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# Colombia's Veneer of Aid: Hidden Motives, Voiceless Victims, and the US Trafficking in Persons Report

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Running Head: COLOMBIA'S VENEER OF AID

Colombia's Veneer of Aid: Hidden Motives, Voiceless Victims, and the U.S. Trafficking  
in Persons Report

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San Francisco, California

November 20, 2018

Master of Arts in International Studies

**Colombia's Veneer of Aid: Hidden Motives, Voiceless Victims, and the U.S.  
Trafficking in Persons Report**

In Partial Fulfillment of the Requirements for the Degree

MASTER OF ARTS

In

INTERNATIONAL STUDIES

by

**Michael Middleton**

November 20, 2018

UNIVERSITY OF SAN FRANCISCO

Under the guidance and approval of the committee, and approval by all the members, this thesis project has been accepted in partial fulfillment of the requirements for the degree.

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ABSTRACT

This study analyzes the Trafficking in Persons report, an annual report from the United States State Department that ranks each country on its ability to meet “minimum standards” for combating human trafficking. Using Colombia as a case study, this paper heavily critiques the traditional human trafficking discourse by applying a transnational intersectional feminist framework to explore the context and development of human trafficking in Colombia. I will first look at the legal framework for anti-trafficking policy in Colombia with a policy analysis of the laws and legislation that arose after the ratification of the Palermo Protocol in 2000. The strengths and weaknesses of these policies will be looked at through the lens of activists and government workers in Colombia. Next I will analyze the trajectory of US international human trafficking policy by looking at the contestations that went into US domestic legislation, followed by a closer examination of the inception, function, and evolution of the Trafficking in Persons report. Finally, I will use a transnational intersectional feminist framework to critique the Trafficking in Persons report and cover key trends that correlate with wider global issues. Based on the data collected and building on a critical feminist perspective on the anti-trafficking discourse, this study argues that the Trafficking in Persons report is a cog in the traditional anti-trafficking discourse which uses the guise of aid to perpetuate global inequality.

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CHAPTER ONE

INTRODUCTION

**1.1 Background**

One of the main tourist attractions of the popular Colombian city of Cartagena is its majestic, crumbling walls, framing in the downtown area and acting as a silent protector of the city's past. The ancient ruins of Cartagena's old city signify the height of the Spanish Empire, in which Cartagena acted as a critical port city connecting the empire with the mainland. In 1984, Cartagena's ancient city was named a World Heritage Site from UNESCO, acknowledging the cultural relevance of the city.<sup>1</sup> But these ancient walls, so effective in repelling the bombardment of famed Englishman Sir Francis Drake so many years ago, belie the safety found behind them. In July 2018, authorities arrested fifteen Colombians and three Israelis for allegedly having run and organized an international sex trafficking ring in the Colombian coastal city (Moloney 2018). An extended sting operation from government agents revealed shockingly efficient levels of abuse headed by a shadowy figure known as "La Madame." In what is now the largest ever Colombian government operation against sex trafficking, a joint led US-Colombian operation targeted business, hotels, restaurants, and residences accused of being complicit in this sex trafficking ring (Immigration and Customs Enforcement 2018). The diverse range of perpetrators, consisting of a police officer, hotel owner, and former navy officer, demonstrated the sheer scope of the operation (Roberts, 2018). The 250 victims, some

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<sup>1</sup> For more information on the cultural significance of Cartagena's ancient city, as well as information about all UNESCO World Heritage Sites, see <https://whc.unesco.org/en/list/285>.

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ranging in age from 14-17 years old, were recruited from poor areas in the surrounding *barrios* of Cartagena. Tricked by recruiters offering exclusive modeling jobs, many of these girls were allegedly forced to have sex with foreign and Colombian clients in settings from hotel rooms to private yachts (“Las vueltas de la ‘Madame,’ 2018). The new regime was quick to release a press release following news of the story with newly elected president Iván Duque declaring: “We will not allow Cartagena to become a sexual tourism destination,” and vowing to end “human trafficking and the exploitation of women in our cities and tourist destinations” (“No permitiremos que Cartagena,” 2018).

The news sent shockwaves throughout Colombia, especially amongst NGOs and government officials involved in anti-trafficking. Colombia, while still dealing with myriad human rights issues related to its decades-long conflict, has moved far past its former label of “murder capital of the world.” This is best evidenced by simply walking through the bustling streets of Cartagena, where the increased level of safety has attracted droves of tourists to the Caribbean city to appreciate its natural and cultural beauty. Those same streets are also filled with poverty-stricken locals, left behind by the burgeoning tourist industry and desperate to make ends meet by selling basic wares to the many tourists.<sup>2</sup> At night, the streets change even more, as hundreds of prostitutes, some looking depressingly young, line the streets looking to find clients in the rich-pocketed foreign

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<sup>2</sup> For further information on the negative side effects of the tourism industry see for example: “Tourism and Development in the Global South: The Issues,” by Frances Brown and Derek Hall (2008). They claim that tourism can be harmful to local people in the developing world because it “(1) involves exploitation of the labour force because of its low wages, excessive hours or duties (eg in the case of cruise line employees), on the one hand, and often seasonal, temporary nature, on the other, and because in many developing countries there is a lack of possibilities for advancement to senior positions” and “(2) Foreign/outside control of the industry, which sees a high proportion of the economic benefits repatriated rather than remaining in the destination.”

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visitors. Prostitution is legal in Colombia in designated areas, with a popular plaza near a famous clock tower being a common site. It is this intersection of tourism, poverty, and prostitution where the 'La Madame' sex trafficking case lies and the government's reaction to it is indicative of its anti-trafficking policy in general. With a heavy focus in prosecutions and sanctions, a criminal justice approach has been the predominant anti-trafficking strategy in Colombia. In the 'La Madame' case, the government clearly is focused on putting the criminals behind bars. Duque could not be more clear as to his objectives: "The maximum penalties should be applied in order to stop this atrocity from happening again."<sup>3</sup>

If convicted, the 18 men and women caught up in this scandal will be put behind bars for a long time. However, this criminal justice approach to human trafficking will likely not stop sexual abuse from occurring in Cartagena. In fact, as tourism begins to expand in Colombia, there is potential for it only to increase. But as human trafficking continues to gain prominence as an international issue, more and more money is going into solving the phenomenon. The Colombian government, while still relatively underfunded, has nonetheless increased its budget for human trafficking and also continues to receive support from various United States departments as seen in the 'La Madame' case, where US Immigration and Customs Enforcement (ICE) led the joint operation. But even with expanded governmental efforts supported by increased funding, there is little evidence to suggest that anti-trafficking campaigns are reducing levels of abuse. And as Jyoti Sanghera (2011) states: "If all the energies and monies deployed to

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<sup>3</sup> Original Spanish: "Deben aplicarse las máximas penas posibles para evitar que estos hechos atroces vuelvan a ocurrir."

curb trafficking are not resulting in its reduction but, on the contrary, leading to an increase of it, then where are we going wrong?" (p. 4).

So "where are we going wrong?" Colombia has consistently been lauded for its commitment to fighting human trafficking. The United Nations Office on Drugs and Crime (hereinafter referred to as UNODC) branch in Colombia is held in high regards throughout the region and Colombia has consistently received the highest possible rank in the United States annual Trafficking in Persons (hereinafter referred to as TIP) Report since its inaugural report in 2001. And so if these two major international anti-trafficking entities, sustained by the traditional anti-trafficking discourse, hold Colombia in such high regard, perhaps the fault lies not in the execution of the policies but in the discourse itself. This study aims to critically analyze the traditional discourse using Colombia as a case study.

### **1.2 Motivation**

My motivation for this study lies in my personal experience working as an English teacher in Bangkok, Thailand for a period of three years. As an impressionable 22-year-old leaving the confines of the United States for the first time, I was greatly impacted by my surroundings. I remember my initial shock in how blatant the sex industry is throughout Bangkok: the flashy red light districts, the discrete seedier massage parlors, and the Western men who clearly saw Bangkok as their own personal playground. And naturally, this led me to perform additional research into the history and context of sex tourism in Bangkok. Eventually, I learned of the horrors of sex and human trafficking, and this led me to want to devote part of my academic life to researching the

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phenomenon. Before entering graduate school I was also able to travel to several other non-Western countries, including Colombia. This helped give me a more complete perspective of the global anti-trafficking movement.

I first came across the TIP when I was living in Thailand. I remember the outcry from Thai officials when in 2014 they were lowered to the Tier 2 Watch List because of increasing issues with forced labor conditions of migrant workers. Both the US and UN started enacting policies designed towards stopping human trafficking in the 20th century, with the US releasing its first annual TIP report in 2001. Interestingly, the US has taken the global lead in anti-trafficking which begs the question as to why the United States, notorious for its lack of approving international human rights protocols, has taken so much interest in human trafficking, especially sex trafficking. Could there be any hidden motives? This simple question was the basis for the formulation of my research questions. From this initial political aspect of the report my research plan began to take shape.

Upon further research, I found what seemed to be an anomaly in the TIP, which ranks each country on its perceived dedication to combating human trafficking. Colombia has been consistently ranked in the highest tier for nearly the entire existence of the report.<sup>4</sup> Knowing what I do of Colombia, I began to question the political undertones of the report itself. Furthermore, a deep political connection with the United States has persevered over the years, with Colombia historically receiving the most foreign aid from

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<sup>4</sup> In 2014, Colombia fell to Tier 2, where they stayed until 2016. This is the only instance in the history of the report where Colombia did not receive the highest level.

the US out of any country in Latin America.<sup>5</sup> A political connection with the report itself seemed likely, and I began to form my research question around this. Having spent time in Colombia in the previous year I felt comfortable and confident enough to pursue research in the country.

### **1.3 Research Question**

My initial research question seems naive when considering how far along I have come since then: to what extent is the United State's TIP a good indicator of a country's dedication to fighting human trafficking and to what extent is it used for political means and to project US power? It barely grazes the surface of anti-trafficking and fails to question the discourse that drives it. With further research and much-appreciated guidance from my academic advisor, I began to plot the different contestations of anti-trafficking and developed research questions that aimed to challenge these contestations. I will discuss these contestations in much more intimate detail in the literature review. As a result, I discovered three main perspectives for anti-trafficking and used one of them as a framework for my study. I finally narrowed down my main research question to be: To what extent is the US TIP report used as a political tool in order to advance neoliberal capitalist interests? I supplemented this main question with three additional research questions: 1) How should we make sense of the TIP in the light of a transnational and intersectional feminist approach to the anti-trafficking discourse?; 2) How has the TIP shaped anti-human trafficking policy in the Global South, as illustrated by the case of

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<sup>5</sup> Currently, only Haiti receives more US aid out of Western hemisphere countries. For more information, see <https://explorer.usaid.gov/cd/COL>.

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Colombia?; 3) How do countries such as Colombia react to the TIP, and to what extent are they complicit/resistant?

Using Colombia as a case study, I argue that the TIP is supportive of the traditional anti-trafficking discourse. The TIP is a cog in the machine of the traditional human trafficking discourse that plays a role in Western dominance over the developing world. I believe that the 2014 drop in ranking and the uproar/anger proves that there is something political going on behind the scenes. I do not think it is as nefarious as I originally believed; that is to say: I do not believe it is on purpose and that the writers of the TIP do have the best intentions. But knowingly or not, they are complicit in the perpetuation of western hegemony.

I have identified 5 main problems with anti-trafficking campaigns in the context of Colombia and I will cover these throughout the course of this study. They include: 1) a lack of attention given to the push factors of human trafficking; 2) a conflation of human trafficking with prostitution and migration; 3) a simplification of a complicated issue; 4) a lack of attention given to the victims' needs and desires; and 5) the use of quantifiable numbers to manipulate data. These will be the main focuses of the following research.

### **1.4 Contents Explanation**

In order to answer these research questions, I have divided my research into seven chapters. Chapter 2 will be the literature review. I will briefly discuss the trajectory of the anti-trafficking debate, followed by an analysis of the three main discourses surrounding human trafficking. The third of these discourses, which I have labeled the “white (wo)man’s burden,” will be used as the theoretical framework for this study and will be

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looked at more closely at the end of the chapter. This transnational intersectional framework heavily criticizes the global anti-trafficking discourses. Chapter 3 is the methods chapter and I will describe in vivid detail the research process that I took in performing this study. I will attempt to be as detailed as possible in order for future researchers to potentially replicate the study.

Chapter 4 will look at human trafficking in Colombia. I will analyze the international and domestic policies towards combating human trafficking and will cover the successes and failures of the government as seen through the lens of the people working on the ground. This chapter will combine archival research with personal interviews that I performed when I was in Colombia. In particular, I found that a criminal justice approach has persisted in Colombian anti-trafficking policy, with nearly every NGO activist who I interviewed expressing doubt as to the government's ability to provide victim protection. Chapter 5 will look in greater detail at the trajectory of the TIP, detailing the debates that went into the creation of the reports as well as its evolution from a simple document into the globally encompassing entity that it has become today. Chapter 6 will first explain in greater detail the anti-trafficking framework that I will use followed by a critical discourse analysis to uncover how the Trafficking in Person Report fits into this "white (wo)man's burden." Special attention will be given to sections regarding gender, race, and migration. This will be supplemented when applicable with quotes from personal interviews and I will end the section with a short discussion as to my positionality in the research process. It is my belief that no study can be exactly replicated and thus I will show how my own personal beliefs and physical appearance



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played a role in the interview process. Finally, Chapter 7 will conclude the research, bringing everything together and discussing how this specific study could be applied to a larger research project.

CHAPTER TWO

LITERATURE REVIEW

**2.1 Introduction/Background to Anti-Trafficking**

This literature review will cover the discourse surrounding anti-trafficking and international influence in shaping policy around the world. Before diving into the bulk of the literature review, I will give a brief history of the progression of important international protocols and reports. Anti-trafficking began with feminist groups in the 1970s, but did not gain extensive international attention until the 1990s, when both the United Nations and the United States made anti-trafficking a part of their global agenda. In 2000, the US released the Trafficking in Persons Prevention Act (TVPA), which defined its “three p’s” of anti-trafficking: prevention, protection, and prosecution.<sup>6</sup> This document would play a large role in formulating the strategies that the United States would use in the next two decades. A few short months later, the three Palermo protocols were adopted by the UN in 2000 and ratified by the majority of Western countries. The passing of these two important policies was a momentous series of events for the progression of anti-trafficking, as trafficking as a concept had been largely ignored by the greater international community up until that point. Article 3 of the protocol defines trafficking as:

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<sup>6</sup> In 2009 Hillary Clinton added a fourth “p”: partnership. Many scholars argue that this idea of “partnering” with organizations and businesses that have profited from capitalism is especially problematic as global capitalism is one of the root causes for men and women to find themselves in situations where they could be trafficked.

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(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.(United Nations, 2000)

In 2001, the US released the first of an annual series of Trafficking in Persons reports, which ranks each country as determined by its commitment to fighting human trafficking. In 2009, the UN began to release its own annual report: the Global Report on Human Trafficking. These various documents and protocols set guidelines for governmental adherence to anti-trafficking and detail the ways in which traffickers need

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to be punished, victims need to be rescued, and laws need to be pursued. The Bush-era United States pursued a human trafficking policy that was mainly focused on sex trafficking and the eradication of prostitution. In 2009, the Obama administration decided to expand on that definition, including a more contemporary version of human trafficking that included all forced labor in addition to sex trafficking.<sup>7</sup> However, a focus on eradicating sex work has persevered and is the main focus of US policy towards human trafficking (Gallagher 2011; Risley 2015). What is interesting to note is that the US has taken the global lead in anti-trafficking. This leads to a questioning of why the United States, a country with a dearth of adherence to international conventions, has taken the global lead on human trafficking.<sup>8</sup> Could there be any hidden interests?

What is human trafficking? It seems strange to ask the question but the fact remains that nearly every source has a slightly different take on what human trafficking actually is. The issue of forcing another to commit sexual acts, or “sex trafficking” has generally been agreed on as part of the broader human trafficking, but beyond that is a sea of confusion. Is all sex work considered human trafficking? Where is the line drawn? Where does one draw the line at for coerced labor? How long must one be forcibly coerced in order for it to signify human trafficking? It is clear that the wide array of differing definitions of human trafficking is highly problematic. Indeed, the terms “modern slavery,” “human trafficking,” and “forced labor” are used almost interchangeably (Chuang 2013). And by broadening human trafficking to cover most

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<sup>7</sup> Chapter 5 will cover the evolution of the TIP as well as the context in which it was initially formed in more intimate detail.

