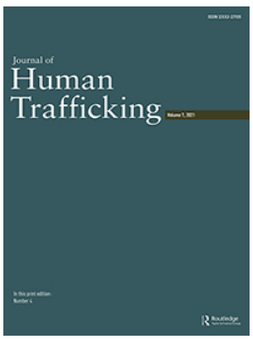

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# Consent, Coercion, and Fraud in Human Trafficking Relationships

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**ABSTRACT**

The framing of human trafficking as exclusively a problem of victims versus offenders often misses the empirical realities found in actual cases. "Consent," "coercion," and "fraud" are central concepts to legal definitions of human trafficking, yet there is mutual exploitation in some cases and "self-initiation" in others. Both traffickers and victims can be found making unenviable choices between working long hours for low pay in grinding global and local economies where margins are impossibly tight, or participating in illicit, cash-based, businesses. Using interview findings from published studies based on more than 3,500 first-hand accounts from victims and offenders from 22 countries, this article presents a less adversarial picture of human trafficking. The picture presented remains cognizant of the brutality sometimes entailed and the limited protections from threat of violence endured by the exploited, while demanding a more nuanced response from law and policymakers committed to being responsive to the personal, social, and economic dynamics of human trafficking.

**KEYWORDS**

Human trafficking; consent; coercion; fraud; relationships; interviews

## Introduction

The framing of human trafficking as victims versus offenders often misses the empirical realities revealed in criminal cases and detailed in research with individuals involved in such activities. "Consent," "coercion," and "fraud" are central concepts to legal definitions of human trafficking, yet there is mutual exploitation in some cases and "self-initiation" in others, exposing a complex economy of human trafficking that spans legal global supply chains and, typically, local illicit enterprise. Drawing upon a review of published studies of interviews with known victims and offenders, this article reveals the importance of developing laws, policies, and programs that are responsive to the personal, social, and economic dynamics of human trafficking that present exploiters and the exploited with unpalatable choices.

While predominant narratives about human trafficking focus on predatory criminals exploiting vulnerable and gullible victims, the research we present here reveals a more complicated picture. Some traffickers are also victims, and most trafficking victims are engaged in conscious efforts to improve their lives.

According to the United Nations Convention Against Transnational Organized Crime Protocols to Prevent, Suppress and Punish Trafficking in Persons, human trafficking is defined as 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. (United Nations, 2000, Article 3)

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This Protocol has been ratified by 178 (92%) of the 193 UN Member States, so these elements have been almost universally adopted by the countries of the world, which have in turn incorporated aspects of it in national legislation and policy. Coercion, fraud and the circumvention of consent through the abuse of power and payment are thus considered essential elements of human trafficking the world over.

Human trafficking is also regarded as distinct from migrant smuggling in international law. Migrant smuggling is the subject of a separate protocol in the UN Convention against Transnational Organized Crime and involves two elements: (a) facilitating illegal entry to another country, and (b) doing so for some benefit (usually financial). The lack of coercion, force, or fraud distinguishes migrant smuggling from human trafficking. In practice, however, the distinction might be less clear because migrant smuggling can become human trafficking when the original agreement is breached and a voluntary migrant becomes a victim due to demands for more money, seizure of their passport, or exposure to force, fraud and/or coercion (Albanese, 2011; Choo, 2016; David, 2012). In political discourse, smugglers and traffickers are then cast as similarly amoral for coercing victims with force or threats, or defrauding them with false or broken promises, justifying not only the ramping up of immigration control to police human trafficking, but also military intervention to protect national borders (Austin & Farrell, 2017; Meriläinen & Vos, 2015). As the definition of human trafficking has widened beyond sex trafficking, child trafficking and labor exploitation, to include forced begging, illegal child adoption, forced marriages, child soldiers, the coerced dealing of drugs by vulnerable people, and organ trafficking, the depravity of traffickers and their difference from those they traffick has appeared more pronounced (United Nations Office on Drugs and Crime, 2018; Purkayastha & Yousaf, 2019, p. 13). Cases where different forms of trafficking overlap are cited to confirm such a diagnosis and highlight the global pervasiveness of organized crime groups (United Nations Office on Drugs and Crime, 2018) and the need to increase law enforcement interventions against them (Home Office, 2017; Polaris, 2017). Yet as we argue below, this "exploitation creep" obscures the ways in which acute precarity and multiple inequalities cause some of those who are trafficked and some of those who traffick to become imbricated in multiple forms of exploitation as their options are further narrowed by economic competition, indebtedness and systems of immigration control (Belanger, 2014; Chuang, 2015).

## Method

### *Studies that Involve Participant Interviews*

A large body of publications on human trafficking has been produced over the last two decades. Much of this published work involves reports to police, prosecutions, opinions, and interviews with public officials and service providers responding to reports of human trafficking about the operationalization of policy. Consequently, it often represents only a secondary source of information about motivations and pathways into human trafficking. Far fewer studies involve interviews with victims or offenders, even while it has been noted that, "empirical studies can provide a superior, evidence-based foundation for the development of official policies regarding human trafficking" (Weitzer, 2014, p. 21). Gaining access to samples of victims or offenders is difficult, partly because these are vulnerable populations, controlled by gatekeepers, who usually do not consider research to be a priority, or are restricted in relation to resources available in order to provide support for the purposes of research. In the case of human trafficking these obstacles are worsened by common aggravating factors such as the precarious immigration status of victims and offenders, fear of retaliation against victims or offenders, victims who are minors, prison security concerns and the deportation of foreign national offenders. Ethical concerns often preclude research with people engaged in trafficking activity where they have not been identified and processed by the criminal justice system.

A search was undertaken for empirical studies that involved interviews with victims or offenders of "human trafficking," and which were published during the last 20 years (2000–2019). This time period was selected to reflect the global consensus and interest generated by the Palermo Protocol, which included the protocols on human trafficking and migrant smuggling as part of the UN Convention against Transnational Organized Crime in 2000. Studies that focused on the *trafficking experience* were selected, rather than those that focused primarily on physical or mental health outcomes, or related issues such as money laundering or the training of service providers. This search was limited to studies published in peer-reviewed journals to ensure that their rigor and approach had been screened for sound methodology. We did not consider government or civil society reports, or related gray literature that are not normally subject to anonymous peer review. In addition, books that report on empirical findings are nearly always preceded by journal publications, which are captured here. Therefore, this review is confined to the peer-reviewed empirical literature published in academic journals; literature that focuses primarily on the trafficking experience, in order to assess the presence of consent, coercion, and fraud, as well as wider structural factors.

The resulting search included English-language sources listed in Academic Search Complete (EBSCO), Web of Science, and Google Scholar. The search targeted the phrase "human trafficking" appearing in the text of the published article, followed by a review of the methodology to determine whether victims or offenders were interviewed. As will be shown, these studies on multiple manifestations of human trafficking included victims and perpetrators of sex trafficking, labor trafficking, domestic servitude, and organ trafficking. The studies are summarized in Appendix A.

## The Studies

Several observations are striking from this summary of studies. First, only a small proportion of studies of human trafficking rely on interviews with victims or offenders. Of the more than 200 published studies screened for this review, only about 13% involved interviews with principals (a total of 27 interview-based studies). Of this group, only a few included interviews with traffickers (offenders and facilitators), revealing the paucity of empirical research behind policy in this area. We focused on interview-based studies, because they provide greater depth of explanation and understanding of the trafficking experience than do surveys or official counts, which tend only to summarize experience in abstracted and aggregated forms.

Second, these studies cover a large sample spread across a diversity of locations. Most of the studies address sex trafficking, although more than a third included labor trafficking of various forms. The summary below reflects the scope of these studies. In total, they involved more than 3,500 interviews with victims and offenders located in 20 countries on six continents. Most studies were modest in size (eight studies had 25 or fewer participants), but there were also several major studies that drew on interviews conducted by law enforcement that raised the average interview size to more than 100 per study. Sample sizes are listed in Appendix A.

**Summary of interview-based studies of human trafficking victims or offenders**

- **27 studies**: Interviews with HT victims (20 studies) and interviews with HT offenders (7 studies)
- **22 countries**: Number of countries included, covering six continents
- **3,500 total interviews**: Individual study interviews ranged from three to 476. Average interviews per study = 100+ (although eight studies had 25 or fewer interviews).

Many of the studies used semi-structured interview methods with the aim of eliciting data in relation to the experiences of those involved, for example:

- to describe the lived experiences of child sex trafficking through the eyes and perceptions of the victims (Marcus et al., 2014; Miller, 2011; Williamson & Prior, 2009);
- to explore how experiences of migration shaped vulnerability to sexual exploitation and examine the backgrounds of traffickers (Belanger, 2014; Joarder & Miller, 2014; Mai, 2013; Rocha-Jimenez et al., 2018); and

- to identify how people become involved in trafficking and how they operate (Keo et al., 2014; Marcus et al., 2014; Zhang, 2011).

Most were based on primary interviews with victims and/or traffickers, with the exception of Demir (2010) who used secondary data in the form of interviews undertaken by law enforcement. Most worked in conjunction with NGOs in order to access participants, though two studies accessed victims who were in custody (Perkins & Ruiz, 2017; Williamson & Prior, 2009). The research undertaken by Edberg et al. (2014) and Busch-Armendariz et al. (2011) were conducted within an evaluation framework, considering the effectiveness of services aiming to support victims, although the remit of the interviews extended beyond the services, capturing the trafficking experience.

## Findings

All the studies were read by the authors, and an initial coding framework was developed to determine each study's sample, location, method, and results. The initial coding framework mirrored the focus on consent, coercion, and fraud to be found in the Palermo Protocol and wider international law as described above. This analysis was then expanded to include structural factors because the interviews with victims and offenders suggested broader influences – to do with family lives, employer behavior, and the regulation of migrants – were at work in their decision-making.

### *Consent*

Consent under the law means a freely given agreement by a competent person. Lack of consent is often evoked to distinguish trafficking from human smuggling – which involves voluntary conduct on the part of the person being smuggled – although in practice it can be hard to separate the two. It is typically assumed in law that children lack capacity to consent to sex work and other forms of exploitative labor. The vulnerabilities of child victims presented in the data discussed below illustrate a stark backcloth against which coercion and exploitation takes place. But matters are more complicated when it comes to adults, especially those involved in prostitution due to the varying legal frameworks governing such work. In some regions, it is assumed that no one would willingly consent to sell sex, so all sex work is deemed "trafficking." In other jurisdictions, people can legally consent to sell sex, but it may be deemed exploitative if a third party takes a percentage of the sale. Of course, the behavior of the client is also relevant in such scenarios, as those who do not pay or demand acts the worker does not wish to perform, breach consent and thus commit rape or sexual assault.

Empirical findings, involving victim or offender interviews, suggest that most adult victims actually do consent to exploitative arrangements albeit in desperate situations. While their individual life situation (e.g., job, housing, personal security) is unstable or chaotic, the decision to participate in sex for pay, hire a man for protection, or pay a commission to someone to place adverts are made voluntarily to redress an existing financial commitment or to make remittances to struggling family members. Depending on the legal framework of the jurisdiction, collaborating with third parties in order to facilitate sex work risks committing additional offenses, even if it is done to make a safer working environment. The following examples provide illustrations of how individual consent in trafficking situations often involves a subtext of desperation, or personal or family instability.

One Russian trafficking victim detected in Turkey explained:

> One day, I was reading a newspaper. I saw a small ad offering good jobs in Turkey. I called the number and made an appointment. I went to the address that was given in the phone call. I went into the office. The lady in the office told me there was a dancer position in Istanbul, Turkey, and I would make $3000 per month. She also offered to cover my passport and travel expenses to Turkey. I accepted her offer. (Demir, 2010, p. 321)

In this case, an offer of stable employment of any kind was accepted given the lack of alternatives. In a case in Bulgaria, a woman working as a bartender needed to make more money so she contacted a man from an escort agency who became her trafficker. In her words:

> I was unable to support my children . . . I had heard that I could make money as a prostitute abroad, so I replied to an escort ad I saw on the Internet. . . . A man picked up and confirmed that, in fact, a lot of money could be made. He asked me to meet, asked me why I wanted to go and some other stuff. He told me what the conditions would be and that he would help me with the documents and the expenses. . . . After a few days I left. (Petrunov, 2014, p. 169)

In this example, the inability to support one's family led to the decision to accept a high-risk employment offer. In a US case, a trafficking victim described the conditions that characterized her chaotic family life prior to being sex trafficked.

> We were starving . . . we had no money, no lights, no gas. One box heater for the whole family. He didn't want to waste drug money on Christmas presents or birthday presents. He took our toys away when I was 8. He sold them and bought drugs. (Williamson & Prior, 2009, p. 52)

As illustrated by these three cases, the coercion was not overt. All parties to the ultimately exploitative enterprise found themselves in undesirable or desperate situations (away from home support, financially destitute, or insecure in their current circumstances), and made choices to redress them by entering into relationships of dependency and subordination for at least short periods of time (Alejano-Steele, 2013; Davies, 2009; Mai, 2013; Marcus et al., 2014), some through romantic relationship models (Mai, 2013; Rocha-Jimenez et al., 2018). Such subordination can amount to being controlled by another person, as the UN Protocol defines human trafficking. For example, the isolation involved in cases of domestic servitude can render victims wholly dependent on their exploiters, as one woman explained:

> We're not supposed to talk to anybody . . . She sees you talking to somebody, she'll shout at you or call you, take you away from where you are. [You feel] depressed – you have nobody to talk to. (Baldwin et al., 2015, p. 1173)

More commonly, traffickers and victims are codependent, at least initially. This is particularly so in relation to labor exploitation. A study in Cambodia, for example, found that forced recruitment was relatively uncommon. Instead, promises of better-paying employment, love, or freedom from current hardship were used to gain consent. Female sex traffickers tended to deploy "deceptive inducement to recruit people" (Keo et al., 2014, p. 212). In turn, those trafficked had decided to follow the traffickers "because the latter had created expectations of a better life in a new place" (Keo et al., 2014, p. 212; Zhang, 2011). Similarly, Vietnamese migrants working in Cambodian brothels were found to be motivated by "economic incentives, desire for an independent lifestyle, and dissatisfaction with rural life and agricultural labor" (Busza et al., 2004, p. 1370).

A study of trafficked victims to Scotland from Asia and Africa found that "some individuals simply did not want to go back to the lives they had left behind before they came to the UK and that they would remain in situations of exploitation unless viable economic alternatives were presented to them" (Lebov, 2010, p. 86). Similarly, some former victims of sex trafficking in Turkey were reluctant to return to their countries of origin. One victim asked, "Why would I want to return to Nepal? I have friends here, I make good money. In Nepal what would I do? Look after goats?" (Demir, 2010, p. 316).

Some studies revealed how blurred the lines were between those who entered the sex industry voluntarily in order to earn more than they could in other industries, and those deceived into prostitution through false promises. In most instances, trade-offs are made by victims and/or offenders in the course of pursuing migration that promises more lucrative forms of employment. The wider contexts – of restrictive employment legislation, adverse socio-economic circumstances, lack of access to education and training, and familial pressures in which adults and children make difficult decisions – thus shape the kinds of consent they give. Therefore, the voluntariness inherent in the term "consent" becomes blurred when the context of the individual situation is considered.

### Coercion

Like consent, coercion can only be properly understood in the context it is used. Coercion can be explicit – such as a physical threat, rape or kidnapping (Demir, 2010). However, the studies reviewed here revealed that coercion was more often implicit, entailing pressure on an individual looking to escape an exploitative relationship in the context of debts they saw little prospect of being able to repay. For example, a 27 year-old female in the sex industry at the Burma-Thailand border, explained:

> The boss didn't give me salary. I had to put all the tip money into a box on the counter. The boss gave all these money to the other employees by quota except me and my fellow worker. When we asked why we didn't get paid, he said he bought us at 20,000 baht [USD 680]. We would get our salaries and the money in the box after two years. I couldn't do anything but cry at that point. (Meyer et al., 2015, p. 45)

Similarly, in a child trafficking situation in England:

> They even asked me questions 'why don't you run away?' As if I willingly want to stay there and let all those things happen to me . . . I was like 'run to where? Who do I know? These are the only people I know' . . . I didn't have courage to run away because of what they used to tell me, like what they gonna do to me, and how I meant nothing, nobody know I am here, if you die, I will bury you. No one will ask for me. (Gearon, 2019, p. 493)

Both examples illustrate how coercion can be implicit as well as explicit, placing participants in situations that require careful evaluation of the context to understand.

The UN definition of human trafficking specifies that acts must be "for the purpose of exploitation." By way of contrast, research interviews with those involved in trafficking cases suggest the relationships between those deemed traffickers and those they traffick is more akin to an exchange that has become impossible to fulfill (Mai, 2013). In most cases, the victim has asked a trafficker to facilitate documentation, travel arrangements, employment or housing. The context for coercion is muddied, when the facts of actual cases are known. "Legal victims" cause "less trouble for traffickers," so kidnappings and clandestine forms of smuggling are not as common as media portrayals often suggest (Demir, 2010, p. 326; see also, Petrunov, 2014). In turn, some exploiters become financially dependent on victims in order to meet the costs of their own indebtedness, drug use, or brothel running costs. In some cases, victims threaten to report traffickers to police, other partners in their illicit businesses, or make false claims against them to superiors in the illicit business in order to establish a basic negotiating position (Demir, 2010, p. 329). For example, a 28-year-old female brothel operator in Cambodia, who had been sentenced to six years in prison for procuring for prostitution, complained about the illicit business:

> People think brothel owners make a lot of money, but they have no idea of our difficulties. We risk prosecution. We are harassed by police and local authorities, especially when we fail to pay the bribes in time. Our earnings are spent on bribery, rent, food for our girls, utilities, and more. Often the girls borrow money from us, and some run away without repaying the loan. Some even report to the police that they have been trafficked so they can default on the loan. (Keo et al., 2014, p. 216)

Of course, these power-relations can ebb and flow as victims' circumstances change, making coercion sometimes difficult to evaluate. While the threat of violence is quite rare, however, it is also quite real for those who cannot turn to the police for protection because they are undocumented. Interviews in Los Angles with trafficked women from 10 different countries revealed how afraid of law enforcement victims of sex trafficking and domestic servitude had become.

> So we're scared and every time we see a police car, it scared us, because she said, if the police car or the police ask you where's your papers, what are you going to say? You can't tell them that you're working with me, because if they ask me, I'm going to deny you. (Baldwin et al., 2015, p. 1176)

A study in Ireland reported that the police there were "kind" but "did not have a way to help" (Doyle et al, 2019, p. 233). In contrast, a young Russian woman revealed that the threat of exposure back home was far worse than the fear of arrest.

> I came to Turkey on a false job promise, and then was forced to work in the sex business. I went to customers to be with them. My visa was about to expire, so my pimp sent me to my home country to extend my visa. I went to my country, and did not come back. I would not return to Turkey, but she called me and threatened to tell everybody in my village that I had done sex work in Turkey and become prostitute. It would be a shame for me and my family, so I decided to go back. (Demir, 2010, p. 333)

In these case examples, the nature of the coercion is indirect. Consequently, applying human trafficking laws and policy can be difficult without understanding the nature and context of the relationships involved.

Returning victims can be coerced by perpetrators in other countries too, with threats sometimes extending to family members (Doyle et al, 2019). Exposing those who have engaged in sex work, and who have lied to friends and family about how they would be making a living abroad, can be as intimidating as the threat of physical violence. Similarly, there is stigma for having been taken into care, and having begged or lived on the streets for children sent to work abroad (Gjermeni et al., 2008). Similar findings are reported in Budiani-Saberi et al.'s (2014) study of organ trafficking victims. Loss of dignity and becoming ridiculed by friends, family and community were among the consequences for those who received so little for selling their kidneys. A significant minority of the "brokers" were men known to have been victims themselves, some also having pressured their own wives to sell a kidney in the context of the unanticipated loss of family income caused by ill-health after the operations. Therefore, coercion must be evaluated in the environment in which it occurs. The result is that human trafficking enforcement can encompass too many or too few in its reach.

## *Fraud*

The essence of fraud is larceny by trick. That is, possession of property is obtained through a deception. Making money is always a central feature of trafficking. Tricking another by exploiting their financial insecurity is a common way to increase profit. In trafficking at the Burma-Thailand border, "Deceit about the amount of debt, how debt would be paid off, and working conditions were components of both recruitment and travel and transit" (Meyer et al., 2015, p. 42). In another case, after receiving 2,000 baht [USD 68] out of a promised 12,000 baht [USD408] of his salary, a male migrant construction worker in Southeast Asia was told he had no other option but to accept a significant pay cut:

> If I do not agree, he said that he does not care and that I can inform anybody. And he told me to leave . . . I didn't dare to inform the police because this boss got along with the police and the immigration and he bribed them. (Meyer et al., 2015, p. 44)

The labor trafficking was able to continue because it was facilitated through a corrupt relationship between the hiring company and the police and immigration authorities.

In a U.S. study, a minor disclosed that she applied to work as a model for a firm that that turned out to be primarily an escort agency. She described the situation:

> We went over to the guy's house that ran the escorting and the modeling thing, and he told me everything about the escort thing and how it was gonna go and stuff, and I'm asking him, what about the modeling? He said that he just doing escort right now, but when he get his money up, he was gonna get right to modeling. (Williamson & Prior, 2009, p. 50)

They came to an agreement, despite the fraudulent nature of the terms under which the young woman was recruited, because she was so desperate. This type of situation was common amongst the interviewees in this research where young girls entered into agreements in order to provide for their own needs in contexts where they lacked a capable parent or guardian, and the men who ultimately exploited them played to their dreams of a better life (Williamson & Prior, 2009). The "abject poverty" of the vast majority of victims of organ trafficking similarly underpins their agreements with brokers, even though their financial situations rarely, if ever, improve after their transplant operations that typically left them with underlying health conditions and unfit for full time work (Budiani-Saberi et al., 2014).

A similar situation was seen with a 26-year-old Guatemalan woman who worked in farm labor camps in Arizona. When she was 20 years old, she decided to migrate to the U.S. to support her young children, because her husband had died. She found a smuggler in Mexico who was transporting people to pick tomatoes in Arizona, but when she arrived in Arizona she was offered a different job:

> I went to pick tomatoes; but when I arrived there, things changed. I was very young, and the patron needed prostitutes for the workers. As I was alone and I didn't have a man, I didn't care, and I ended up working as a prostitute. (Palacios & Yamamoto, 2017, p, 1324)

There are many victim accounts that reflect a change in the original agreement with a third party who initially provided services to assist with travel and/or employment but ultimately became their trafficker when circumstances changed. Victims accept the fraud because they have few, if any, palatable alternatives. The situation was captured by a Korean fisherman who described the heavy price paid when a coworker escaped his debt repayments and sexual abuse.

> He had also given the agent 'special power' over his brother, meaning that his brother became liable for the conditions of his contract. While on board the vessel, Korean officers frequently hit and fondled this particular member of the crew – his desertion placed his family in debt bondage for six years. (Stringer et al, 2015, p. 15)

Similar circumstances, involving financially desperate individuals seeking better employment or success elsewhere, result in exploitation by recruiters, transporters, employers, and sometimes even governments at the destination – all of whom recognize the powerlessness of the migrant/victim (Belanger, 2014; Joarder & Miller, 2014). Government exploitation can occur through wage suppression, high levels of dangerous work, continuing unresolved residency status, coercive working conditions, and corruption (Consterdine & Samuk, 2018; Syed, 2017). Therefore, the deception that characterizes fraud can occur through misrepresentations, veiled promises or threats, and other forms of exploiting the person in the transaction who is less powerful.

## *Structural Pressures that Promote Human Trafficking Enterprises*

The issues of consent, coercion, and fraud have been shown to manifest themselves in indirect and unclear ways in many trafficking relationships. Beyond the individual level, there are larger structural and social factors that push people into the roles of a trafficker or a person trafficked.

### *Family Life and the Illusion of Choice*

In addition to the elements of consent, coercion, and fraud in human trafficking, anti-trafficking service providers have shown how "economic insecurity, housing insecurity, education gaps, and migration" render the decision to submit to exploitation a "rational choice" for some, not all of whom consider themselves to be victims (Schwarz et al., 2019, p. 122). This is no less true of victims of child sexual exploitation who by virtue of their age cannot consent to exchange sex for money, drugs or other goods (Perkins & Ruiz, 2017). A study of 40 female minor domestic victims of trafficking in the U.S., revealed that many young women working as sex workers do "not see themselves as victims." Some had limited awareness of the law. Others refused to be seen as "victims" and therefore insisted that they were merely "trading" sex for things they wanted or needed and that that was their "choice," particularly if they were estranged from parents who had failed to care for them or who had mental health or substance use problems of their own (Perkins & Ruiz, 2017, p. 178). These children believed they had agency and control over their choices and therefore rejected the term "victim."

In the studies we reviewed, there were numerous examples of adult female human trafficking victims who were highly motivated and working to take back control of lives that had hitherto been defined by deprivation, lack of opportunity and oppression or abuse. As was found in India, women trafficked from agricultural work to domestic servitude were "doubly marginalized" in their status as women and being seen "as merely a commodity of production" (Sarma, 2019, p. 26; see also, Baldwin et al., 2015; Demir, 2010). This situation, which is a legacy of colonial exploitation, results in "poverty

and absence of minimum basic facilities" which drives people "out of their traditional work in search of freedom" (Sarma, 2019, p. 27) through routes that are inevitably shaped by gendered and generational aspirations and constraints. As Keo et al. (2014, p. 212) observed following their research with victims and perpetrators in Cambodia, "human trafficking appears to offer an illegitimate opportunity to earn money for [the] poor and uneducated women of the developing world, who become both victims and perpetrators." Their research revealed many cases where women had endured exploitation in order to make better lives for their families and children. A case of a woman trafficked from Central America to the US revealed the pressures on impoverished mothers:

> Before I did not have anything, and I was scared. I cried a lot because I have my daughter in Honduras. Even if I do not eat here, I need to make sure I send money to my daughter back home. (Busch-Armendariz et al., 2011, p. 6)

A victim in Bulgaria recounted how she entered sex work to save a man she loved.

> I thought that he really loved me . . . We were together for a few months and he told me that he owed a lot of money which he could not repay . . . He said he was pressured and something terrible would happen . . . He begged me that if I loved him I would agree to go and be a prostitute in Germany, that his cousin was there and he would help us. . . . It was supposed to be for a few months only, so he could return the money he owed and then until we earned enough to buy an apartment together. . . . I heard about two other girls he had told the same lie. (Petrunov, 2014, p. 168)

The structural inequalities and lack of access to education and employment that disproportionately impact women globally, thus shape their decisions to enter into relationships that may become exploitative, typically with men who are also in debt or trouble. Interviews with 42 service providers in the US found that "a majority of their clients faced an accumulation of risk factors that moved vulnerable persons closer to exploitation and trafficking" (Schwarz et al., 2019, p. 126). Globally, there are many people "eager, even desperate for new and/or better opportunities as armed conflicts, natural disasters, and continuing inequalities, locally regionally, and internationally, lead to their displacement and the disruption of their ways of life" (Purkayastha & Yousaf, 2019, p. 7). And hence, often it is victims' families who either unwittingly, because they project their own aspirations onto their children, or wittingly because they are desperate for remittances, open relationships with third parties that become exploitative. Two studies highlighted the active involvement of families in selling their children (Gjermeni et al., 2008; Keo et al., 2014). Sometimes, the enterprise was a pragmatic one in which each party got what they wanted for a short period, but ultimately manipulation occurs. One victim in Bulgaria explained how this kind of arrangement occurs.

> Money was always short and my parents couldn't help me, so when I needed money I would ask my boss for a loan . . . He asked me to return the money I had borrowed so far, but I didn't have enough . . . He then said the only way to repay the debt was to work for him as a prostitute abroad, and that's what happened. (Petrunov, 2014, p. 171)

Oftentimes the debt repayments initially looked viable to prospective victims who failed to factor in that those they are indebted to would charge them for "accommodation, food, clothing, and accessories" or otherwise penalize them for "being late for work or not wearing proper clothes or makeup" (Petrunov, 2014, p. 171). Moreover, in the absence of people upon whom they can truly rely, some victims turn to those involved in illicit activities whom they know will tell them "lies" they "want to hear" (Demir, 2010, p. 321).

First of all, they set up a dream world for the girls. For example, a recruiter says "I will

> arrange a salesperson position in a leather store in Turkey," but the girl says, "I don't have money to go to Turkey" then the recruiter encourages her by saying that he/she will cover the expenses. They have prepared responses for any of the victims. (Demir, 2010, p. 321)

The same appears to be true of teenage girls recruited into prostitution in the US for whom "the element of 'glamour' attached to sex work was viewed as a constant across age levels interviewed" (Edberg et al., 2014, p. 93), as well as an escape from "dysfunctional relationships within families"

(Marcus et al., 2014). As Perkins and Ruiz (2017) discovered, some trafficked victims were merely seeking the opportunity to "feel loved" when their home lives became neglectful and abusive, and/or when they needed to sustain drug and alcohol usage that had initially alleviated those pains. Therefore, the structural inequities that result in economic insecurity, housing insecurity, education gaps, irregular migration, and family dysfunction, play a significant role is setting the stage for the problems of consent, coercion, and fraud that occur at the individual level.

### *Employers and the State*

While it is tempting to blame the callousness of individual traffickers, there is ample evidence that it is often "the structural violence imposed on migrants by the immigration and border control apparatus that forces them to engage in high-risk behaviors in order to meet their minimal subsistence needs" (Palacios & Yamamoto, 2017, p. 1311; Belanger, 2014). In Central America, most of the interviewees in one study were involved in bringing exploitable labor to farms:

> More than two thirds [of participants] had learned this profession in a self-taught manner induced by their US employers . . . After years of crossing the border on countless occasions, their employers convinced them that they could bring undocumented labor to the U.S. (Palacios & Yamamoto, 2017, p, 1312)

In this same study it was found that over a third of these exploiters had been children themselves when they were transported to U.S. farms, and that most remained "grateful to their employers for paying their smuggling debts" for this is the only way many people can migrate to the U.S. (p. 1322).

Inevitably, industries that demand cheap labor, "such as agriculture, fisheries, manufacturing, and construction, encourage migration of unskilled workers" (Busch-Armendariz et al., 2011, p. 1) and become targets for exploitation, as do businesses that tolerate inferior conditions to indigenous workers without knowledge of how intolerable these conditions can become. Hence, in their study of Korean fishing crews, Stringer et al. (2014, p. 12) met men who had signed two-year contracts that required them to complete:

> 20 to 40 days at sea during the fishing season, before returning to port to unload their catch, restock the vessel and return to sea. In the majority of cases, they were in port for less than 48 hours. They could not easily leave their vessel and security guards were sometimes employed to 'watch and follow' them. Injured crew usually had to remain below deck while in port and commonly had any requests to see a doctor denied.

The fishermen "lived like rats" (p. 13) who were charged for the food they ate and denied beds to sleep on. Yet, the ship they sailed on was sailing under license in the waters around New Zealand, the government of which ultimately failed to protect them, and secure them recompense, which then deported them, once it became apparent that they were unable to support themselves financially.

### *Debt and Migration*

While "many trafficked persons" can be "identified as someone vulnerable to exploitation prior to their trafficking" (Schwarz et al., 2019, p. 128), the stringent limits Western nations have placed on the ability of migrants to move across borders and to intervene to protect their rights when they do so further compounds this vulnerability. When formal immigration paths close down, migrants often seek out alternative routes, creating opportunities to profit for those able to facilitate illegal border crossings and employment (Belanger, 2014; Joarder & Miller, 2014). In the last 20 years Western nations have increasingly sought to deter illegal migration by imposing criminal penalties on those making illegal border crossings (Aas, 2011; Stumpf, 2006), compounding the plights of those who become indebted in the process of repeated attempts to migrate, some of whom pass that debt back onto subsequent generations. As one study found:

> Some of the victims or their families had accumulated huge debts—money that they owed to Roma loan sharks—that they could not repay. To pay off the debt or earn extra money, they volunteered the sale of their newborn baby. (Petrunov, 2014, p. 175)

Likewise, Rocha-Jimenez et al. (2018) found trafficking closely linked to international migration flows. Those who have been deceived migrate alongside poorly paid laborers and sex workers looking for better pay than they had at home. The situation for traffickers is remarkably similar. Interviews with traffickers in Cambodia found that a combination of a lack of legitimate opportunities combined with the presence of illegitimate opportunities to enable the traffickers to make a living and survive (Keo et al., 2014). Therefore, the combination of irregular and forced migration with debt create a pool of persons at high risk for exploitation.

## Conclusion

In this review of primary research studies, we have shown that the relationships that underlie human trafficking enterprises are the product of the decisions made by desperate offenders and victims who find themselves in situations where they are looking to make money via employment in order to survive. These are high-risk situations for trafficking, often framed by structural factors, outside the individual relationships involving consent, coercion, and fraud.Though often poorly educated, trafficking victims are not always naïve. Rather, in their desperation to overcome marginality and poverty, some find themselves more easily persuaded by those who promise a better life in return for accepting debts that turn out to be nearly impossible to repay. Such indebtedness, can in turn, render them even more susceptible to trafficking and exploitation (Baldwin et al., 2015; Belanger, 2014; Purkayastha, 2018).

Traffickers respond to populations willing to borrow or pay to move across borders or make money quickly and illicitly. Trafficking, whether in people or body parts, typically entails the exploitation of marginalized populations, whose bodies are commoditized, generating profits for illicit entrepreneurs, who are sometimes only loosely connected through activities involving the recruitment of casual labor, transportation services, and meeting the demand for goods and services. Victims typically make several "choices" that culminate in their own exploitation, but these choices are invariably shaped by their powerlessness, poverty, lack of opportunities, and/or threats to their own or their families' security.

In other words, human trafficking relationships are shaped by the situations in which potential offenders and victims find themselves. While some traffickers deny pay out of cruelty, others are failing in their businesses, either because they are not viable, are in desperate situations themselves, or because they are subcontracting in industries so competitive that it is impossible to make a profit (Meyer et al., 2015). Within this context, the difference between victims and offenders can be overdrawn (Segrave et al., 2018).

The analysis reported in this article is limited in that it evaluates completed studies, and entails all the limitations of those studies regarding sampling, scope, and focus. We see our findings as an evolving effort, as new studies and analyses are conducted with different groups of victims and offenders globally. Nevertheless, the studies analyzed here reflect a diverse set of empirical work that has added to what we know about the human trafficking experience. The current study endeavors to bring together this work in a way that assesses what is known from primary research, and what remains to be evaluated. Its value lies in organizing the existing qualitative studies around three key aspects of human trafficking: consent, coercion, and fraud, and how structural factors impact all of these.

It has been shown that establishing the three major elements of human trafficking in law, consent, coercion, and fraud, is not straightforward. The circumstances underlying many trafficking experiences, as illustrated by the large body of research examined here, are complex and involve careful assessment of the duress and deprivation which underlie the decisions of those who find themselves at

high-risk of involvement in trafficking. The current study also provides insight into how micro-level approaches, building up from the accounts of individual trafficking experiences toward larger macro-level explanations, avoid ideological and presumptive perspectives from framing the research in advance. This is an important insight for future work.

As noted at the outset, narratives about human trafficking usually focus on predatory criminals exploiting vulnerable and gullible victims, but the research we present here reveals a more complicated picture. Some traffickers are also victims, and most trafficking victims are in desperate situations simply trying to improve their lives. A careful look at the thousands of individual experiences in these studies reveals a diverse mixture of motives and methods that are framed by overarching structural inequities causing economic and housing insecurity, education gaps, irregular migration, and family dysfunction. As a result, human trafficking cannot be addressed only as a criminal problem of consent, coercion, and fraud without also developing a better understanding of the context in which these decisions occur.

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## Appendix A

### *Human trafficking experience studies relying on primary source interviews*

| Author | Location | # victim/offend inter-views | Recruit route | Method Exploitation | Risk Factors |
|---|---|---|---|---|---|
| Baldwin et al., 2015 | Los Angeles | 12 adult women | Trafficked from 10 different countries | Domestic servitude and sexual exploitation | Traffickers monopolized their attention, even when they were not physically present. deprivation of basic human needs such as food, sleep, and health care; threats to control the women, including threats of arrest or deportation, threats against family members, and threats of violence and death. Degradation: victims were insulted and humiliated, denied privacy and dignity |
| Belanger, 2014 | Vietnam | Surveys & interviews with 646 returnees (former migrant workers) | Lawful migrants workers who experienced some level of exploitation | Vietnamese migrant workers who worked in other Asian countries | A majority of former migrants surveyed did not report experiences of abuse, deception, or severe exploitation during their migration, although all of them were in debt bondage as a result of incurring a large debt to go abroad; various processes underlie the migrant worker experience: (1) some succeed with good employers and pay, (2) some become undocumented workers increasing the risk of exploitation, (3) some fail due to bad employers, nonpayment, or exploitation |
| Budiani-Saberi et al., 2014 | India | 103 victims | India | Trafficking for organ removal (kidneys) | All victims interviewed lived in abject poverty with monthly income levels well below the national average; most victims reported long lasting health, economic, social, and psychological consequences; no matter the reason expressed for an organ sale, all victims reported that they would not have agreed to the organ removal if their economic circumstances were not so dire |

(*Continued*)

(Continued).

| Author | Location | # victim/offend inter-views | Recruit route | Method Exploitation | Risk Factors |
|---|---|---|---|---|---|
| Busch-Armendariz et al. 2011 | Texas, USA | 9 | Outside USA | Type of trafficking case not collected | Lack of communication with family.<br>Language unknown.<br>Need for safety, medical health assistance.<br>Lack of financial stability.<br>Uncertainty in care for children. |
| Demir, 2010 | Turkey | 430 victims (police interviews) | Moldova, Ukraine, Russia, Kyrgyz, Uzbekistan, Azerbaijan | Sex trafficking from other countries in Eastern Europe and central Asia | The majority of victims were assured of some kind of job (73%), 13% were kidnapped in/into Turkey;<br>once in the country, traffickers use various methods to control the victims, such as debt bondage, violence, confinement, confiscation of travel documents, and threats |
| Doyle et al. 2019 | Ireland | 15 victims of labor trafficking | Asia and Africa. via acquaint-tances, family, friends. | Labor trafficking. (domestic worker, restaurant),<br>most common threat was repatriation or deportation | Lacked freedom of movement;<br>lack of knowledge of rights, language;<br>fear of police from origin;<br>threats to family at point of origin |
| Edberg et al., 2014 | San Francisco, CA 2USA | 25 workers in domestic sex trade | Domestic | Sex trade; multiple forms of family, partner, friend, and self-exploitation | High poverty backgrounds; Unstable family situations; family abuse, exploitation;<br>poor school performance |
| Gjermeni et al., 2008 | Albania | 61 trafficked minors | Albania and Eastern Europe | Domestic and labor exploitation | Severe family dysfunction; ignorance of the reality of trafficking;<br>traffickers came primarily from within the ethnic (Gypsy) community |
| Joarder & Miller, 2014 | Bangladesh | 476 field surveys of illegal Bangladeshi migrants | Migrants who were led to believe they were legal migrant workers | Illegal Bangladeshi migrants who had returned to Bangladesh | -Findings suggest a job offer provides the migrant with security, but it also increases the likelihood of exploitation via extra fees or bribes demanded;<br>a majority reported adverse working conditions at destination, involving pay, contract violated, mandatory overtime, or learning that travel documents were fake |

(*Continued*)

(Continued).

| Author | Location | # victim/offend inter-views | Recruit route | Method Exploitation | Risk Factors |
|---|---|---|---|---|---|
| Keo et al., 2014 | Cambodia | 91 traffickers | Cambodia | Primarily sex trafficking; split between males and female traffickers | Most traffickers poor, trafficking not profitable, but more so than legitimate work;<br>"majority of incarcerated traffickers in Cambodia are destitute women who, pushed by a lack of legitimate opportunities and pulled by the presence of illegitimate opportunities, engage in unsophisticated criminal activities for very modest gains" |
| Lebov, 2010 | Scotland | 28 in sex trade,<br>+79 victim service provider profiles | Asian and Africa most common. | Sex trade – some w/knowledge, others deceived/<br>coerced<br>Debt bondage; fear, threats of deportation | Some sought work abroad; others fled oppression; prostitution to repay debt v. pay; lacked freedom of movement |
| Mai, 2013 | London | 100 migrant men, women & transgendered people working London sex industry & 34 male agents from Albania & Romania | Eastern Europe | Self-initiation was common amongst sex workers. Only a small number of the 100 sex workers felt they were not in control of circumstances; ale agents commonly used a 'working partnership' model or a 'fiancee contract' | When the agreed working arrangements break down, women's perceptions of being exploited are 'enmeshed' in the context of romantic partnerships with agents;<br>experiences of exploitation related to 'unsatisfactory payment and working conditions'; some women who had previously been exploited continued in sex work; they did not want to exit;<br>a small number of agents used violence to manage their partners |
| Mak et al. 2017 | Nepal | 144 labor migrants | India, Malaysia, Gulf States | Forced labor among migrants returned within past 10 years (n = 140) using ILO's forced labor dimensions: (1) unfree recruitment; (2) work and life under duress; and (3) impossibility to leave employer | Rrecent returnees (n = 140), 44% experienced unfree recruitment, 71% work and life under duress and 14% impossibility to leave employer; overall, 73% experienced forced labor during their most recent labor migration;<br>forced labor was more prevalent among those who had taken loans for their migration |

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(Continued).

| Author | Location | # victim/offend inter-views | Recruit route | Method Exploitation | Risk Factors |
|---|---|---|---|---|---|
| Marcus et al., 2014 | New York and Atlantic City | 249 active sex workers in NYC (70% minors) plus participant-observation with 150 sex workers in Atlantic City (16–24 yrs old), plus interviews with 85 male pimps | Most minors were not recruited | Self-initiation into sex work was most common for minors.<br>Pimps played a small role in both initiation and in the operations of street prostitution markets in both New York and Atlantic City | Findings suggest that stereotypical pimps are far less common and important to street sex markets than would be expected (only 10% of sample of minors had pimps); "self-initiation" into sex work was twice as common among minors as those who entered after 18 years of age; the vast majority of NYC reported wanting to leave sex work (87%); however, not one of these individuals identified a controlling pimp as an obstacle to leaving |
| Meyer et al., 2015 | Burma | 61 migrant workers | Thailand-Burma border | Labor and sex trafficking in cross-border region.<br>Transporters and brokers facilitate travel. | Economic migration for better-paying work; deception by brokers leads to labor or sex exploitation: work w/o pay, forced overtime, abuse; no enforcement of labor laws for vulnerable migrants. |
| Miller, 2011 | Sri Lanka | 61 interviews with informants in tourist areas on Sri Lanka coast | Sri Lanka tourists | Adolescent boys engaged in transactional sex with foreigners (tourists) as one of the few ways for locals to earn greater sums | Interviewees primarily brokers, guides, and facilitators; there was widespread consensus in interviews that adolescent boys were most active in the sex industry; boys had spent some time engaging in other, less lucrative, tourist business with foreigners; and had come to know about earning greater sums from transactional sex by watching others |
| Perkins & Ruiz, 2017 | Southern, USA | 40 female minor domestic victims | | | Victim of sexual abuse; witnessed physical abuse in home; runaways, sex for drugs; sex for place to stay |
| Petrunov, 2014 | Bulgaria | 117 victims, 12 traffickers | Bulgaria to Western Europe | Mostly sexual exploitation | Recruitment: primarily intimate relationship, acquaintance, self-recruitment; most reported that they had not experienced physical coercion during the recruitment process, but reported abuse at destination |

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(Continued).

| Author | Location | # victim/offend inter-views | Recruit route | Method Exploitation | Risk Factors |
|---|---|---|---|---|---|
| Palacios & Yamamoto, 2017 | Mexico, