as much can be learned through such a “collective experience.”⁴⁴ Finally, although between 2003 and 2008, the number of nations with some form of legislation criminalizing human trafficking rose from 35% to 80%, all countries must adopt more comparable and succinct legislation to battle and criminalize human trafficking of all forms.⁴⁵

CONCLUSION

Although the TVPRA has gender-neutral text, “its implementation is unlikely to protect [male victims] because the [TVPRA] is largely interpreted and enforced as a law primarily designed to protect women and girls from sexual exploitation.”⁴⁶ Therefore, adding the TVPRA to the recently reauthorized VAWA further perpetuates the common belief that trafficking and violence happens exclusively to women and children. In the words of President Obama, it is time to “change our culture” and “empower people to start speaking out,” but this time about male victims of human trafficking. We must learn first how to identify male victims, and then find the most effective way to provide restorative services and afford male victims justice. In order to bring awareness to a “missing” component of the human trafficking scheme, the U.S. and international community must do better at giving male victims the time and attention they truly deserve. Specifically, in the U.S., the first step may be doing more than obscuring them—and other victims of human trafficking—in the words of a sheer amendment to legislation, thus overshadowing them in their entirety.

NOTES

1 See Justin Sink, *Obama Signs VAWA, Hails Law as ‘Victory’ for Violence Victims*, THE HILL, Mar. 7, 2013, <http://thehill.com/blogs/blog-briefing-room/news/286875> (reporting on President Obama’s signing of VAWA’s reauthorization in March 2013).

2 Pub. L. No. 103-322, tit. IV, 108 Stat. 1902 (1994) (codified at 42 U.S.C. § 13981 (2013)). See Katherine Chon, *President Obama Signs the Violence Against Women Act: What it Means for Victims of Human Trafficking*, U.S. DEPT. OF HEALTH & HUM. SERVS. (Mar. 8,

2013) (highlighting the features of the reauthorization of VAWA). The original act had expired in September 2011. Sink, *supra* note 1.

3 In President Obama's own remarks: "On behalf of everybody here, and all of the lives that you have had a positive impact and touched through the Violence Against Women's Act, the survivors who are alive today because of this law, the women who are no longer hiding in fear because of this law, [and] the girls who are growing up aware of their right to be free from abuse because of this law"

4 Sink, *supra* note 1. See *Breaking News: Violence Against Women Act & Trafficking Victims Protection Reauthorization Act Passed*, NOT FOR SALE, Feb. 28, 2013, <http://www.notforsalecampaign.org/news/2013/02/28/breaking-news-violence-against-women-act-passed> ("Through the TVPRA, the United States government is able to fund law enforcement as well as services for survivors. The TVPRA combats both national and international trafficking in persons. Furthermore, the TVPRA defines the penalties for trafficking and promotes interagency cooperation. By reauthorizing this legislation Congress has renewed its commitment to identifying human trafficking, punishing those perpetrating the crimes, and helping the survivors move beyond their victimization.").

5 J Luis CdeBaca & Thomas E. Perez, *Doubling Down on the Fight Against Human Trafficking*, THE WHITE HOUSE BLOG (Mar. 7, 2013, 2:15 PM), <http://www.whitehouse.gov/blog/2013/03/07/doubling-down-fight-against-human-trafficking>; Jesse Eaves, *Campaigner: We Can See The Finish Line*, THE CNN FREEDOM PROJECT: ENDING MODERN-DAY SLAVERY, (Apr. 15, 2013, 10:20 AM), http://thecnnfreedomproject.blogs.cnn.com/2013/04/15/we-are-making-a-difference/?hpt=hp_c3.

6 CdeBaca & Perez, *supra* note 5.

7 David Abramowitz, *TVPRA Heads to the President*, HUMANITY UNITED, Feb. 28, 2013, <http://www.humanityunited.org/blog/tvptra-heads-president#.UXRIHyuG1Y8>.

; CdeBaca & Perez, *supra* note 5.

8 Holly Crow, *VAWA, TVPA SAFER ACT Combine as Powerhouse Against Rape, Abuse, Sex Trafficking*, EXAMINER.COM, Mar. 4, 2013, <http://www.examiner.com/list/vawa-tvpa-safer-act-combine-as-powerhouse-against-rape-abuse-sex-trafficking>.

9 See *id.* (calling VAWA "historic legislation granting all U.S. women greater protections," and the addition of the TVPRA to its reauthorization made the new bill a "powerhouse").

10 U.N. OFFICE ON DRUG & CRIME, *Factsheet on Human Trafficking* (2012), available at http://www.unodc.org/documents/human-trafficking/UNVTF_fs_HT_EN.pdf. See U.N. OFFICE ON DRUG & CRIME, *Global Report on Trafficking in Persons*, 11 (Feb. 2009), http://www.unodc.org/documents/Global_Report_on_TIP.pdf [hereinafter *Global Report*] (discussing a study of 61 countries where women comprised two thirds of identified victims). However, it is important to note that women are often traffickers: "In Europe, for example, women make up a larger share of those convicted for human trafficking offences than for most other forms of crime." *Id.* at 10.

11 See *Global Report*, *supra* note 10, at 10.

12 See generally U.S. AGENCY FOR INT'L DEV., *TRAFFICKING OF ADULT MEN IN THE EUROPE AND EURASIA REGION: FINAL REPORT* (2010) [hereinafter U.S. AGENCY] (reporting on the trafficking of men throughout Europe).