<sup>8</sup> See, for example, the map at <http://indicators.ohchr.org/>.

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injustices, many news sources define trafficking as some form of forced work through the threat of violence, thus resulting in the person losing their sense of individual agency. However, as noted by many scholars, this modern slavery most closely resembles the debt bondage system instituted in colonial times (Quirk 2007; Kempadoo 2017). During the Bush years, anti-trafficking policies tended to be strictly defined as anti-sex-trafficking, and since sex work is inherently tied to sex trafficking, many sex workers experienced abuse (Kim and Chang, 2007). Even amongst researchers the term human trafficking has multiple different meanings. Definitions such as “modern slavery,” “smuggling,” or “female sex slavery” are meant to incite and rally people into action. Musto refers to words such as “modern-day slavery” and “sex trafficking” as “ahistorical catchball(s)” and “elusive specter(s),” inciting people into action while giving little in terms of a specific definition (Musto, 2009).

I will focus mainly on sex trafficking in my research but will also touch on the entire umbrella term of human trafficking for the purposes of this literature review. This will be done in order to shed light on the contrasting definitions of human trafficking, which is important to understand amongst the myriad different interpretations from governments and activists of what constitutes human trafficking. The literature on human trafficking tends to fall into three perspectives. The first critiques the effectiveness of international policy, pointing out the many inadequacies of international documents but ultimately believing that they are important to combating trafficking and truly have the best interests at heart. These authors argue that anti-trafficking is far better with international protocols and work to increase the effectiveness of these protocols and

documents. This criminal justice approach largely relies on prosecutions as a means to halt the progression of human traffickers. The second perspective consists of new abolitionists, who associate sex work with human trafficking and tend to focus their efforts on eradicating sex work entirely. The “Swedish Model” of decriminalizing sex work while prosecuting the “johns” who solicit prostitution is held in high regard from this perspective. And the final perspective looks into the root causes of human and sex trafficking, investigating how understanding neoliberalism, capitalism, and imperialism are essential to understanding the discourse surrounding human trafficking. The authors in this perspective analyze sex trafficking in regards to migration, poverty, and the agency allowed to sex workers. Notably, this perspective also critiques the global policies and discourses on sex trafficking from transnational and intersectional feminist perspectives.

### **2.2 Perspective 1: Critiquing the Effectiveness of the International Protocol**

It is mostly accepted amongst scholars that there are limits to the international documents and policies such as the TIP, Trafficking Protocol, and the Trafficking Victims Prevention. One of the main problems with US and UN policies is a lack of agreement on what constitutes as human trafficking. Gallagher notes this in her research by critiquing the US divergence from international law by stressing that we need the TIP to conform to international protocols around human trafficking. For example, prostitution is seen as a branch of human trafficking under US policy, while it is given to the states to decide under the UN Protocol (Gallagher 2011). Gallagher herself, while highly critical of the TIP and the UN Protocol, accepts that while the policies are not perfect, without them the anti-trafficking fight would be much worse off (Gallagher 2011; Gallagher 2015).

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The NGO *Walk Free* has funded a website called the “Global Slavery Index,” a metric that claims to identify the number of “slaves” currently being forced to work in each country across the globe (Walk Free 2017). It is an example of the recent trend of using quantifiable data in anti-trafficking. Some scholars have used this data in order to formulate arguments surrounding the connection between prostitution and sex trafficking, for instance (Cho and Neumayer 2013). But many more have heavily criticized the approach using indicators. Because of the vast unknown amount of data that goes along with human trafficking, many have asked the simple question: how can we quantify unquantifiable data? (Gallagher 2014; Mcgrath and Mieres 2014; Gallagher 2017). Furthermore, much of the data gathered on these sites have been used by governments in their “interventions” and “rescues,” but studies have shown that these interventions are not working as well as they should (Davy 2016).

One of the main critiques of US international policy towards human trafficking is that it looks too closely at statistics and data over the real damage that is caused to human lives. Gallagher urges the US to look into the “collateral damage” that sex workers are occasionally forced to go through after indirect result from US international policy (Gallagher 2011). Throughout the course of the last 20 years, dramatic stories of police raids have spread throughout American media outlets, capturing the plight of the “Third World.” But afterwards, many aid groups have expressed their shock in finding out that the former sex workers run away from their newfound shelters (Soderlund 2005). In addition, as the focus is predominantly on saving the helpless victims through a series of “rescues,” scholars have noted that not much concern is given to the victims after they

have been “rescued.” Still stuck in situations of poverty, many end up being trafficked again.

While those who adhere to this perspective are correct in critiquing the effectiveness of international/US policy, this perspective fails to take into account the hidden motives behind these international policies. In short, does the US really care that its TIP is ineffective? What benefit would the US see in improving the quality of the report? Gallagher does understand that the reports are “political creatures,” but fails to dive deeper into this issue (Gallagher 2010, p. 392). A better question to be asked is how are these “political creatures” used to shape/coerce policy.

### **2.3 Perspective 2: New Abolitionists**

Upon the release of the TVPA in 2000, the US began to partner with bi-partisan organizations ranging from church groups to new age feminists on the left. The right evangelicals had taken up the issue of “sex slavery” in the mid-1990s, and quickly formed an alliance with feminist organizations such as Equality Now and Protection Project. Remarkably, in what many politicians have noted as being one of the most significant bipartisan cooperatives, liberal feminists and conservative evangelicals united to form a formidable political force (Bernstein 2007; Risley 2015; Soderlund 2005). Bernstein details this unlikely alliance of right and left, calling it “militarized humanitarianism meets carceral feminism” (Bernstein 2010). The main target for abolitionist feminists is to eradicate prostitution entirely. They rightfully point out that prostitution, in particular sex tourism, is a highly exploitative industry that takes advantage of (mostly) women throughout the world (Whisnant 2017). Furthermore, they



consider prostitution and trafficking to be inherently linked, and impossible to differentiate between each other. But what this line of thinking does not fully engage with is the question of what made these (mostly) women seek out sex work in the first place. What global inequalities make people so desperate that they are willing to sell their bodies to make a living? Eradicating prostitution would not eliminate these inequalities, rather it would force sex workers to go underground, where even more injustices occur. It is clear that a different lens is needed to see human trafficking, specifically sex trafficking, which many scholars have given.

### **2.4 Perspective 3: Critiquing the Anti-Trafficking Discourse: Neoliberalism, Migration, and Global Inequalities**

Many scholars have written about the connection between anti-trafficking discourse and neoliberalism/capitalism. The argument from these feminists is that international anti-trafficking discourse hides neoliberal, capitalist interests behind the promise to help those in need (Bernstein 2007; Bernstein 2010; Chuang 2013; Kempadoo 2015; Kempadoo 2016). In fighting against human trafficking, poverty is acknowledged as a primary reason for men and women to enter situations where they would be trafficked. But very few campaigns target poverty itself as a way to fight human trafficking. In its stead, a free market understanding of the global economy is interpreted, with each person responsible for their own wellbeing, with personal freedom being paramount. With this approach, it is not the system itself that needs to be fixed, but “deviants” and “bad men” who bear the brunt of the responsibility for human trafficking. The goal of anti-trafficking becomes to force these deviants to adhere to Western,

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capitalist hegemonic values. For example, the TIP report targets “bad” countries, the Polaris project targets “bad” US states, and the Coalition Against the Trafficking in Women targets “bad” men such as pimps (Kempadoo 2016). Global capitalism and unfettered neoliberalism, the root cause for much of global poverty, is left untouched by these campaigns. Bernstein notes the difference in that campaigns are “no longer framing the problem of human trafficking in terms of the broader dynamics of globalization, gendered labor, and migration, but rather as a humanitarian issue that global capitalists can help combat” (Bernstein 2007, p 141).

This capitalism commonly manifests itself in the form of wealthy philanthropists and famous celebrities who use their mass of wealth and fame to raise awareness to human trafficking. However, many have argued that these powerful benefactors, who may even have the best of intentions, actually cause more harm than good and help perpetuate a system that leaves potential victims mired in institutionalized poverty that forces them to look for alternative ways of upward mobility. One major new actor is the celebrity humanitarian (Haynes 2014; Kapoor 2013; Kempadoo 2015; Kempadoo 2016). Famous celebrities have trended towards using their fame in order to raise awareness for human trafficking. A recent example of this includes the campaign “Real Men Don’t Buy Girls,” which combines celebrity humanitarianism with anti-prostitution abolitionism in its attempt to fight human trafficking (by stopping prostitution). Ashton Kutcher, Demi Moore, and Lindsay Lohan are several big-name celebrities to begin campaigning against human trafficking.

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Another major actor is the wealthy philanthropist who uses his/her wealth to start an NGO devoted to combating human trafficking. Chuang refers to them as “philanthrocapitalists” because they tend to combine elements of both philanthropy and capitalism:

The slavery-as-structural-problem narrative has not been featured in the soundbite advocacy philanthrocapitalists have used to mobilize the masses and generate broad-based support for modern-day slavery abolitionism... These are, after all, the very structures that produced a system from which philanthrocapitalists amassed tremendous wealth (Chuang 2015, p. 1520).

Simply put, the philanthrocapitalist is part of the system that persecutes and, while he/she feels the need to express his/her guilt in some way, he/she does not want to reinvent the entire system. That would go against his/her capitalist mindset. And so the philanthrocapitalist helps in the only way he/she knows how: with money. Kempadoo refers to this as a reinvented form of Kipling's “white man’s burden”<sup>9</sup> to civilize the many civilizations of the Global South. This theory, aptly named the “white (wo)man’s burden” due to the significant amount of western women involved, suggests that it is the burden for white (wo)men to save the helpless victims of human trafficking, who of course have no agency in the matter (Kempadoo 2015; Kempadoo 2016). To put it simply, white people “tend to regard themselves as noble saviors on a mission to rescue millions of (mostly brown) people” (Rothschild 2011).

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<sup>9</sup> From Richard Kipling’s “The White Man’s Burden: The United States and the Philippine Islands.” The argument is that it is the West’s “burden” to civilize the “primitive” countries of the Global South, justifying colonialism and imperialism.

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Much of modern-day anti-trafficking campaigns revolve around powerful Orientalist<sup>10</sup> imagery in their discourses against trafficking. Commonly, the victims remain without agency in need of rescue. Women are regularly grouped with children as especially hopeless in need of a masculine savior (Soderlund 2005; Sanghera 2005; Hua and Nigorizawa 2010). Also common is the marking of the perpetrators of trafficking as the foreign Other. Commonly, the culture itself is attacked, with tropes such as the societal repression of women being evoked (Risley 2015). A common trend amongst anti-trafficking campaigns is to frame human trafficking with a simple heroes vs villains concept. The problem with this kind of framing is that it simplifies a complex problem, gives a sense of helplessness to the victims, and gives agency to the international businesses who help perpetuate the conditions that allow people to be trafficked. Furthermore, the binary “heroes vs villains” dynamic that portrays the West as the good rescuers and “evil bad men” as the villains allows for policymakers to Orientalize human trafficking. For instance, the state department releases an annual list of “heroes” in the TIP report, detailing the various ways in which men and women have fought against human trafficking, usually with a heavy emphasis in eradicating prostitution and the use of police raids methodology (Risley 2015; Kempadoo 2015; Chaung 2015). Some scholars argue that the United States’ policy towards human trafficking is used as a way

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<sup>10</sup> The term, “Orientalism,” refers to the seminal work, *Orientalism* (1978), written by the great Edward Said. Orientalism explores how romanticized and fictional stereotypes of non-Western cultures have been reinforced by Western literature and academia in a way that seeks to continue colonial power relations. The binary of West/progressive vs. East/backwards is a common trope in this framework. In the context of this research, human trafficking is often blamed on preconceived notions of foreign cultural difference (e.g. passive women, misogyny, women’s rights) which of course ignore the myriad push factors that make up the phenomenon as well as ignoring the fact that human/sex trafficking remains a problem in the West as well.

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to promote US dominance in the global sphere. Soderlund notes that the ranking of a country in the worst tier (Tier 3) has more to do with the United States' foreign policy goals than with the morality of rightfully judging a country based on its dedication to fighting human rights (Soderlund 2005, p. 75-77). By discursively analyzing the rhetoric from both the Bush and Obama presidencies, the anti-trafficking discourse is eerily similar to the war on terror discourse, using the trope of the "helpless victims" to mask the true intentions of the US government (Risley 2015).

Another common trend in NGOs during recent times has been to "rehabilitate" sex workers into becoming "productive members of society." NGOs throughout the developing world have focused efforts on helping sex workers develop other skills in order to get themselves out of the debilitating sex industry. However, are these ex-sex workers really better off post sex work? And furthermore, is rehabilitation even the real concern for these NGOs? Many have argued that the true concern lies elsewhere: in profits, media attention, and the status of a "First World rescuer." Elena Shih refers to this as the "victim-rehabilitation complex," where victims are former sex workers are "rescued," taught a low paying skill (e.g. making jewelry), and considered to be "saved." The NGO, in turn, takes the jewelry, markets it as made by a "trafficking victim" and sells it for an exuberantly higher price than what it was made at: "The focus of anti-trafficking NGOs on moral re-education, labor training, and selling their products does not favorably alter the long-term economic prospects of former sex workers" (Shih, 2014, p. 22). Unfettered capitalism rears its ugly head here again, with even NGOs failing to be immune from profiteering in human trafficking. It is no wonder that many "rescued" sex

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workers eventually end up back in the sex industry, “running from their rescuers” (Soderlund 2005; Risley 2015). Very few times are victims of sex trafficking given the agency to improve their lives, with many told what is best for them by various NGOs and government agencies. It is at times like this when sex workers choose to use the little agency they have by putting themselves in vulnerable situations, which is when many become trafficked.

Clearly, there are more issues in play than a simple causal relationship as implied by the modern abolitionists. The -isms (capitalism, neoliberalism, colonialism) have caused irreversible damage to the developing world and it is the poorest who have been affected the most. To simply ignore them is to ignore half of the story. In further analysis it is revealed that the global discourse on human trafficking is used to hide more nefarious political goals: US policy is used to perpetuate a global capitalist agenda that protects Western hegemony. Rather than helping those in need, the entire human trafficking campaigns result in reinforcing Western dominance over the developing world.

### **2.5 Summary**

There have been a plethora of studies on the ineffectiveness of the TIP, with authors such as Gallagher suggesting that some elements of the report need to change in order to better increase its effectiveness, but I aim to take it one step further: it is simply not in the United States' best interests to improve the effectiveness of the TIP. Capitalism, neoliberalism, and migration play major roles in contemporary campaigns against human trafficking. Kempadoo, Bernstein, Chuang, and others have vividly researched these

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trends in anti-trafficking policies, unmasking global inequalities based on social class, race, and gender within human rights discourse. Yet, there has not been much research as to how the TIP report itself fits into this framework. How exactly does the TIP shape policy in foreign countries? How do these countries react when pressured by the contents of the report itself? In short, where does the TIP report belong in the context of the framework set up by Kempadoo? Using Kempadoo's concept of the "white (wo)man's burden," I hypothesize that the US Trafficking in Persons report is an extension of this burden, using the anti-trafficking discourse in order to hide its true intentions: to perpetuate neoliberal, imperial interests behind the veneer of a dedication to help those in need. Colombia is the perfect case study: it has consistently received Tier 1 ranking in the TIP report, receives the most aid out of any Latin American country, and is generally considered to be the most neoliberal country in Latin America. All of this despite the fact that Colombia has notoriously been a place of human rights abuses for the history of the TIP report. My research carried out during the Summer of 2018 in Colombia aimed to test this hypothesis using an analysis the report itself combined with interviews from state and non-state actors.

CHAPTER THREE

METHODS

In this chapter, I will provide information as to the methodology used in conducting this research. I will first explain the setting of the project, explaining the significance of the particular location. I will continue by covering my research questions: how they were developed and how I chose to explore and engage with them. I will then explain my methodology, detailing why I chose the particular methods to answer my research questions. Next I will disclose the ways in which I chose the particular subjects to interview, and the ways in which I mapped out a plan to reach out to them. I will then cover the interview process I used, while detailing how and why I chose the particular interview questions that I did. The process I used before, during, and after the interview will be shown in detail. Throughout the chapter, I will show how the data is analyzed and synthesized in order to perform this research. I will attempt to be as thorough as possible while covering every detail of my research.

**3.1 Setting**

This is a qualitative research study that uses several different techniques in order to explore its research questions. This research project was designed while attending graduate level classes at the University of San Francisco and owes great influence to the knowledge learned throughout the International Studies program. During the first half of 2018, I started to conduct my initial research to narrow down my research question into something that could be pursued at a Masters level. During and outside classroom hours,



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I decided that I wanted to look into human trafficking, which held significance to me due to my time living in Thailand. It took a few weeks, but eventually I came across articles about the TIP. This immediately struck a nerve in me, as when I was living in Thailand, it made headlines when they were dropped in ranking as it meant less funding and possible sanctions. And so I began to peruse the various countries on the report, looking for an outlier or something to engage with intimately for the purposes of a research project.

While performing preliminary research for this broad topic I came across what seemed like an outlier: Colombia, a land notorious for conflict and violence over the past century, had continually received the highest possible ranking on this report, making it one of only a handful of non-Western countries to consistently be ranked so high. I knew from prior research that Colombia has had a very strong relationship with the United States over the past 20 years, receiving the most US aid out of all Latin American countries while also being the most neoliberal country in the region. My initial thoughts were that this report was entirely political and my first research questions were designed to test out the political nature of the report using Colombia as a case study.

I continued to research human trafficking and narrow down my thesis topic. Asking if something was political did not seem to be strong enough and I did not think it would provide a compelling study. Eventually, when beginning my literature review, I came across the different contestations of human trafficking. As covered in my literature review, I identified three critiques: 1) those who critique the effectiveness of international policy; 2) anti-prostitution abolitionists; 3) those who critique the contemporary anti-trafficking discourse. The third critique is what I have dubbed the “white (wo)men’s

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burden” viewpoint, and I eventually decided to build on this framework to address my research question. After much revision and discussions with my advisor, I developed what I believe to be strong research questions. In addition to collecting and analyzing the TIP reports and Colombian laws regarding human trafficking, it soon became apparent that I would need to perform first-hand interviews and I began to arrange plans to travel to Colombia for the summer of 2018.

I had recently spent six months in Colombia in 2017 and thusly I was comfortable with the country and knew what to expect when it came to visa requirements, safety, housing, and general travel issues. I had multiple friends and contacts in the area who would soon prove beneficial to the advancement of my research. Several of these contacts were crucial in my ability to identify and contact people available to interview for my research. I identified four major cities in Colombia where I could possibly set up a home base to conduct my research from: Bogotá, Medellín, Cartagena, and Cali. I eventually chose Medellín due to its central location and close vicinity to relevant state and non-state actors. However, due to the number of government officials located in the capital of Bogotá, a trip was made in the middle of the summer in order to conduct research with the government workers and activists living there. If I had more time, I would have travelled to Cartagena and Cali to perform interviews. Cali is the capital of the Valle de Cauca department of Colombia, which is one of the hotbeds of human trafficking while a massive sex trafficking ring was recently uncovered in Cartagena. Unfortunately, I was not given enough time to contact NGOs in the either of these areas, but an extension of

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this research would likely include making contact with organizations and government workers in both Cartagena and Cali.

Another reason as to why I chose Colombia to be my case study was the level of comfort that I have being there. In the previous year, I lived and studied Spanish in Bogotá and was able to travel around to different parts of the country, including Medellín. With prior experience in Colombia, I knew enough about the culture and social politics to safely and efficiently advance throughout my research. Therefore, the bulk of this research took place in Medellín, Colombia over the course of the summer of 2018. Ultimately, I spent two months performing research in Medellín and two weeks in Bogotá. Upon returning to California in September, I forwent living in San Francisco for personal reasons. The remaining research and writing predominantly took place in my hometown of Corona, California.

### **3.2 Research questions**

I have one general research question with three specific supplementary questions that I explored throughout the course of my field research. Evolved from the more general “What is the political connection of the Trafficking in Person report,” my research questions now examine the very nature and purpose of the report itself. The questions that I used to drive the bulk of my study are:

General Research Question:

- To what extent is the US Trafficking in Persons(TIP) report used as a political tool in order to advance Western interests?

Specific Research Questions:

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- How should we make sense of the TIP in the light of a transnational and intersectional feminist approach to the anti-trafficking discourse?
- How has the TIP shaped anti-human trafficking policy in the Global South, as illustrated by the case of Colombia?
- How do countries such as Colombia react to the TIP, and to what extent are they complicit/resistant?

The working hypothesis that I took into the research was as follows: using the “white (wo)man’s burden” framework set up by Kempadoo, I hypothesize that the US Trafficking in Persons report is used as an extension of this “burden,” using the anti-trafficking discourse in order to hide its true intentions: to perpetuate Western hegemonic interests behind the veneer of a dedication to helping those in need.

### 3.3 Research Design

In this section I will cover in detail the design that my research took.

Predominantly qualitative methods were used and conducted with two major research strategies. First, I performed archival research on international and domestic human trafficking policies in Colombia in order to provide a fuller picture as to the tools at the government's disposal in combating human trafficking. Further archival research was performed on the Trafficking in Persons report itself, with specific focus on the Colombia country profile. Once the reports were collected, a critical discourse analysis<sup>11</sup> was performed with specific focus given to power dynamics inherently linked within the reports themselves in regards to social class, race, and gender. While the previously

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<sup>11</sup> Critical discourse analyses aim to uncover power relations hidden within the subtext of discourse.

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identified third viewpoint has critiqued nearly every aspect of the global human trafficking campaigns, there has not previously been done an analysis of the report itself under the framework of the “white (wo)man’s burden” as set up by Kempadoo and others. The report itself was analyzed by looking at coercive, hegemonic elements that are inherently linked in the report itself. Under various lenses of sex, race, and class the report was analyzed for any hidden motives that could perpetuate Western interests. Ideally, this research hopes to show that the language used in the report reveals sexist, racist, classist motives used to uphold US hegemonic interests. As described earlier, Colombia is an excellent choice for a case study. Even though Colombia has improved from its unfortunate reputation as the murder capital of the world, the defense of human rights remains a major issue in the country. The conflict still continues and combined with the inflow of new migrants from the Venezuelan crisis, it could be safely assumed that human trafficking would be a problem. A thorough discursive analysis of the TIP looking at race, gender, and class combined with interviews from people on the ground in Colombia will allow me to answer these research questions.

There are now 18 editions of the TIP (2001-2018) which have varied throughout the years during three administrations. To begin my critical discourse analysis, I first downloaded and printed out each year of the Colombia narrative of the TIP from 2000-2017. When performing this research, the new edition of the report for 2018 came out, and so I downloaded and printed the updated version as well. Also important to note: my research included references to the introduction and general section of the TIP, but they were not used as intimately as the Colombia specific section. The reasoning for this

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was twofold: 1) due to time constraints I did not have the time to fully analyze multiple 300+ page reports; and 2) relevance: as the report is global much of the information is not relevant to my specific case study. The reports were analyzed through the framework set up by Kempadoo, which means I have carefully searched for use of gender, race, and anti-migration tied into the report itself. My discursive analysis aimed to uncover language that could potentially be used for coercive purposes and specifically analyzed the report under the lens of sex, race, and class. My first step was to underline or highlight every instance of gender coded words such as “female,” “he,” or “women.” I did the same for other words I deemed important, such as “victim,” “migrant,” “rescued,” and “police.” I then performed a more thorough analysis of key sections, color coding each relevant section with a differently colored highlighter. I arranged my findings into several themes, which I will discuss more thoroughly in Chapter 6.

### **3.4 Interviews**

While discovering coercive elements inherently linked into the report itself is crucial to the resolution of my research questions, it fails to give an entire picture of human trafficking in the region. Thus, further qualitative research strategies were essential to the success of the project. I chose to conduct interviews as I believed that they would give me the best means to accomplish my goal of discovering the general trajectory of human trafficking in Colombia.

I wanted to devote the majority of my time in Colombia to scheduling and performing interviews and so in order to be efficient, I began to map out potential interview subjects in May. I wanted to find both state and non-state actors for my

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interviews in order to ascertain a fuller picture of human trafficking from both those who make the policy and those who comment on it. This contrast between the two provides an unbiased opinion of the situation on the ground as each side tends to favor the government programs or victim assistance, respectively. My goal was to perform 10 interviews while in Colombia. This number seemed low at first but it soon became apparent that finding and conducting interviews would be harder than I initially thought. Before traveling to Colombia, I identified 14 organizations based out of Antioquia<sup>12</sup> and Bogotá who worked with the prevention of human trafficking and/or protection of its victims. I reached out to them via email soon after arriving, giving them contact information including my email, Whatsapp number, and Colombian phone number. From there, I used the snowballing method to find more organizations willing to talk to me. Out of the organizations, only six returned my correspondence and I was only able to conduct three interviews with NGO activists in Medellín.

For the public sector, I initially did not know who to contact in order to gain interviews. Fortunately, a former student of the MAIS program was very helpful in this regard. Verónica Henao, a Medellín native, had contacts throughout the government and was able to get me access to high level government officials. I am eternally grateful of her as I do not know if I would have been capable of finding these people without her. After initial interviews were made with these officials I used the snowballing method was used to initiate more interviews. This did not prove to be as helpful as I anticipated in garnering more interviews as many of the organizations that were recommended had

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<sup>12</sup>Medellín is the capital of the Antioquia department.

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already been contacted by myself. Nonetheless, I gained a few more contacts and interviews through snowballing. In particular, many of the NGOs recommended talking to a specific official who had a surfeit of knowledge about the formation and trajectory of the TIP. Luckily, I was able to contact and schedule an interview with this source and his/her knowledge was greatly appreciated. In total, I was able to gather six interviews in the public and private sector.

The interviews themselves took place in whichever location was most comfortable to the interviewee themselves. This mostly consisted of a backroom office, but I also performed several interviews in coffee shops as well. Three of the interviews were performed in Medellín while I took a flight to Bogotá for a period of 10 days in order to gain the other three. I had two interviews cancel on me and we were unfortunately unable to reschedule them in my time frame. I chose to establish a base in Medellín with plans to travel to Bogotá when interviews were arranged with NGOs and government workers in that area. The interviews themselves lasted between 40 and 80 minutes with the majority being no more than one hour. Generally speaking, the interviews with NGO activists tended to last longer with the governmental workers seeming to be on a stricter timeframe.

Because this research covers topics that are highly sensitive to certain people and potentially dangerous if entered into the wrong hands, the information gained through the interviews was securely locked in an online database upon its gathering. As soon as possible upon returning from my interview, I uploaded the audio file to my computer and then to a google drive folder protected by a password only known by me. For the



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purposes of this research, each of the sources will be referred to anonymously. Before traveling to Colombia, I went through the University of San Francisco Institutional Review Board approval process for human subjects and was approved in advance of my trip. In addition to IRB approval, I also gained travel approval to safely perform research in Colombia through the University of San Francisco

Also to note: four of the six interviews were performed in Spanish. I have translated the language into English myself unless I felt it necessary to keep something in its native language, where I will use italics to show this is the case (example: the use of *pueblo* to signify people living in the countryside). The painstaking process of translation (when applicable) and transcription was done as soon as possible in order to be able to decipher and synthesize the information quickly. As with the TIPs, I printed out each interview in order to more easily codify and synthesize the data uncovered from each source.

While I did take notes during the interviews themselves, I used a recorder application on my phone to make sure that no data was missed during the course of the interviews. This was especially helpful for the Spanish interviews, as occasionally a word would be beyond my grasp and I would be able to easily go back to it after the interview. Also, as the interviews were happening, I took notes as to what I noticed as the interviews were going on. This included specific ways in which the interviewees acted, their postures, and mannerisms. Furthermore, my own personal attitudes, feelings, sights, and sounds form parts of my observations as well. This type of reflexive and feminist research is used heavily in my study and I will devote a section in Chapter 6 to this topic.

### 3.5 Interview Structure and Format

Whereas the discourse analysis was looked at for coercive language inherently written into the report itself, the interviews were used to discover coercion observed by people with knowledge in the field. In order to accomplish this, I planned out my interview questions along selected themes. The interviews all covered the same basic structure around a series of questions, which is as follows:

- What is the general trajectory of human trafficking in Colombia?
- What is the government doing to combat human trafficking? Are their policies effective? What areas can be improved?
- What involvement does the US or other international organizations have in effecting policy change?
- Is the ranking of Colombia as Tier 1 on the TIP report accurate in your opinion?
- Do you find it ironic that the US, where human trafficking remains a problem, judges other countries on their effectiveness in combating the issue?

The interview questions were designed around a series of themes meant to elicit responses around my research questions. I standardized a series of questions for each of my interviews but allowed for flexibility to explore topics as I saw fit while conducting the interviews themselves. Furthermore, the interviews varied slightly depending on whomever I was talking to. For example: in the interviews with the government workers, I wanted to see what new programs and initiatives they were currently implementing and

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how well they felt they were addressing human trafficking and so I asked follow up questions aimed to explore more into this theme. For the NGO workers, who stressed the importance of victim protection, I probed more into questions about how they felt the victims could be better protected. These two slight variations during my interviews allowed me to gain more information around certain important topics that the different subjects are knowledgeable about. The complete list of my interview questions will be included in the appendix at the end of this paper.

The three phases of the interview: preparation, process, and reflection, are all equally important to the research process. I have already discussed the preparation, which was the painstaking process of planning. Likewise, the actual process of an interview was intimidating for a first time interviewer, but only improved with practice. The reflection phase is perhaps the most overlooked part of the interview. Not only did I reflect on the actual words said by my subject but also what they did not say. Therefore, it was crucial to write in my journal as soon as the interview was completed. Furthermore, I sent monthly reports to my advisor detailing basic thoughts, fears, accomplishments, ways to improve, and other things I noted as being important to my research. These reports were highly beneficial because they allowed me to focus my thoughts and explore other ideas that I had not thought of before. As a first time researcher, it was important to get out of my head and think in a different perspective. Reflection played a major role in my research and these monthly reports were some of my first opportunities to do so.

### **3.6 Data Analysis and Other Methods**

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The data uncovered from the interview and discourse analysis were coded into three chapters which will be covered later in this work. The three chapters are 1) trajectory of human trafficking in Colombia and government policies towards combating it; 2) history and evolution of the TIP report; 3) the use of the TIP in Colombia under the framework set up by Kempadoo and others in the human trafficking field. Using a synthesis of both the interviews and the reports, this research uncovers how the TIP specifically is used to exert control using language coded in gender, race, and migration.

It is my belief that nobody can be completely subjective when performing field research and that is noted here in this study with its use of feminist research methods. Strauss and Cobin (1990) note that many researchers come into their study with their own preconceived notions, “wearing blinders, composed of assumptions, experience, and immersion in the literature” (p. 75). During the interviews, personal observations of the interview process were written down as soon as possible upon the completion of the interview. Using primarily a constructivist ontology,<sup>13</sup> this research recognizes the fact that there will be dynamics between the interviewee and the interviewer (for example, white western male vs. Colombian, student vs. government worker, etc). What can these dynamics tell us about the research process? How could the findings change if the person conducting the research was someone different? I fully understand my place in the research process and the effect that I have on its trajectory. No further research project—no matter how closely they follow the methods i have provided in this chapter—would be able to exactly replicate my findings and I believe it is important to make a note of that.

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<sup>13</sup> The understanding that research is socially constructed rather than rationally observed.

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Another important aspect of this research is that personal reflection will be implemented into the research process. A personal notebook was written into everyday, detailing positive and negative things about that particular day regarding ways to improve my research, how the information gathered in a particular day agrees or coincides with my hypothesis, and other things. Personal reflection is a great way to unwind thoughts and unravel research that may be previously hidden and will be used throughout the course of this research. This will be detailed more in Chapter 6.

CHAPTER FOUR

COLOMBIAN ANTI-TRAFFICKING FRAMEWORK

Before diving into the bulk of my research, I believe it prudent to show how human trafficking has existed and evolved over the years, specifically in Colombia. This chapter will use a combination of my research from the field supplemented by library research in order to provide a better image of the laws in place to combat human trafficking in Colombia as well as how the people on the ground react and respond to the successes and benefits of these laws. This will include the inception and evolution of government policies against human trafficking, and the current state of human trafficking in Colombia. In particular, I will point out specific laws enacted by the Colombian government, their adherence to international law, and any trends noticed by the prominent activists and government workers who I interviewed. Following that, I will explore human trafficking in its current state, again using mainly personal interviews supplemented by articles when needed.

After conducting my research, I believe there is strong evidence showing that prosecution of criminals is favored over protection of the victims themselves. This is seen with the laws and policies in place and supplemented by the interviews with NGOs that I performed while in the field. As shown in my literature review, the third perspective heavily critiques the lack of agency given to victims of human trafficking. And with overreliance on big quantifiable numbers and prosecutions, victims have received little support. Lastly, I also included a section on the alarming new trend in Colombia: the rise

of a vocal group of new age abolitionists in Colombia, who aim to implement the controversial Swedish Model in governmental policies and work to conflate prostitution with sex trafficking.

### **4.1 Government Policies/Programs**

#### **4.1.1 Legal Framework**

In recent years, the Colombian government has issued several initiatives to combat human trafficking in the country. Colombia has the legal framework for human trafficking at both the domestic and international level. In 2004 Colombia ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, otherwise known as “The Palermo Protocol” or “The Protocol” (United Nations, 2000).<sup>14</sup> This signing of the Palermo Protocol obligated the Colombian government to work towards complying with international standards for human trafficking, adjust and ratify new bills in order combat human trafficking, and provide protection for victims of trafficking (Pardo, 2016, p. 2). Furthermore, The United Nations Office on Drugs and Crime, the UN branch which deals with human trafficking, has an established office in Bogotá and works diligently to assist the Colombian government while providing recommendations for improvement. I will cover the role of the UNODC in greater detail later on in this chapter.

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<sup>14</sup> Colombia ratified the treaty with the following reservation: “In accordance with article 15, paragraph 3, of the Protocol, Colombia declares that it does not consider itself bound by paragraph 2 of that article.” Details of the treaty can be found at: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&clang=\\_en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en#EndDec).

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Soon after the ratification of the international charter, the Colombian government passed its own national laws for human trafficking. The most prominent and encompassing of these is Law 985, which was passed by the National Congress in 2005. Law 985 gives a means to “adopt measures against human trafficking” while providing “rules for the care and protection of victims of trafficking.”<sup>15</sup> The most relevant part of this new law in regards to human trafficking was its amendment to Article 188A of Law 599 from 2000. This amendment worked to harmonize the definition of human trafficking under Colombian law with the definition under international law given by the Palermo Protocol (UNODC, 2008, p 100-111). Following the amendment, Article 188A now reads as:

One who captures, transports, accommodates or receives a person, within the national territory or towards another country, for purposes of exploitation, will incur a prison sentence of thirteen (13) to twenty-three (23) years and a fine of eight hundred (800) to one thousand five hundred (1,500) current minimum monthly legal salaries.

For the purposes of this article, by exploitation will be understood the obtainment of economic or any other type of benefit for oneself or others, through the exploitation of prostitution or other forms of sexual exploitation, forced work or service, slavery or practices similar to slavery, the exploitation of the begging of others, servile matrimony, the extraction of organs, sexual tourism or other forms of exploitation.

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<sup>15</sup> Original Spanish: “Por medio de la cual se adoptan medidas contra la trata de personas y normas para la atención y protección de las víctimas de la misma.”



The consent given by the victim to any form of exploitation defined in this article will not constitute a cause for exoneration from penal responsibility. (Ley 985, 2005)<sup>16</sup>

Also important to note is that the Interagency Anti-Trafficking Committee, a national committee composed of representatives from sixteen different national entities, was formed as a result of Law 985. This committee, which replaced the previous Interagency Committee against Trafficking in Women, Girls, and Boys, established cooperation between private and public actors in anti-trafficking policy (Pardo 2016). The other prominent piece of legislation addition to Law 985 is the Presidential Decree of 1069, which specifically aims to help victims of trafficking. This was put into effect in 2014 and “outlines benefits, procedures, and responsibilities related to the protection of trafficking victims” and defines short-term assistance as up to five days and medium-term assistance as up to six months (US State Department, 2015, p. 124).

### **4.1.2 Organization and Training**

Now that I have briefly covered the framework implemented by the Colombian government in regards to human trafficking, I will use this next section to detail how these policies look at the ground level. In order to do so, I will mostly use excerpts from the interviews that I performed when in Colombia, supplemented by hard data from

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<sup>16</sup> Original Spanish: “El que capte, traslade, acoja o reciba a una persona, dentro del territorio nacional o hacia el exterior, con fines de explotación, incurrirá en prisión de trece (13) a veintitrés (23) años y una multa de ochocientos (800) a mil quinientos (1.500) salarios mínimos legales mensuales vigentes. Para efectos de este artículo se entenderá por explotación el obtener provecho económico o cualquier otro beneficio para sí o para otra persona, mediante la explotación de la prostitución ajena u otras formas de explotación sexual, los trabajos o servicios forzados, la esclavitud o las prácticas análogas a la esclavitud, la servidumbre, la explotación de la mendicidad ajena, el matrimonio servil, la extracción de órganos, el turismo sexual u otras formas de explotación. El consentimiento dado por la víctima a cualquier forma de explotación definida en este artículo no constituirá causal de exoneración de la responsabilidad penal.”

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government sources and articles when needed. My goal with this section is to show how human trafficking—in particular the government's success/failures at implementing the aforementioned policies—is seen through the lens of activists and workers in the field.

A recent development in the government's policies towards human trafficking is the use of mock trials to help the officials better learn how to deal with human trafficking. In 2008, with support from the UNODC, training and then implementation began. One of my sources describes the methodology:

The first day is theoretical: so just presentations of the international legal framework and at the end of the first day we distribute a hypothetical case and we distribute roles. So “you will be the prosecutor, you the victim.” And then we take the participants to an airport or a bus terminal to make the scenario a real scenario so they have to make a detention of the trafficker and we record this training with a camera and then we go back to a hotel or a conference room to provide feedback or other ideas/information (Anonymous source 3, personal interview, August 4 2018).

These mock trials were introduced throughout the country and have even started to spread to other countries. Panama, Brazil, and Peru have started to implement this type of methodology into their policies. Due to the massive success in South America, this methodology of mock trials has even spread all the way to the Middle East, with the Jordanian government recently implementing it into their anti-trafficking regimen (UNODC 2018). However, although the mock trials have been widely seen as a success in the international sphere, not everyone is as enthusiastic as to its benefits. I spoke to

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representatives from prominent Colombian NGOs who expressed their concern that these mock trials do not do enough to help the victims and are more focused on prosecutions (Anonymous source 2, personal interview, August 4 2018; Anonymous source 5, personal interview, August 4 2018). This lack of attention to the victims of human trafficking is a common theme throughout my interviews and will be looked at more closely in Chapter 6.

One of the strategies birthed out of Law 985 was to form a more centrally coordinated front against human trafficking. Thus, the Interagency Committee for the Fight against Trafficking in Persons (ICFTP) was formed, combining 16 different entities. The ICFTP “created formal instructions for each agency in the committee to standardize reporting, identification of victims, and provision of rapid assistance” (US State Department, 2017). But while this committee was beneficial in bringing together many different agencies and thus different viewpoints and perspectives as to best handle human trafficking, it wasn't as effective in working with the local authorities in each of the municipalities. One of the major things that the Colombian government did to combat human trafficking recently was to attempt to bring the national strategy closer to the local level through a process of decentralization. This manifested itself in the form of a Ministry of the Interior-led plan in 2003 to support local committees dedicated to combat human trafficking in each of the 32 departments of Colombia. I was able to talk to someone with knowledge of this process: “There was a process of decentralization so that the public policy goes to the local level. We supported the Ministry of the Interior to create 32 local committees in each Colombian department” (Anonymous source 3,

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August 4 2018). With this more decentralized system, local anti-trafficking leaders are able to identify problems and coordinate a strategy in line with the national strategy. A high ranking member of the Antioquia department explained how his/her particular committee functions:

At this moment, in the department of Antioquia, it is a department that is made up of one hundred twenty-five municipalities, which are independent. We have to work and prioritize some of those municipalities because it is very difficult, let's say, the institutional and financial capacities are limited to serve the one hundred twenty-five municipalities. So, we prioritize some municipalities that are at higher risk of being, say, affected by the crime of human trafficking (Anonymous source 4, personal interview, June 19, 2018).

These committees have varying degrees of effectiveness, with some areas receiving more funding depending on the level of human trafficking in the area. NGOs in the area have remarked that many of the committees lack expertise and funding making training one of the main areas to improve (US State Department 2017; Anonymous source 2, personal interview, August 4 2018). But training has been improving. One of my sources remarked on how various occupations who could potentially have to deal with trafficking cases are being trained in how to act. Police officers, migration officials, and even airlines have received formal training as to how to detect and deter human trafficking (Anonymous source 3; Anonymous source 4). One company in particular—the popular South American airline Avianca—recently released a statement detailing how they train all their employees to observe and educate others about human trafficking (Avianca, 2018).

### 4.1.3 Public Awareness

As is the case in most human trafficking campaigns, one of the main strategies of the anti-trafficking campaign in Colombia has been to increase the public's awareness of the issue. "To educate is to prevent," a government worker told me, "education is everything" (Anonymous source 4). Furthermore, Caracol, one of the major television stations in Colombia, recently broadcasted a *telenovela* called *La Promesa* (The Promise) which details the heartbreaking journeys that many trafficking victims experience (UNODC 2013). This way, "human trafficking goes directly to the houses so people are able to understand what human trafficking is" (Anonymous source 3). Amongst the activist organizations, the international NGOs Fundacion Renacer and Women's Link Worldwide combined to create a comic strip called *Las Mariposas*, which is meant to expose children to the dangers of human trafficking through an easy medium (Anonymous source 3; "Las Mariposas" 2016). "It is necessary to prevent situations of exploitation through training, information and awareness so that more people in Colombia always know what human trafficking is," says Espacios de Mujer, a prominent NGO based out of Medellín.<sup>17</sup> In addition to providing training to men and women, they also developed an application called "Alert Adventure" that aims to "inform and sensitize" the population to the dangers of human trafficking (Anonymous source 1, personal interview, June 18, 2018; "Una ONG paisa crea una APP", 2016). One of my sources (Anonymous source 4) was adamant about the need to make this "invisible crime" visible and this is a clear goal of both the government and NGOs. To this

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<sup>17</sup> This can be found on their website at <http://www.espaciosdemujer.org/human-trafficking/>.

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statement, a campaign with alliances in the private and public sector called #EsoEsCuento has been started to raise awareness amongst the public about the issue of human trafficking.<sup>18</sup> This is seen in ad campaigns throughout airports and public places throughout the country. During my stay in Colombia, I noticed several billboards at the airport and in public areas in Medellín urging its citizens and travelers to be wary of the issue. One of my sources (Anonymous source 3) told me of upcoming plans to expand the campaign abroad and challenges in doing so: “#EsoEsCuento is not translatable in english... because we've had these discussions about how we can promote the campaign abroad but we can't translate this issue.” It indeed is a difficult phrase to translate into English as there is no literal translation. However, it loosely translates into “that’s enough.”

### 4.1.4 UNODC’s Role in CO and the region

The United Nations has a major role in Colombia. In fact, its UNODC (United Nations Office on Drugs and Crime) office in Colombia is the biggest of its kind in the entire world.<sup>19</sup> While most of the UNODC offices are home to somewhere between 15-25 people, the office in Colombia has over 720 people working in it, making it even larger than its home office in Vienna. Being so large, it has acted as a sort of home base for the other countries nearby. One of my sources (Anonymous source 3) referred to a kind of “hop” type system amongst South American countries, where members of each specific

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<sup>18</sup> More information, including a national hotline number to call for cases of human trafficking, can be found at: <https://www.esoescuento.com/>.

<sup>19</sup>Information regarding the UNODC Colombia mandate can be found at their website: <https://www.unodc.org/colombia/es/mandato.html>

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country would travel when needed to the other country. The UNODC works very closely with both the national and local authorities in developing a national strategy towards human trafficking, and this is seen with Colombia's adherence to following the guidelines set by the Palermo Protocol. In recent years, with a much greater focus on the local committees in fighting human trafficking, the UNODC has started to have a much greater presence in the territories. My source (Anonymous source 3) described his team's weekly agenda as "every week traveling with the committee in Medellín or Caldas, or Amazonas," lauding the local authorities for "doing more than the national." The UNODC in Colombia has been so successful in providing technical assistance that it has spread to other countries, with the UNODC officials in other Latin American countries calling their colleagues in Colombia for support in implementing mock trials or developing a national work plan. A common theme in my interviews was the laudatory work of the UNODC in Colombia. However, they are not without criticism. Again referring to the lack of victim protection, an activist (Anonymous source 2) told me "Even though they [The UNODC] work a lot with human rights, the approach is mostly about prosecutions. And one of the things that happens often in this issue is the fact that most efforts are on prosecuting traffickers but not enough attention on protecting the victims."

### **4.1.5 Observa LA Trata**

When I was doing initial research into which organizations to contact, I came across the website for the organization "Observa LA Trata (Observe Latin American Human Trafficking)." This organization is an "independent space of coordination

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between diverse actors in academia and civil society for the collective production of knowledge, dialogue, the formation of and social/political impact around the phenomena of trafficking persons and the irregular trafficking of migrants in Latin America and the Caribbean.”<sup>20</sup> Observa LA Trata is a collection of universities, NGOs, and national/regional/local networks throughout Latin America whose goal is to coordinate efforts to combat human trafficking in the region. Each year, they help organize a major conference to discuss human trafficking, with this year’s event taking place in Quito, Ecuador on November 7-9.<sup>21</sup> “In Colombia, we have a national chapter of Observa LA Trata which is very famous, very active,” one of my sources (Anonymous source 1) said, “we have 7 or 8 universities around the country doing research about human trafficking.” The work this organization does is beneficial in advancing scholarly research about human trafficking as before it there was not a collective initiative to support scholarly research about human trafficking in Latin America.

### 4.1.6 Victim Protection

Not surprisingly a huge source of contention was the issue of victim protection.

As is the case in the Western world, there is a continued focus on the number of prosecutions of traffickers over the assistance of the victims. Although Decree 1069/2014

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<sup>20</sup> From <http://observatrata.com/quienes-observamos/sobre-nosotros/>  
Original Spanish: un espacio independiente de articulación de diversos actores de la academia y la sociedad civil para la producción colectiva de conocimientos, el diálogo de saberes, la formación y la incidencia social y política en torno a los fenómenos de la Trata de personas y el Tráfico irregular de migrantes en América Latina y el Caribe.

<sup>21</sup> Information for this event and other upcoming events can be found [http://idehpucp.pucp.edu.pe/notas-de-prensa/convocatoria-abierta-vi-congreso-latinoamericano-y-caribeno-sobre-trata-y-traffic-de-migrantes/?utm\\_source=NOVEDADES+Instituto+de+Democracia+y+Derechos+Humanos+\(IDEHPUCP\)&utm\\_campaign=9e69311851-BOLETIN\\_MAILCHIMP&utm\\_medium=email&utm\\_term=0\\_f960e37a52-9e69311851-37412209](http://idehpucp.pucp.edu.pe/notas-de-prensa/convocatoria-abierta-vi-congreso-latinoamericano-y-caribeno-sobre-trata-y-traffic-de-migrantes/?utm_source=NOVEDADES+Instituto+de+Democracia+y+Derechos+Humanos+(IDEHPUCP)&utm_campaign=9e69311851-BOLETIN_MAILCHIMP&utm_medium=email&utm_term=0_f960e37a52-9e69311851-37412209).



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was installed in part to protect the victims, many NGOs have noticed that it has not been enough (US State Department, 2017). One source (Anonymous source 1) gave an example of the government failed to take into account the needs of the victims in saying that in order to gain assistance, the victims have to file a formal complaint against traffickers. which shows that the government is “putting first the prosecution instead of the victims because most victims cannot file a complaint because they are afraid; they have suffered threats from the traffickers.” Another of my sources (Anonymous Source 6) tells me that almost the entirety of victim protection work falls upon the NGOs to perform: “NGOs are the voices of the victims, because some victims give their faces and their voices to us. But we carry the voices of them because we take care of them, because we know them, because we know their needs, because we are the voices of the victims” (personal interview, July 17).

In fact, nearly all of my sources commented that victim protection was the area where the Colombian government could most improve on. The problem seems to be a lack of both effort and funding. “They don't have enough of a budget to actually provide assistance in a proper way so that makes them work really small spaces or in small things like prevention in a good looking campaign and that's it. But there's no deep effort to actually provide the proper protection to victims” (Anonymous Source 1). “If you search Google and look at what Colombia has done in human trafficking you would say, ‘wow,’ but in reality this isn't true,” a prominent activist (Anonymous source 5) told me. “Every year it's the same.” This falls in line with the use of quantifiable statistics (prosecutions)

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to mask deficiencies in other areas (victim protection). I will explore this idea of skewing quantifiable data in a favorable direction in Chapter 6.

### **4.1.7 Traffickers Learning and Adapting**

As is the case in countries throughout the world, traffickers have found ways to adapt around the strategies meant to protect them. All of my interviewees, both in the government and NGOs agreed with this point. As one told me: “In 20 years I think the most important thing that has happened is the fact that traffickers are way, way before us thinking of new strategies, changing their routes and that is hard because it means that we will never be able to entirely respond to it” (Anonymous source 1). Another, again relating to the importance of education, remarked about the ability social networks play in “trapping” victims: “Criminals don't need big structures or organizations to capture victims... Through networks, they capture many of their victims.” Education, especially amongst the lower educated, remains important so that the “criminals are punished” and “justice is strengthened” (Anonymous source 4).

## **4.2 Modern Day Context (2000-current)**

Human trafficking in Colombia has remained in the headlines in Colombia in recent years. Exacerbated by the economic crisis, floods of Venezuelan migrants have poured across the borders into neighboring Colombia. In this section, I will present a brief summary of human trafficking as it exists today.

### **4.2.1 Current Day**

According to the TIP report, “Colombia is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor in

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Colombia and in Asia, the Caribbean, Europe, Mexico, and Central and South America” (US State Department, 2017). Exact numbers vary from source to source, but 673 cases of human trafficking have been opened from 2013-2018 according to the Prosecutors Office (“Eso es Cuento”, 2018). The main thing to take note of here is that Colombia, traditionally a source state for human trafficking to Europe and Asia, has the unfortunate distinction of becoming a destination and transit country as well. This in large part is due to a combination of factors: 1) the decades-long internal conflict has begun stabilizing; 2) the crisis in Venezuela (Anonymous source 1). In regards to the first point, although several guerrilla and paramilitary groups still cause havoc throughout the country, the conditions are objectively much better than they were in the long drawn out conflict throughout the 20th and early 21st century. Internal trafficking still remains a problem, but the Prosecutor Office of Colombia is doing a better job identifying and preventing cases of trafficking from happening (Anonymous source 3). And to the latter, an estimated 870,000 Venezuelans<sup>22</sup> are thought to be currently residing in Colombia (US State Department, 2018). Many are poor and especially vulnerable to become trafficking victims. Colombia still remains a source state for traditional trafficking routes to Europe and Asia, with one of my sources (Anonymous source 1) cynically calling Colombia a “breeding ground.” The problem of internal trafficking remains an issue, with the traditional conflict zones still experiencing uncertainty which allows for them to be more easily coerced or forced in becoming trafficked.

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<sup>22</sup> Numbers from Migracion Colombia at: <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/julio-2018/7929-mas-de-870-mil-venezolanos-estan-radicados-en-colombia>.

#### 4.2.2 Crisis in Venezuela

While I was conducting research in Colombia this past summer, the major event that defined human trafficking in the region was the the ongoing Venezuelan crisis. I will briefly discuss my findings in relation to this issue. As seen with many of the Colombian policies towards human trafficking, a lack of victim support is also seen with the Venezuelan crisis. The Colombian government simply does not have either the means nor the legal framework to handle the myriad human rights issues that have come along with the migration.

One of the major issues today, of course, is the economic and political crisis that is going on in neighboring Venezuela. Millions of Venezuelans are fleeing the chaos across the border into Colombia and as a result are at the risk of becoming victims of human trafficking. Because many are forced to put themselves in dangerous situations, they are at a “high level of vulnerability” (Anonymous source 4). Colombia was simply not prepared for this extreme refugee crisis to occur within its borders. Throughout recent history, Colombia has been a country where more of its citizens fled from rather than to and so the recent disaster is a complete reverse of that trend. One of my sources voiced his/her concern with the state mechanisms for response:

The crisis made a lot of people come here to CO and we're not traditionally a country that receives migrant people. and you can tell and see from the legislation: we're not prepared to have this amount of migrant people; we do not have a good response system. Even for asylum, you can see that they don't even have a good or a proper system to provide it. The refugee branch of the United

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Nations are working hard to improve this response as there are a lot of really unprotected people who have vulnerabilities and the state is not responding well because they don't have the capacity to do it. We're sure that there's a lot of girls, teenagers, and women from Venezuela who are suffering from trafficking or minimum sexual exploitation. So that's one of the main challenges and I don't think we're prepared for it and there're a lot of measures—small measures—but it doesn't necessarily mean that we have a policy about it that's well-structured and with enough funding to respond appropriately (Anonymous source 2).

Clearly the Colombian government was not prepared for the crisis. This is even backed up by the most recent edition of the TIP report: “International organization and media sources reported the government struggled to identify and provide services to potential trafficking victims among Venezuelan migrants due to financial and personnel constraints” (US Department of State, 2018b, p. 142). Because many Venezuelans do not have the required documents, they have been forced to find work on the black market, which increases their vulnerability to become trafficked. One of my sources detailed the risk factors that many of the thousands of Venezuelans living in Bogotá face: “they live in squalor. They get paid not with money, but with lodging, with food, with clothing, with transportation. They work every day, do not have rest days, that they work in morning, afternoon and night (Anonymous source 5, personal interview, August 4, 2018). It is easy to see the connection between this and abuse, especially for sex workers. Many Venezuelans, without the ability to contribute to society, turn to sex work as a necessity. Thousands of these sex workers, even more vulnerable due to lack of legality in a foreign

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country, face daily and often violent abuse (Brennan 2018). But there have been signs of improvement with former President Santos giving each Venezuelan a two year extension to their visas. (“Santos firmó”, 2018). But this extension, while laudatory, does not address the human rights issues that the thousands of Venezuelans face every every day. The Venezuelan crisis has caused many problems for the Colombian government, and victim protection remains low on the list for getting resolved.

### **4.2.3 Conflation with Prostitution**

A final topic I would like to include in this chapter is the conflation of prostitution with sex trafficking. As discussed in my literature review, this viewpoint is held by new abolitionists who find the coercive elements conjoined with prostitution as being the main reason for the existence of human trafficking. Therefore, anti-trafficking campaigns under this viewpoint work towards ending prostitution (Whisnant 2017). This has traditionally been a staple in US global and domestic human trafficking policy with an additional conflation of “rescues” with “raids” being commonplace. And with Colombia’s continued high ranking on the TIP report, a safe assessment would be a correlation in their respective relationships to prostitution. However, while prostitution is largely illegal and reviled in the United States, prostitution in Colombia is legal as long as its constricted to “tolerance zones” (Colombia Constitutional Court, 2010). As with sex workers around the world, many have experienced abuse. According to a study from the NGO, “Parces,” 74% of prostitutes in Bogotá had experienced verbal abuse from police officers with 34% receiving physical abuse (Jáuregui, 2006). Again, there has been a consistent lack of

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victim support from the government, as many prostitutes remaining unaided with the police officers remaining in employment.

Unfortunately, this kind of abuse of sex workers is common around the world, even where prostitution is fully legal as in Colombia. And so it does not really correlate with governmental policies towards attacking prostitution. Through extended archival research, I failed to find any evidence of governmental conflation of prostitution with human trafficking. In fact, there have been measures in recent years to improve victim protection and further regulate prostitution. A recent attempt to criminalize prostitution was shot down in Congress (Jules, 2018). I asked my sources if they could expand on this and they generally confirmed what I found in my archival research. “[The Constitutional Court] had several cases where they decided that sex work should be regulated. The *abolicionistas*, they think it was a mistake. And for other side you have unions for sex workers and they feel that regulation is the best way to approach it” (Anonymous source 1, August 4 2018). Clearly there is a debate within the activist community in regards to the best way to approach it with sex workers wanting more protection and the opposing *abolicionistas* wanting to adopt the “Swedish Model” where the goal is not to punish sex workers themselves but “to create a type of sanctions for people who use the services” (Anonymous source 1). Another source (Anonymous Source 5), further adds to this increasing debate: “The *abolicionistas* focus is made up of the Swedish Model which indicates that basically all prostitution is a situation of trafficking: that it is gender violence, and the other side is the women of sex work who say that they voluntary do this occupation” (August 4 2018). Clearly, support for a policy more similar to the United

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States is gaining traction. Further adding to the potential increase in support for the *abolicionista* movement, the ambassador for human trafficking of Sweden attended conferences and gave presentations in Colombia in 2018 (Anonymous source 3, August 4 2018). With a new change in government in Colombia to a predominantly pro-US regime, a shift towards further conflation of prostitution with sex trafficking could become a new reality.

### 4.3 Conclusion

What initially brought me into this study was the question: “is Colombia deserved of their sterling reputation for anti-trafficking and should they be lauded throughout the region.” Of course, upon preliminary research, I expanded this simple question to dive deeper into the issue of human trafficking itself, but my hypothesis upon starting was essentially that the ranking was more political than deserved. However, upon research in the field and library, I believe that the ranking is generally deserved and they should be held in high regard in the area. As one of my sources (Anonymous source 6) said: “when you travel to other countries and realize that the other governments haven’t done much, you see that Colombia really has done a lot—although still not enough—to address the problem.” I think this quote says it all: in a world where human trafficking remains an invisible crime, Colombia has done exceptional in comparison to its neighbors.

Furthermore, you have to take into account who is giving the rating: The United States.

The flaws in the Colombia government’s campaign are the same flaws that we see domestically within the United States. The same issues—putting too much faith in prosecutions, not listening to the victims, and the over reliance on quantifiable numbers



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—are the same that domestic human trafficking campaigns face in the US. Furthermore, the conflation of prostitution with human trafficking, which is the current and historical US strategy towards trafficking, has seen an increase in recent years with multiple activists and government officials telling me of the recent rise of new abolitionist feminists in Colombia.

CHAPTER 5

INCEPTION, FUNCTION, AND EVOLUTION OF THE TRAFFICKING IN PERSONS  
REPORT

In this chapter, I would like to briefly cover the Trafficking in Person report itself. This chapter will largely draw on archival research and present a policy review of the TIP report with description of its impact through the lenses of my Colombian sources. I briefly touched on this in my literature review, but it is essential to understand the context in which the report was formed as well as its evolution throughout the years in order to better analyze it under my framework. Therefore, this chapter is divided into three parts. The first will expand on the context provided in the literature review surrounding the issues that went into the making of the TIP. In particular, it will cover the debates that existed in the United States before the formation of the TIP report. The second part will focus on how the TIP report functions, how the information is gathered and what mechanisms are allowed to it. The final section will explore how the TIP and US policy is seen on the ground using my case study of Colombia. I will also cover how the TIP report has evolved throughout its existence in relation to advances in anti-trafficking techniques. In terms of physical changes, the TIP was expanded in length and greatly broadened its focus. In terms of content, a general reliance on criminal justice and a conflation with prostitution have persevered throughout the existence of the TIP. Surprisingly and contrary to my initial hypothesis, most of my sources were generally favorable of the TIP

being a positive influence for effecting change in human trafficking policy in Colombia.

This chapter will cover these essential issues.

### **5.1 Inception**

As Anne Gallagher (2010) remarks, “The TIP Reports did not emerge in a legal or policy vacuum but form part of an established tradition of US congressional oversight of the actions of other countries in politically important areas” (p. 382). The Trafficking in Person Report was not the first of its kind to be released by the US government. In the 1970s, the United States State Department started to release an annual report about the state of human rights throughout the world, entitled the Human Rights Country Reports. The Narcotics Control Report began to be released in 1987 while the annual Religious Freedom Reports started in 1999. These reports were precursors for the TIP in that they rank each country based on certain criteria while allowing for a sanctioning mechanism if a country fails to meet the standards set by the report. The Narcotics Control Report requires a report on the extent to which each country or entity that received assistance under chapter 8 of Part I of the Foreign Assistance Act in the past two fiscal years has “met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances” (US Department of State, 2018a, p. 2). This clearly mirrors the TIP which holds up each country to “minimum standards.”<sup>23</sup> Furthermore, failure to adhere to the goals and objectives of the Narcotics Control Report can lead to sanctions, which is also a punishment potentially given by failure to reach the

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<sup>23</sup> The difference, of course, being the fact that the Narcotics Control Report holds other countries to the standard set by international law while the TIP uses the Victims of Trafficking and Violence Protection Act of 2000 as its “minimum standard.”

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minimum standards of the TIP. To continue with the similarities, even the criticisms of the report seem to mirror the TIP, with many analysts remarking on the political nature of the report and the general vagueness of the criteria it uses to judge other states (Friman 2010; Gallagher 2010).

As human trafficking reemerged as a contentious international issue during the 1990s, the definition of human trafficking and the strategies to be undertaken in combating it were debated both in Vienna and Washington. As discussed in my literature review, one side wanted to equate all forms of prostitution with human trafficking while the other side notes the economic factors that push someone into dangerous situations as being the impetus for human trafficking. At the 2000 UN meetings in Vienna, one faction led by the Coalition Against Trafficking in Women argued that any failure to distinguish between voluntary and involuntary prostitution in the international convention would be “morally unacceptable” (Coalition Against Trafficking in Women, 2001). On the other side of the debate were those wary that including all forms of prostitution would be more of a hindrance than a solution to the growing problem. Interestingly enough, the United States, led by “pro-prostitution” First Lady Hillary Clinton, led this committee amid heavy criticism from abolitionist groups domestically (Bennet and Colson, 2000). The US would somewhat shockingly continue its support, with the resulting legislation allowing for the issue to be decided on a case-by-case basis. Another aspect about the conferences in Vienna was the debate between a predominantly criminal justice and a human rights approach. Human rights activists stressed the importance of victims’ protection and support. However, as it was “concern over the crime and immigration

elements of trafficking that ultimately motivated governments to develop a new international legal framework,” little attention was given to human rights protection during the formation of the legislation (Chuang, 2006, p. 447). This lack of attention to victim protection has remained a major lacuna in anti-trafficking campaigns. In my interviews, nearly every NGO activist mentioned the need for the government to do more in this field.

### **5.2 Function**

These same debates over the issue of trafficking were happening simultaneously in the United States. Unfortunately, the resulting domestic legislation was much more hardline against prostitution than its international counterpart. While the Clinton administration was committed to international cooperation against human trafficking, the Republican-controlled Congress aimed for international compliance under threat of sanctions, with the United States acting as the “global sheriff” (Chuang, 2006). The Trafficking Victims Protection Act (hereafter TVPA), using Clinton’s “three p’s” as its guiding principles, defined the framework for the United States international and domestic human trafficking policy. Most importantly, it signified that the US would take the international lead on anti-trafficking. However, many have critiqued this leadership as mostly a unilateral global assault on prostitution itself (Berman 2006; Chuang 2006; Gallagher 2010). Most relevant to this research, the TVPA called for the formation of an annual report which would become the TIP.

The TIP report uses a three-tiered system to rank every country on its ability to meet the minimum standards set by the TVPA. The three-tiered system is as follows:

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(A) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments fully comply with such standards (Tier 1);

(B) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not yet fully comply with such standards but are making significant efforts to bring themselves into compliance (Tier 2); and

(C) a list of those countries, if any, to which the minimum standards for the elimination of trafficking are applicable and whose governments do not fully comply with such standards and are not making significant efforts to bring themselves into compliance (Tier 3) (TVPA, 2000, 110(b)).

In addition to these three tiers, a “Tier 2 watch list” is also included for those countries in the second tier where human trafficking numbers are increasing or there is a lack of evidence of governmental commitment to mitigating human trafficking in its country.

Again, this commitment is heavily reliant on reaching the minimum standards set by the TVPA. These minimum standards are defined in the TVPA as:

(1) The government should prohibit and punish acts of severe forms of trafficking in persons.

(2) For sex trafficking involving force, fraud, coercion, or in which the victim is a child, or of trafficking which involves rape, kidnapping or death, the government should prescribe punishment commensurate with that for grave crimes.

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(3) For the knowing commission of any act of a severe form of trafficking, the government should prescribe punishment that is stringent enough to deter and that reflects the heinous nature of the offense.

(4) The government should make serious and sustained efforts to eliminate severe forms of trafficking in persons (TVPA, 2000 108(a)).

Failure to adhere to these standards results in a drop in ranking for the respective country. Notably, a drop in rank to Tier 3 gives the United States the ability to apply sanctions to the target country if they fail to comply over a period of 90 days. The ability to apply sanctions was included in the legislation because the bill's sponsors believed that "efforts to prevent trafficking into the United States depended on *other* countries' efforts to stem trafficking across their borders" (Chuang, p. 452). This was prompted by the increasing cases of human trafficking within the borders of the US ,but interestingly enough, the United States was not included in the first TIP report and would not be until the 2010 edition.

### **5.3 Evolution and Critique**

The report has changed significantly since its beginning in 2001. In addition to structural changes such as length and detail, there have been several changes to the actual content of the report itself. Many of this correlates with new trends in the anti-trafficking campaigns over the course of the following two decades. In particular, I identified a greater use of quantifiable numbers, a focus on criminal justice over human rights, and a conflation with prostitution as major themes over the course of the TIP's existence.

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The first reports are substantially smaller than their later versions with a brief report given of a select few countries with reported problems with human trafficking.

From the TIP:

For each country, this determination depended upon whether or not it is “a country of origin, transit, or destination for a significant number of victims” of trafficking. In order to support a finding that a country has a “significant number” of trafficked victims, the Department required credible reporting that provided numbers of victims (US State Department, 2001).

The term “significant number” is important here, with early iterations of the TIP report defining significant as “only numbers in the hundreds or higher.” The first report consisted of 82 countries in total with 12 countries in Tier 1, 47 in Tier 2, and 23 in Tier 3. The entire report was a mere 105 pages with each country’s trafficking profile making up only a paragraph or two. By the end of the Bush administration, the number of countries included would increase to cover 170 countries with the entire report taking up a bulky 295 pages. In 2009, the “significant number” threshold was taken out of the report and replaced to include all countries of origin or destination for human trafficking. Finally, in 2010, the United States was included in the report for the first time, bringing the total number to 177 states. This self-assessment was thought to help “lend additional legitimacy to the reporting process” while at the same time being a response to the academic and critical criticism that had been consistently given against the report (Gallagher, p. 383). Also around this time, there was a noted shift of focus away from being solely about sex trafficking to include other forms of trafficking.



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One of the more positive outcomes from the expansion of the length of the TIP report is that it signifies the expanded level of research and consultation that went into the creation of the TIP. The TIP itself claims to consult NGOs and governmental officials in the creation of the report. To test this, I asked my sources questions around the formation of the TIP and the general effect of the presence of the US State Department in Colombia. The statement of intent from Secretary of State Michael R. Pompeo in the most recent TIP report seems to corroborate this evidence:

This year's report focuses on effective ways local communities can address human trafficking proactively and on how national governments can support and empower them. Local communities are the most affected by this abhorrent crime and are also the first line of defense against human trafficking. By engaging and training law enforcement, religious leaders, teachers, tribal elders, business executives, and communities, we become more vigilant and learn to identify and address vulnerabilities swiftly. Proactive community-driven measures strengthen our ability to protect our most vulnerable and weaken a criminal's ability to infiltrate, recruit, and exploit. I have experienced firsthand that individuals closest to a problem are often the best resource to solving it, which is why the Department prioritizes equipping and empowering frontline civil society leaders (US State Department, 2018, p. 4).

One of my sources (Anonymous Source 1) discussed this attempt by the United States to further integrate itself with the "front-line civil society" groups. In fact, he/she was on a first name basis with one of the members of the Department of State, telling me that "he

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informs us, sends us information about the topic of trafficking, tells us what is done. They invite us to the American Embassy to discuss the issue, tell the truth from the perspective of the civil society. And throughout the year they send us questions to see what we have uncovered” (June 18, 2018). A source close to the government (Anonymous source 6, personal interview, July 14, 2018) told me government entities such as the Migration Department work closely with the State Department to “pass and issue reports, send information, and share national reports” surrounding human trafficking, as “Colombia has always collaborated with the United States.” Lastly, international UN branches including the IOM (International Organization for Migration), UNODC, and UNICEF are involved in the reporting process and participate in yearly meetings around the issue (Anonymous source 3, personal interview, August 4, 2018).

A continuing trend in the TIP is its use of quantifiable statistics to back a largely criminal justice approach in its reporting. In each country profile, the number of prosecutions, investigations, arrests, trials, and sentences are detailed, with the numbers coming from the respective country. Indeed, in the most recent country profile for Colombia, numbers are extensively and vividly cited in every section of the profile.<sup>24</sup> But where exactly is this data coming from and how accurate is it? “Maybe the context is not the best part because maybe the information is not clear so they put some numbers. But the numbers are not harmonized with the national numbers: the Prosecutors Office has

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<sup>24</sup> For example: “In 2017, the attorney general’s office opened 164 cases (150 in 2016 and 135 in 2015), of which 73 cases yielded full investigations. Police arrested 30 suspects for trafficking or trafficking-related crimes (29 in 2016 and 40 in 2015). Authorities prosecuted 31 suspects for trafficking crimes (59 in 2016 and 31 in 2015) and convicted 21 of trafficking and trafficking-related crimes (25 in 2016 and 31 in 2015). The attorney general’s office reported investigating 1,872 trafficking-related crimes tied to illegal armed groups in 2017” (US Department of State, 2018b, p. 142).

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one number, the Ministry of the Interior has another” (Anonymous source 3, personal interview, August 4, 2018). A problem with human trafficking is that it is still a relatively new phenomenon that is nearly impossible to accurately quantify. As explained in the literature review chapter, different organizations sometimes have different definitions of human trafficking and different means for tracking it, which most likely results in these unharmonized numbers.

With a focus on this criminal justice approach, many times this results in a lack of focus on the human rights of the victims. For the entirety of the TIP's existence, there has been a section to the particular country's dedication to the “third ‘p’” of human trafficking: the protection of the victim. In Chapter 4, I explained how victim protection was by far the most referenced critique on the Colombian government's anti-trafficking policy and the reporting in the TIP confirms this with the “prosecution” section being the most critical of the Colombian government. The 2018 TIP report criticized the “delays in service delivery, lack of long-term victim assistance, lack of attention to vulnerable populations, and lack of formal procedures of systemic verification of quality of care” while the “absence of formal procedures for engagement with civil society resulted in uncoordinated and limited engagement by the government (US Department of State, p. 143). These concerns echo the concerns from the Colombian NGOs that I interviewed, which shows an increased commitment from the State Department to include civil society in the TIP.

Another important issue to explore is relating to the conflation of sex trafficking with prostitution: a classic approach from the United States that, as I showed in Chapter

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4, has started to become more popular in Colombia. One of my sources told me of the impact of the “abolitionist” United States who “cannot accept that it can be a job or that it is mainly a decision for vulnerable people” (Anonymous source 1, personal interview, June 18, 2018). As discussed in Chapter 4, a movement towards abolitionism has been steadily trending upwards in recent years. This could be due to greater US influence, but the TIP itself has started to become less staunchly anti-prostitution than its traditional roots. This shift in focus is written into each report itself starting in 2010 where a clearer definition was given in order to better fit the more contemporary definition of human trafficking: “prostitution by willing adults is not human trafficking regardless of whether it is legalized, decriminalized or criminalized” (US Department of State, 2010, p. 8). However, even the most recent TIP report includes “governmental efforts to reduce the demand for commercial sex acts and international sex tourism” as one of the ways in which states are assigned to their specific tier (US Department of State, 2018b, p. 39). This shows that while the US may have a more lax restriction on a state’s legality of prostitution, it still is confined to following the guidelines set up by the TVPA. Some of my field data backs this up. Another of my sources (Anonymous source 5) spoke to me of the requirements given to her before she was able to accept a job for an international organization backed by the US government:

“They always made me sign a clause that made sure that I was not linked to any prostitution issues and that I wouldn’t say anything along the lines of being in favor of prostitution because they had some interest in the subject... If you are a

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consultant with them, you do not have a position on prostitution. If you have one, you shut up” (personal interview, August 4, 2018).

Now, while this can be interpreted as an international organization not wanting its employees to back certain political positions, when the issue is as contentious as human trafficking, a decision to urge its potential employees not to disclose personal opinions becomes notable.

Lastly, I would like to touch on an issue that somewhat surprised me: all of my sources were generally favorable of the TIP as being a positive force in the anti-trafficking campaign in Colombia. My initial hypothesis was that the TIP was entirely a political tool used to coerce countries into capitulation. While the TIP most certainly is used for political means, my findings show that it is more helpful than harmful in my case study of Colombia. “[My organization] sees it as a tool... If you see it as a tool, it is good, but if you see the report from a political viewpoint you will get very many good things to come from it” (Anonymous source 3, personal interview, August 4, 2018). There is evidence to support that the report is actively used by the Colombian government to improve their policies: “It was a way to push the State by saying that they need to respond in a better way; you need to think of better policies and you need to think more about funding” (Anonymous source 2, personal interview, August 4, 2018).

### **5.4 Summary**

The TIP, born in the context of the feminist debate on prostitution in the late-1990s, has evolved into a much more encompassing report. From the simple small report of 2001, the TIP changed into a massive, sprawling report that aims to be the

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premier report on detailing the impact and context of global human trafficking. Clearly, it continues to have faults, including its continued conflation with prostitution and its overreliance on criminal justice over human rights. But the creators of the TIP have shown the ability to be adapted to global trends in human trafficking. Many of the NGOs and government official I spoke to talked of its usefulness as a tool to be used by their respective organizations in developing a plan to fight human trafficking. However, despite its positive attributes, the TIP remains a cog in the machine of the traditional anti-trafficking discourse. As Anne Gallagher (2010) excellently summarizes: “The Reports are political creatures, produced through a political process and serving specific political ends ... it is naïve to expect that country narratives will always be able to maintain an objective distance from the two sharp ends of US foreign relations policy (p. 12). To put simply: willingly or not it is still part of a system that uses the veneer of human rights to mask its true intentions of perpetuating global inequalities. The next chapter will explore the TIP report under the “white woman’s burden,” and will analyze the TIP under a gender, class, and racial context.

CHAPTER SIX

THE WHITE (WO)MAN'S BURDEN

In this chapter, I will use an intersectional transnational feminist framework formulated by Kempadoo and others to analyze the TIP using Colombia as a case study. In doing so, I will answer my main research questions: 1) to what extent is the TIP used as a political tool in order to advance neoliberal capitalist interests?; as well as my supplementary: 2) How can we make sense of the TIP in the light of the transnational intersectionality feminist framework that criticizes the anti-trafficking discourse? During the course of this chapter, I will show that the TIP is an extension of the “white (wo)man’s burden” by critically analyzing the language of the report. I will do this by looking for instances of sexism, classism, and anti-migratory rhetoric used to exert dominance over the developing world. The 2014 drop in ranking will be explored as well as this suggests political implications. My findings include several different themes derived from the framework: gender, migration control, victim agency, prostitution and its conflation with sex trafficking, the use of quantifiable numbers to distort information, and the political relation of the TIP.

I will begin this chapter by reviewing the framework from the third perspective identified in the literature review, which I will refer to as the “white woman’s burden.” Following this review, I will show how my research into the TIP builds upon this framework. First I will critically look at how gender dynamics play a role in anti-migration and anti-prostitution policies recommended by the TIP. Next I will look at

migration and prostitution and the ways in which they are conflated with human trafficking rhetoric. I will also examine the failure to take victims agency into account as well as critiquing the criminal justice approach that uses number to manipulate data. Finally, a look into the political implications will be taken to explore how the TIP is influenced. I will end the chapter with a brief discussion as to my positionality as a researcher. A critical discourse analysis complemented by personal interviews will be the main methodologies implemented throughout the chapter.

### **6.1 Review of the Framework**

The framework that I have chosen to use is what I call the “white (wo)man’s burden” framework. This phrase comes from the article “The Modern-Day White (Wo)Man’s Burden: Trends in Anti-Trafficking and Anti-Slavery Campaigns” from Kamala Kempadoo (2015). When performing my preliminary research on my topic, my academic advisor recommended that I look into the works of Kempadoo, a leading researcher in prostitution and human trafficking studies from York University in Toronto, Canada. This is how I came across this particular article and through it, the third perspective as identified in my literature review. I have personally dubbed this framework “white (wo)man’s burden” because it conveys the general context of the third perspective in an easily remembered homage to the classic “white man’s burden.” Kempadoo herself cites the 2011 article, “Human Trafficking: the White Hollywood Star’s Burden” from Nathalie Rothschild as inspiration for the term. To further advance my comprehension of the framework I read Kempadoo’s (2012) compilation book, *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*, which



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consists of articles from leading researchers in the developing world. This book turned out to be essential to understanding the framework, and each included work helped build upon my knowledge of the phenomenon of human trafficking—in particular, sex trafficking and its relation to prostitution.

But what exactly is the “white (wo)man’s burden” and why is this phrase so applicable to what it is signifying? As the crime of human trafficking has gained prominence in the last two decades, anti-trafficking discourse has grown along with it, with governments and NGOs basing their strategies around it. However, the traditional discourse has two main problems: 1) it has remained relatively unchanged throughout its existence with little critical, positive changes to the dominant narratives; and 2) it is predominantly composed of academics, activists, and politicians from the West writing and producing policy about the developing world. This has led a deepening of narratives that were birthed in the context of contestations such as anti-migration and anti-prostitution. Seeped in Orientalist and colonialist subtext, the predominant discourse sees it as a burden of the Western world to rescue the developing world from the phenomenon of human trafficking. Just as Kipling’s original “white man’s burden” was wrong to think that it was the fault of the “savages” for remaining uncivilized, its equally naive for those involved in anti-trafficking to fail to take into account global inequalities as push factors for human trafficking. Therefore, this new perspective aims to challenge the system “where white westerners—many feminists included—occupy most of the space in the debate and set the academic and political terms around which the debate takes place” where “the migrant woman sex worker becomes the ground for competing claims and

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theories, silenced by not only the master narratives but also the Western gaze” (Kempadoo, p. ix).

The “white (wo)man’s burden” framework holds a different definition of human trafficking, defining it “as the movement, trade, and exploitation of labor under conditions of coercion and force, analyzed from the lives, agency, and rights of women and men who are involved in a variety of activities in a transnationalized world” (Kempadoo, p. vii). This complete definition is important, because many times, poverty-stricken people living in the developing world are assigned labels that deprive them of both their voice and agency. For example, a voluntary sex worker or a migrant forced into debt bondage would many times not consider themselves to be “victims” of human trafficking but many times this label is placed on them regardless. While traditional human trafficking discourse would place the onus of blame on to specific ‘bad men,’ differences in culture, or lax trafficking policy, this perspective looks at a broader picture: taking into account global system of inequality for being the root cause of human trafficking.

Therefore, by viewing human trafficking through the lens of the traditional victim (e.g. migrant, sex worker), the “white (wo)man’s burden” perspective challenges the traditional discourse by placing the blame for human trafficking predominantly at the hands of Western-made global inequalities. More nefariously, this perspective asserts that a self-aware West uses traditional human rights discourse to sustain its own power, using human trafficking discourse as a shield in order to perpetuate control over the developing world through the veneer of human rights. This study aims to advance this perspective by

analyzing the Trafficking in Person report and its impact in Colombian anti-trafficking. How is the TIP report used to perpetuate these global inequalities?

## 6.2 Findings

I have organized my findings into several different themes: gender, migration control, victim agency, prostitution and its conflation with sex trafficking, the use of quantifiable numbers to distort information, and the political relation of the TIP. This chapter will predominantly be a critical discourse analysis of the TIP reports attempting to find subtext used by the report in order to perpetuate Western hegemony. As previously stated, I do not believe this is intentional and I do believe that the TIP has positive merits in anti-trafficking. Nonetheless, it is complicit in the “white (wo)man’s burden” and my findings show how detrimental it can be. The entirety of the TIP reports were analyzed, with further emphasis naturally going to the more recent reports. I supplemented this with my personal interviews that were performed in Colombia. In terms of political implications, I will also look closely at the years 2014-2015 as these were the only two years in which Colombia was not ranked Tier 1. Particular attention will be given to the reasoning behind the drop in ranking as ascertained by my interviews.

### 6.2.1 Gender

Human trafficking, especially sex trafficking, is a largely gendered phenomenon. Look no further than the official title of the Palermo Protocol (The Protocol to Prevent, Suppress, and Punish Trafficking in Person *Especially Women and Children*). Women make up the vast majority of sex workers worldwide, and thus are more affected by human trafficking policies, especially those which target prostitution. Although recent

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campaigns give expanded focus to including men in a more encompassing view of human trafficking, the issue is largely entrenched in gendered power dynamics relating to global inequalities. The disproportionate amount of women in human trafficking exemplifies these gendered global inequalities, where women are not able to fully engage in traditional institutions and thus seek alternate means, sometimes becoming trafficked in the process. In gendered terms, the woman plays the passive role of the victim with the man the actor playing the active dual-role of both hero and villain.

The earliest iterations of the TIP (2001-2003) began with slightly different versions of the same refrain in the Colombia country narrative: “Colombia is a source of women and children who are trafficked for sexual exploitation (US Department of State, 2002, p. 40). As the contemporary definition of human trafficking expanded, the use of “women and children” and “sexual exploitation” in the TIP was also expanded to include other forms of trafficking, including forced labor. However, the TIP retains its gender based perspective, often portraying things with an “us vs. them” binary, with the countries in the report playing the role of the feminine Other. As this “Othering” plays an important role in the conflation with migration, I will discuss it in more detail in section 6.2.2.

Even the word “source” can be interpreted with a gender lens. A source country implies passivity, with the destination nation being the dominant counterpart. A common stereotype from Orientalists is the shy, passive “Oriental” woman subservient to the Western man. This is common in Asian countries but can be applied to the rest of the developing world. A major part of US human trafficking policy is to solve its own

domestic problems with human trafficking by placing the blame on the source nations. Because of their passivity and inaction, these nations fail to sufficiently address the problem within their borders, which results in trafficking becoming a problem in the West. The gendered female source nation thus is unable to save herself from human trafficking, and is reliant on her male savior to rescue her, which the US is more than happy to do.

### **6.2.2 Conflation of Migration with Trafficking**

A recent trend in the increase of globalization is the increased movement of people across borders. The vast majority of this migratory flow is made up of migrants from developing world countries making their way into Western countries. Ratna Kapur (2011) claims that “this global movement of people has created a panic across borders—a panic which is manifesting itself in the strengthening of border controls, tightening of immigration laws, and casting of the ‘Other’ as a threat to the security of the nation-state” (p. 25). Rather than stemming migration, a strengthening of border control leads many migrants to pursue illegal, dangerous means to migrate, which many times leads to them being put into vulnerable scenarios. For example, studies have shown that the tightening of the Mexican-American border has failed to decrease migration, but only led to potential migrants seeking more dangerous routes by more dangerous means with more dangerous people (Marshall and Thatun, 2011, p. 49). Many people who end up becoming defined as trafficking victims could also be defined as a migrant in an unfortunate situation (e.g. forced work, sexual abuse, debt bondage, etc.). Human trafficking policies enacted around this conflation of migration with trafficking, therefore,

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act as a means to continue Western dominance by denying the “Other” their right to migrate.

The United States has traditionally been a large part of this global conflation of migration with human trafficking with its notorious assault on migration becoming even more prominent under the Trump administration. But where does the TIP fit under this framework? Working to advance US strategic interest abroad, the TIP works to stem migration under the guise of working to prevent human trafficking. 2003 was the first year where subsections dedicated to the “three p’s” of human trafficking were added. Specific mention of migration control is included in the TIP, conflating it with human trafficking: “Police and immigration officials, with the help of NGOs, closely monitor airports and have prevented dozens of Colombians from being trafficked by identifying would-be victims and educating them on the dangers that lay ahead” (US Department of State, p. 48). Typical of the TIP report, this prevention of people from becoming trafficking victims seems noble. But trafficking is such a mysterious phenomenon that most times a victim is not identified as such until they are in the desired country. From the point of view of the migrant, future victims place their trust in unsavory characters because borders are too stringent. In fact, there are many cases where the migrant plays along with their future abuser, trying desperately to enter the new country. It is not until he/she is safely across the border when the uneasy trust is broken between migrant and smuggler. The newest TIP provides more subtlety in its migrant control. This is due to an expanded definition of what constitutes human trafficking combined with an increase in the length of the TIP itself. In response to the Venezuelan migratory crisis, the TIP (2018)

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recommends that the government “improve efforts to screen and protect potential trafficking victims among incoming Venezuelan migrants” (US Department of State, p. 142). Chapter 4 described how the Colombian government was ill prepared for the Venezuelan migration and so recommendations urging better care for the migrants are necessary. However, any attempt to further screen incoming migrants is a means to control their migratory flow.

### **6.2.3 Victim's Agency**

Chapter 4 showed how many activists working in Colombia have criticized the Colombian government for its failure to fully protect its victims. We can trace a similar trajectory in the TIP report, with it traditionally failing to put much importance on the protection of victims. While a surprising amount of victim protection was encouraged in recommendations in the TIP (see section 6.2.7), there is little evidence to show that the migrants, sex workers, and other victims are able to exercise agency in their own lives. Too many times, they are spoken for, rather than allowed to speak. And indeed, nowhere in the recommendations of the TIP reports is there any mention of a need to improve communication with the victims of human trafficking. In explicit detail it cites the number of victims, repatriation attempts, and government policies towards victim reintegration but it does not include a means for trafficking victims to exercise their own agency. For example, in the most recent (2018) report:

The Interagency Committee for the Fight against Trafficking in Persons (ICFTP), which coordinated the efforts of 16 national entities, created formal instructions for each agency in the committee regarding reporting standardization,

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identification of victims, and provision of rapid assistance. NGOs acknowledged improved coordination, but criticized delays in service delivery, lack of long-term victim assistance, lack of attention to vulnerable populations, and lack of systematic verification of quality of care (US Department of State, p. 143).

From my first hand experience on the ground, I know that NGOs are attempting to bridge the gap between victims and the government, “We are the voice of the victims,” my source (Anonymous source 1) passionately told me. Often traumatically, victims are required to report their own trafficking violations and face their traffickers at trial, which results in many cases remaining out of court. By not allowing for victim’s agency, the content of the TIP betrays its intention of adhering to the traditional human trafficking discourse. That is, victims are meant to be seen but not heard.

### **6.2.4 Prostitution**

As described in my previous chapter, new abolitionists, who target the eradication of prostitution as the only means to end human trafficking, held much sway in the early formation of the TIP report. They (rightfully) believe that prostitution is an industry drenched in patriarchy and a vastly unequal balance of power. However, this perspective fails to see the entire picture: many, if not all, traditional institutions are stained with patriarchy and to stigmatize sex workers by taking the moral high ground is harmful to sex workers while not addressing the real issues that plague trafficking victims.

Therefore, effective human trafficking campaigns must “overcome the mainstream moral hypocrisy” we are born with “and to understand prostitution as one of the institutions within our contemporary patriarchal, socioeconomic system, next to, for example,



marriage” (Chew, 2011, p. 67). In short, prostitution is not the source of patriarchy but rather an effect of it.

Much detail was already given as to the United States’ traditional view on prostitution and, while they have grown more lax in face of a more modern definition of human trafficking in recent years, the TIP is still used as a tool for targeting prostitution. As stated in Chapter 5, the failure of a government to work towards ending legalized prostitution can result in a lowering of its tier on the TIP report. This has not been the case in Colombia, where it has remained the highest tier even through years of legalized prostitution. In fact, the only mention of prostitution in the most recent TIP is in saying that officials “sometimes charged traffickers with lesser crimes, such as induction into prostitution or pimping” (p. 142). This is a notable change from previous iterations of the report. For example the 2011 TIP conflates prostitution with trafficking, scolding the government for not identifying “trafficking victims among vulnerable populations such as displaced persons or women in prostitution” (US Department of State, p. 126). Often times in developing countries, this can have immeasurably negative effects, as corrupt, underpaid police forces can use translate their marching orders as a means to abuse the less fortunate, as seen in the previously cited study detailing over 70% of prostitutes in Bogotá reported abuse from police officers.

### **6.2.5 Quantifiable Numbers**

A criminal justice approach tends to rely heavily on quantifiable numbers in order to best determine where to send the funds. The problem with this is that the numbers can be manipulated in a way that ignores human rights abuses in other regions. “So you as a

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stakeholder or an international NGO, you know that you have to concentrate your activities in these places. But we cannot say that there is no human trafficking in other places. So numbers are very tricky” (Source 3). Tricky indeed, numbers can be used in order to lend authority to a data point. The problem is, human trafficking is not an easily defined phenomena, so numbers can be easily skewed in order to back policies.

Ironically, the TIP (2018) even admits that the improvement of “data collection and disaggregation, such as by fully implementing the national trafficking information system” is necessary while they are the same time using this same kind of quantifiable numbers in the TIP itself (p. 142).

The use of numbers to imply that positive work is being accomplished can be disingenuous. Kempadoo (2011) quotes Phil Marshall in her work:

So many projects ‘do things’ that don’t translate into a person being protected, a criminal being prosecuted or a victim being helped. I work in one country where a myriad of organizations, including several different US government agencies, continue to provide specialized anti-TIP training to a police force that lacks such basic foundations as recruitment policies, rotation policies, promotion policies, use of force guidelines, handcuffs, etc.—building on sand in other words (p. 250).

The TIP report takes the approach that quantifiable numbers are a cure-all for solving human trafficking, constantly referring to numbers of prosecutions or the amount of money spent on combating human trafficking. But without proper context, the numbers do not hold much significance. For example, in the 2017 TIP Report, it indicates that “the government appropriated 2.3 billion pesos for internal trafficking victims and earmarked

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222.8 million pesos to assist Colombian trafficking victims abroad. The government also disbursed 15.7 billion pesos to child victims of sexual violence” (US Department of State, p. 130). While the amount of money seems lofty throwing money at a problem will not solve it. To their credit, the TIP acknowledges that these programs remain underfunded, but it does not go into detail how the money is spent and if those in charge of dispersing the money are trained to do so. Are substantial efforts being done to increase victim protection or is it another example of “building on sand?” “Public officials are not even trained,” my source (Anonymous source 1) told me, “ they do not know what trafficking is.” And so while throwing large sums of money at the problem seems like a good idea, when built on sand the foundation will crumble.

### **6.2.6 Heroes vs. Villains**

A common trope of anti-trafficking campaigns is its simplifying of a complex issue into a simple “heroes vs. villains” dichotomy. As explained in the literature review, this dichotomy simplifies a complex issue by ignoring exterior push factors and turning human trafficking into an Orientalist cultural battleground. Take the Cartagena sex trafficking case covered in the introduction: the clear identification and glamorization of “La Madame” plays along with the easy narrative that there are ‘bad guys’ and ‘good guys’ in human trafficking, and only by stopping the ‘bad guys’ can we end human trafficking.

In addition to identifying clear villains of human trafficking, contemporary human trafficking campaigns have begun to identify heroes as well. While it is important to recognize those who are risking their lives in the fight against human trafficking, the

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heroes vs. villains dynamic simplifies what is a complex issue. The 2015 edition of the TIP report is significant for Colombia as one of the designated heroes was Betty Pedraza Lozano, from Medellín. It is a short profile which details what she and her organization do to combat human trafficking.

Since July 2003, Betty Pedraza Lozano has served as the founder and director of Corporación Espacios de Mujer, a Colombian NGO that provides victim services to adults, especially women, and children who suffer violence and abuse within the context of human trafficking and sexual exploitation. As director, she promotes and advocates for women's empowerment and victims' rights, as well as gender and human rights. She has worked with the Colombian government and international organizations to implement protocols for victim care.

A native of Medellín, Ms. Pedraza focuses much of her attention in the Antioquia department, where virginity auctions, sex tourism, and child pornography are rampant, and women and children are often exploited in prostitution in the mining and tourism sectors. She coordinated an anti-trafficking awareness campaign called "Porque se Trata de Ti," or "Because it's all about you," which provides educational information on prevention efforts, victim identification, and victim services. (US Department of State, 2015, p. 40).

While it is important to have heroes in human rights campaigns (and Betty certainly is a hero), the binary it implies with villains is unhealthy as it conflates what is a complicated topic and ignores many of the actual causes for human trafficking. Furthermore, notice the strong wording here, especially in the document describing that human trafficking in

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Antioquia as “rampant,” implying an uncontrolled atrocity that where the government is not attempting to even address it. Furthermore, by identifying human trafficking itself with a human adjective, other words associated with human trafficking can take on similar wordings. This chapter has already shown the problem with conflating human trafficking with prostitution and migration and thus by labeling human trafficking as a villain, they are in essence also labeling migration or prostitution as villains. Migrants and sex workers, already put into the most vulnerable positions, are further abused as their entire livelihoods are labelled as “villainous.” This is not to say that the Antioquia department does not deal with major human trafficking issues, but it would be just as true to say: “prostitution/migration/conflict is rampant” in this context. Something also interesting to note here is that 2015 was part of the two-year drop in ranking from Tier 1 to 2 for Colombia. Clearly there is something political about this inclusion in one of only a couple years where Colombia was not seen as an emblem to anti-trafficking in the region.

### **6.2.7 Political Aspect**

“There was a year that we were downgraded— just one year— and there was a big discussion. There were many political connections behind it and then the next year we went back up” (Anonymous source 3, personal interview, August 4, 2018). While I have previously shown that I believe the TIP has been a helpful tool for human trafficking organizations to use in Colombia, there is also evidence that shows there is a political dimension to the TIP report. I have briefly discussed it in other chapters, but I wanted to

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show how it works as a political beast in the context of Colombia. One of my sources described the process:

Actually it was really helpful when we went down because for us it was a way to push the State by saying that they need to respond in a better way. You need to think of better policies you need to think more about funding. But after we get back to Tier 1... Now it's useless because the state actually uses it to say they're doing great and that's not helpful for us at all because they aren't. For me it was a bit like deception for everyone because we had a lot of info about how bad things were but even though there is a new national strategy and even though there's new legislation around it, it's not good legislation. They actually think this is a accomplishment in just checking the boxes (Anonymous source 2, personal interview, August 4 2018).

This correlates with the “the building on sand” metaphor that I quoted earlier in this chapter. It seems as though no significant new legislation had been passed in a while, and so the United States withheld the pristine Tier 1 ranking ransom until any effort to create new legislation was taken, no matter how superfluous the method may be. However the TIP report (2014) notes that the Colombia government “is making significant efforts” to regain its Tier 1 status (US Department of State, p. 135). This seemed odd, and I wondered what significant efforts were lacking to cause the downgrade in just a years time. Surprisingly, lack of victim protection seems to be the main reasoning for the downgrade in ranking. This would make sense, as it was around this time where NGOs began to have much more of a say in the TIP reports (Anonymous source 1; Anonymous

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source 2; Anonymous source 5). The 2014 TIP report is much more critical of government inaction. In fact, both the 2013 and 2014 iterations recommend that the government put into action a victim assistance decree which was required by law since 2005 but remained pending. Additionally, “the government lacks the funds” was added to the 2014 version of the report, and continued to be used frequently (especially with victim protection policies) throughout the new editions of the reports (US Department of State, 2013-2018). This signifies heightened political influence from NGOs in the region, correlating with my source (Anonymous source 3) describing her pleasure in the demotion because it would force the government into action. However, all the joy was lost when Colombia regained Tier 1 status after a series of irrelevant policies, proving that the TIP is indeed a political monster. “How can Colombia be at a first level? If it still has many flaws to be able to complete and you can easily see that we are not perfect. How are we going to press the government to improve and go up to another level if we’re already at the highest level?” (Anonymous source 1).

### **6.3 Positionality and Feminist Research Methods**

Before closing this chapter, I would like to briefly touch upon my positionality in the research process. No one will be able to recreate my research exactly and so it is necessary to discuss my thoughts, feelings, and perception as I went along with the interview process. As the interviews were proceeding, I took notes attempting to be as thorough as possible in writing down the entire interview process.

When reviewing my notes for this research, I noticed several trends amongst the general reaction from the interviews. Firstly, the activists tended to be more flexible when

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answering their questions. That is to say, I did not have to work as hard in teasing out information as they were more than happy to give me intricate details as to the trajectory of human trafficking in the region. The interviews tended to be less structured as it was easy to ask follow-up questions in response to my questions. From my field notes: “[He/She] was very passionate. Maybe even wanted to impress me. [He/She] showed me around the office and was super excited about it” (personal field notes, June 18 2018). On the contrary, my interviews with the government workers were almost the polar opposite. The interviews themselves were much shorter with much less flexibility. It seemed as though they had a set script that they could not diverge from and when I tried, would only give me curt answers. From my field notes: “[He/She] is a lot more comfortable. Seems to only want to talk about certain things. Tone seems a bit rude even” (personal field notes, June 19, 2018). It allowed for a unique collection of data in the end, with not only different opinions but different expressions of these opinions as well.

In addition, I also took notes as to how I perceived my own positionality in the interview process. As a first time researcher, I felt awkward and uneasy many times during the interview process. Every stutter, mispronunciation of Spanish, or accidental interruption seemed to be magnified, especially in the initial interviews. A more advanced researcher would surely be able to ascertain information in a more efficient manner. I noted my mannerisms in notebook during and after the interview, and worked to improve my interviewing ability. In addition to being a first time researcher, I was also positioned as a Western white male interviewing Colombian men and women in their home country.



This almost certainly influenced the responses of my sources. Again, if the interviews were replicated with a Colombian or a female researcher, the results would likely change.

### **6.4 Summary**

Without critical analysis, Colombia seems to be a model nation in the fight against global human trafficking. It meets international standards required from the Palermo Protocol and has continually reached the highest possible ranking in the US TIP report. But a closer look at Colombia's human trafficking policy shows that flaws are abundant. Activists on the ground are skeptical of Colombia's high standing in anti-trafficking while pointing out the many deficiencies that remain with Colombian anti-trafficking framework and execution. However, I argue that the flaw is not solely with Colombian human trafficking policy but with the entire system. Using the "white (wo)man's burden" framework exposes a dysfunctional international anti-trafficking policy with the TIP standing in the forefront. The TIP has existed for almost 20 years now and for the majority of its existence, it has acted as the strong hand of US international human trafficking policy around the globe. While it can be used as an important tool in order to briefly understand the context of human trafficking in a given region, it carries with it the same flaws that plague the traditional anti-trafficking discourse of the international world.

CHAPTER SEVEN

DISCUSSION AND CONCLUDING REMARKS

**7.1 Further Discussion**

In this final chapter, I want to bring the discussion of the TIP and its effect on anti-trafficking campaigns to a global level and add to the research described in my literature review. How is the TIP a means to perpetuate Western power in the developing world? By using the “white (wo)man’s” burden framework it becomes clear: backed by the recommendations of the TIP report, the goal of campaigns becomes more a means to display lofty numbers than a way to actual help those in need. With these same sources reporting that global human trafficking numbers are only increasing, clearly this strategy isn’t working. To refer back to the introduction: “where did we go wrong?”

The literature review identified the major contestations in the global discourse on human trafficking. They consist of a criminal justice approach, an anti-prostitution approach, and of course what I have dubbed the “white (wo)man’s burden” approach, which is a critical rebuke of the first two. Main problems identified with these traditional narratives are: 1) a lack of attention given to the push factors of human trafficking; 2) a conflation of human trafficking with prostitution and migration; 3) a simplification of a complicated issue; 4) a lack of attention given to the victims’ needs and desires; and 5) the use of quantifiable numbers to manipulate data. The result of these factors is a deficiency in human trafficking campaigns where victims continue to be victims and rescuers remain rescuers while Western hegemony remains intact under the guise of aid.

Using the framework set by the “white (wo)man’s burden,” this research shows the role the TIP report plays in the deficiencies of global anti-trafficking campaigns. This chapter will explore how my findings fit into the larger body of anti-trafficking literature by looking into the identified problems with the traditional discourse.

### **7.1.1 Ignoring Push Factors**

The most significant problem that I identified in both the criminal justice and anti-prostitution approaches are their failure to account for extraneous push factors that lead people into becoming trafficking victims. Kempadoo, Bernstein, and Chuang go into great detail the effect “unfettered capitalism” has in global inequality around the world.<sup>25</sup> And it is because of their role in causing human trafficking that global anti-trafficking discourse typically ignores the push factors because further investigation would reveal capitalism and globalism as major factors for human trafficking. Western global hegemony is largely built upon this inequality and any assault on the status quo would not be in the interest of policy makers in the West. Therefore, traditional campaigns fail to target the root cause of human trafficking and generally do not result in positive change.

My findings correlate with this failure to recognize the push factors behind human trafficking. In Colombia, wealth disparity remains a main issue in national politics and the recent Venezuelan migratory crisis has only increased inequality, with migrants being the most vulnerable to potentially being placed in vulnerable situations such as trafficking. The TIP fails to identify poverty as a major factor in human trafficking in

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<sup>25</sup> For more information on “push factors,” as well as any other mentions in this chapter of the third perspective, please refer back to the literature review.

Colombia. In fact, the only mention of poverty in the newest edition of the TIP is a recommendation to be vigilant of potential child abuse “within informal sector activities, such as street vending” (US Department of State, 2018, p. 142). Ironically, poverty is identified a place for human trafficking to occur but not as a reason for its occurrence.

### **7.1.2 Conflation with Migration and Prostitution**

The Venezuelan crisis correlates with another of the major push factors described by the third perspective: migration. Global human trafficking campaigns knowingly or unknowingly target migration as a means to preventing human trafficking. Oftentimes, trafficking campaigns will boast of better training for officials and tightening of borders as effective methods in their campaigns. This was no different in my own personal research as every government official I interviewed praised the increased training of border officials as one of the most significant deterrents against trafficking. While these sort of measures certainly do save a large number of people from becoming abused, it is harmful in that it fails to consider why migratory flows are occurring. Many potential trafficking victims actively work with their future abusers in order to pass through immigration before abuse happens. A better question than “how can we save trafficking victims” would be “why are they migrating in the first place?” Why are they putting themselves into vulnerable situations where trafficking may occur? Traditional trafficking discourse lacks these fundamental questions and the TIP is no exception.

While the TIP has evolved past its anti-prostitution roots as the understanding of human trafficking developed over the past twenty years, it still holds on to some of these biases. And as shown by recent debates domestically in the United States, the new

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abolitionists still retain significant influence over human trafficking legislation. Earlier this year, Trump signed into law a new bill aimed to “end sex trafficking” (Jackman, 2018). The Allow States to Fight Online Sex Trafficking Act (hereafter referred to as FOSTA) aims to eradicate the use of websites such as Backpage.com that allegedly are used for online human trafficking. It was shockingly backed almost unanimously by Congress in a 97-2 landslide vote, almost unheard of with the current political divide in the United States,. However, activists claimed that it was an assault on sex workers themselves. Sex workers were massively opposed to the bill, claiming that the passing of FOSTA made their lives even more unsafe as they were now unable to perform background checks on potential clients which pushed sex work further underground where abuse is far more prevalent. It is easy to see the underpinnings of this bill: new abolitionists using their political power to use perceived moral outrage as a means to pass legislation without convening with those who are most affected by the legislation. Clearly, while the TIP has trended away from a blatant anti-prostitution approach, it still remains, and may even be growing stronger in the Trump administration.

Colombia is an interesting case because it has continued to hold Tier 1 status on the report in spite of legalized prostitution. On paper, this would seem to be a success story for those in favor of sex workers' agency. However, conflation with prostitution is seen in the increased violence against prostitutes by the police force. And although it is not explicitly stated in the TIP that prostitution needs to be targeted, there is no explicit detail of a need to protect their human rights. And furthermore, the alarming new trend of

new abolitionists gaining political influence in congressional hearings could potentially be correlated to US influence.

### **7.1.3 Simplification of a Complex Issue**

The recommendations in the TIP report also fall into the same trap that many global campaigns fall into by attempting to explain human trafficking in an easy to follow narrative. As I have stated many times in this paper, human trafficking as an umbrella term is incredibly difficult to define. Organizations have different ways of calculating it and many times it is difficult to determine at which specific point a person has become a trafficking victim. Yet the TIP report continues to use simple narratives in its recommendations, which can be harmful to people its meant to protect. This is most relevant in the “heroes vs. villains” dichotomy that I explored earlier. While traffickers such as the notorious ‘La Madame’ should be vilified and held accountable for the awful crimes they have committed, this simplification of a complex issue makes it easy to look past the myriad issues that go into human trafficking. With this kind of mindset, anti-trafficking becomes a noble crusade of us vs. them, good vs. evil, heroes vs. villains.

In addition, this simplification has an even worse effect as Orientalists are able to cite cases of human trafficking in developing world countries and blame the respective state’s cultural beliefs for human trafficking. With an entire culture under attack, it becomes easy for (white) Westerners to make that case that they need to save the feminized “third world” country from themselves. This “burden” they hold rationalizes a white savior complex, where Western saviors are able to rescue poor, voiceless, victims from themselves. The TIP perpetuates this binary with its “Heroes of Human Trafficking”

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subsection. Although activists should be recognized for their work, this kind of simplification implies that only by supporting the “good guys” will we stop human trafficking. This kind of oversimplification is part of “what we’re doing wrong” in global campaigns and it is supported by the TIP.

### **7.1.4 Lack of Victim Protection**

My key findings shed light on a consistent failure to take into account the wellbeing of the people they were meant to protect. This was a common finding from all of my interviews with activists on the ground in Colombia. Even through years of governmental policies, they still failed to take into account the people they were meant to protect. This correlates with the trend in global anti-trafficking policies with many countries failing to protect their victims. Furthermore, beyond lack of victim protection lies an alarming lack of victim agency as well, where victims are spoken for, have policies produced for them, but don’t have any say in the matter. This is seen most prominently with sex workers but all human trafficking victims are seemingly unable to voice their opinions about their own wellbeing. The words of my passionate source saying: “We are their voice” still rings true in my ears (Anonymous Source 1). The TIP, with its continued focus high profile governmental policies, needs to change its course and begin learning from the victims it is claiming to protect. It sounds like such an easy solution: to simply listen to the voices of those who you claim to protect. Yet, human trafficking campaigns consistently fail to do so.

### **7.1.5 Quantifiable Numbers**

Lastly, the TIP's increased attachment to a criminal justice approach in its recommendations fails to advance the poverty stricken people who end up becoming human trafficking victims. The main problem with criminal justice approaches is their ability to hide behind numbers that use their perceived authenticity to divert attention away from some sort of deficiency. For example, global NGOs such as the Walk Free Foundation put out reports trying to quantify human trafficking in a way to either evoke moral outrage from the global community or to influence policy from governments. However, as human trafficking is an impossible metric to quantify, much of this data becomes meaningless. The TIP is no different in its heavy reliance on numbers throughout the report, even as it admits to a need to increase data collection. As the numbers on human trafficking increase while at the same time funding behind anti-trafficking campaigns also increases, clearly there is something wrong with how the data is being manipulated. A better understanding of data collection is needed to improve the capability of anti-trafficking campaigns.

### **7.2 Limitations**

There are several limitations to this study. The first has to do with the length of the research. I was only able to spend three months in Colombia and was unable to travel to key locations to expand the scope of my research. While I identified Antioquia and Bogotá as the two locations with the easiest access to activists and government workers, a more encompassing research plan would have also gone to Cartagena and Cali. As the capital of the Valle de Cauca department, Cali would have given me greater insight at a ground level as Valle de Cauca was one of the departments most affected by the conflict.



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Cartagena's absence is notable because of the sex trafficking ring uncovered at the end of my stay in Colombia. Unfortunately, I was not able to change my flight plans in time, and a golden opportunity was missed. A further limitation is the scope of my research is that I only had time to perform research on one country. An elongated research plan would include multiple case studies in order to provide a fuller picture of the TIP. Including interviews with State Department officials would give this research much more credibility and improve the level of findings. A final limitation has to do with language. Although I am fully confident in my Spanish language abilities, there does remain the possibility that some things were mistranslated or that I lost the context of a conversation. As a first time researcher, it was a challenge to concentrate on both interview skills and using the correct terminology in another language. In short, recommendations for further research would include a larger geographic scope while at the same time employing further case studies to analyze. Furthermore, continued research on this topic should include a study of human trafficking domestically to create a more focused picture of US human trafficking policy internationally.

### **7.3 Concluding Remarks**

Colombia has been plagued with long term conflict throughout much of the previous century. In fact, most people only know of the country's through popular culture such as the hit television series *Narcos*. Unfortunately, with this violence has also come many instances of human rights abuses, with human trafficking not being the exception. While on the surface it seems as though Colombia should be held as a beacon for the rest of the region with its international acclaim for anti-trafficking, the deficiencies that plague

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worldwide human trafficking discourse remain ingrained within governmental policies. Until the Colombian government takes into account the voiceless victims, there will never be a truly successful human trafficking policy in Colombia. While I was performing this research in this past summer in Colombia, I also spent time reporting on issues for a local San Francisco paper, where I was able to cover the political election. This particular election was highly contentious as it pitted a former guerrilla member socialist vs. a right-wing conservative. In the end, the conservative, Iván Duque, became president after a convincing victory. Alarming, his administration has shown willingness to back neoliberal policies in the region with a tendency to be influenced by the United States. Instead of being assuaged, the major issues with Colombian anti-trafficking may become even more entrenched.

The Trafficking in Persons report, rather than be a tool for policy makers, effectively keeps anti-trafficking policy from advancing. The same flaws that are seen in global anti-trafficking policy are also seen in Colombia. While they may hold the distinction of high international esteem with both the UN and US holding their policies in high regard, what good is international acclaim when that very acclaim is flawed? One final time, Sanghera asks: “what are they doing wrong?” By attacking the wrong institutions, by failing to listen to those who they are supposed to protect, and by refusing to engage with new strategies, human trafficking campaigns around the world are inherently flawed. There is no such thing as “solving” human trafficking, but with a different perspective, perhaps positive change can occur. However, with Western

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policymakers seeing little need to change the status quo, change could prove to be hard to come by.

APPENDIX ONE: INTERVIEW GUIDE

General Questions

- So you do fantastic work with in fighting human trafficking. What exactly is the situation like in Colombia in this moment?
- Can you define human trafficking?
- How does your organization(change with government when needed) work to combat human trafficking?

Colombia Related HT Questions

- What trends have you seen in anti-trafficking in the past decade? What's the general trajectory of HT in Colombia?
- Traditionally, Colombia has been an origin state for trafficking routes to other countries, in particular Japan and Spain. How have HT policies helped combat this problem? How effective were they?
- Has the enforcement been sufficient enough in your opinion?
- What is the biggest failure/success of the Colombian government in anti-trafficking?
- Where will it be 10 years from now?

US/Int/TIP Questions

- What role do you see the United States having in anti-trafficking in Colombia?
- In your view, does international pressure effect any changes on policy?
- You probably know of the TIP report. Can you think of any specific examples where the release of US TIP caused any change in policy?

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- How is the TIP ranking determined? Who writes it, Who influences it? Is it a good indicator of HT in Colombia? Who does the research? Where is the data coming from?
- Is the consistent ranking of Colombia as tier 1 accurate? Does the fact that Colombia has such a good relationship with the US (receives the most Latam foreign aid) have anything to do with it?
- Speaking of the relationship with the US, CO is also the most neoliberal state in the region. Is there any connection between this and their ranking on the TIP report?  
  
Colombia is ranked tier 1, while a state like VZ is ranked 3. Does that have anything to do with the political differences in VZ and CO in relation to the US?
- What in particular has CO done to continue to be ranked Tier 1? Have any changes in policies favorable to US interests been observed in that time?
- The TIP is based off of the US int human trafficking policy and its “3 P’s.” In your opinion is this an effective way to judge human trafficking?
- Colombia fell from tier 1 to tier 2 for the first time in 2014-2015. Why is this the case? Is there any evidence of US trying to force change? Was there ever any threat of sanctions from the US?
- Reports such as the TIP use quantitative statistics in their reporting on the issue. For example, many times the data will cite a certain amount of “raids,” or “prosecutions.” Do these raw numbers help or are they more harmful?

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- Some argue that HT policies are meant to control migration. Do you feel the TIP is used in this way in the context of CO?
- Anti-trafficking is highly popular in the west, and many argue that it can include a “white savior complex,” failing to give voice to the victims while giving western philanthropists a way to feel good about themselves. Do you feel as though international HT campaigns, including the TIP, are “orientalizing” in nature? That is to say, do you feel as though the victims voices are well represented in the TIP or is it more of a political monster?
- For years, HT campaigns have focuses on eradicating sex work, ignoring push factors that led for them to enter the situations they found themselves in. Has this focus on sex work been observed in CO as well? And if so, has it been hurtful or harmful?
- In your opinion, is the US TIP effective? Can there be any additional motives to it? Could it be coercive?
- Do you find it ironic that the US releases the TIP when HT remains such a problem in the US?

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