13 See *Id.* at 16.

14 See, e.g., *id.* at 6 ("Researchers in Serbia found a case where men and women, identified in the same group and under the same circumstances, were treated differently, with the men being charged with immigration violations while the women were not only not charged with such violations, but were also given temporary residence permits.").

15 See, e.g., Iris Yen, *Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand Through Educational Programs and Abolitionist Legislation*, 98 J. OF CRIM. L. & CRIMINOLOGY 653 (detailing the male demand's impact on the sex trafficking of women); see generally U.S. AGENCY, *supra* note 12 (exploring the global trafficking of adult men).

16 See, e.g., U.S. AGENCY, *supra* note 12, at 8–13 (detailing the demographic trends of male victims throughout Europe and how men from all countries in the region, of any age and marital status, education levels, employment, and race).

17 *Id.* at 12, 13 (citing to Russia where many of the trafficked men were employed and as high as “well off” in wealth before migration).

18 *Id.* at 13, 14 (describing how the male victim is most often trafficked through personal contacts, recruiting agents or agencies, and newspaper advertisements). It is important to note that abduction and forcible recruitment occurs too.

19 *Id.* at 21, 22 (stating that while “violence and threat of violence [is] a key element in controlling victims,” rumors of abuse, public beatings, and rape can be “used to make an example to the others” or “control victims.”)

20 See generally U.N. INTER-AGENCY PROJECT ON HUMAN TRAFFICKING, *Exploitation of Cambodian Men at Sea* (Apr. 22, 2009), http://www.ilo.org/wcmsp5/groups/public/—ed_norm/—declaration/documents/publication/wcms_143251.pdf (providing a case summary of nearly 50 Cambodian men and boys who were trafficked onto these fishing boats within an eighteen month period).

21 *Afghanistan's Neglected Boys: Restoring Lives of Male Trafficking Victims*, HAGAR, Nov. 11, 2012, <http://hagarinternational.org/united-kingdom/afghanistans-neglected-boys-restoring-lives-of-male-trafficking-victims>.

22 See David Batty, *Two-Fifths of UK Trafficking Victims are Male, Survey Reveals*, THE GUARDIAN, Apr. 25, 2012, <http://www.guardian.co.uk/law/2012/apr/26/two-fifths-human-trafficking-male> (summarizing the charity's survey of victims it has assisted from all over the world). In the article, United Kingdom's Minister for Justice, Crispin Blunt, stated: “Human trafficking is often seen as predominantly affecting women—meaning that male victims are often overlooked and are forced to go without the support they so desperately need.”

23 U.S. DEPT. OF STATE, *TRAFFICKING IN PERSONS REPORT* (2012),

24 Samuel Vincent Jones, *The Invisible Man: The Conscious Neglect of Men and Boys in the War on Human Trafficking*, 2010 UTAH L. REV. 1143, 1149 (2010)

25 *Id.* at 1153.

26 *Id.* at 1154.

27 See *Global Report*, *supra* note 10 at 11.

28 *Id.* at 49.

29 *Id.* at 51.

30 *Id.*

31 *Id.*

32 *Id.* “[M]any may victims of trafficking work in construction in large cities, working in plain sight of authorities and the general public and often side by side with other non-trafficked workers, both citizens of the destination country and foreigners.” U.S. AGENCY, *supra* note 12, at 7.

33 *Id.* at 6 (“People find what they look for, and as efforts have been primarily focused on trafficked women and children, they are the victims who have been found). This has resulted from campaigns, trainings, and other efforts to combat human trafficking being heavily focused on trafficked women and children. *Id.*”

34 *Id.* (describing how cases of trafficked men “are often covered up” with the “irregular migration” deportation scheme). See, e.g., *id.* (describing how 18% of men identified in the

Ukraine as male victims were deported as “irregular migrants,” and 16% interviewed in Georgia were deported).

35 Jones, *supra* note 24, at 1149.

36 See U.S. AGENCY, *supra* note 12, at 6.

37 *Id.*

38 *Id.* at 24.

39 *Id.* (“[M]ale victims of trafficking and exploitation are often seen in countries of destination as, first and foremost, illegal migrants who knowingly worked in (and often entered) the country illegally. As a result, time is not taken to find out what abuses they may have suffered at the hands of local employers . . .”).

40 *Id.* at 25–30 (detailing the many services that may assist male victims once they are actually identified as being trafficked).

41 *Id.* at 30. “Providing justice for victims of trafficking is in everyone’s interest. It ensures that the laws of the state are respected and the rights of the victims are protected. However, few cases of trafficking of men go to the courts and very few cases could be found in which men were awarded compensation. . . . Rather than receiving justice, many male victims of trafficking are charged with crimes committed while trafficked, especially for illegal border crossing or illegal stay in the destination country. This is in sharp contrast to trafficked women who are now far less likely to be charged with such crimes.”

42 *Id.* at 32. (“Prevention is an important element of *any* anti-trafficking program.”) (emphasis added).

43 *Id.* at 6. (citing to Uzbekistan as an example where the identification of male trafficking victims outnumbered women in 2009 due to increased attention and investigation).

44 See *Global Report*, *supra* note 10, at 69.

45 *Id.* at 36. See also *Id.* at 71 (“Countries without legislation criminalizing trafficking persons cannot be expected to return any convictions in this area.”).

46 Jones, *supra* note 24, at 1146.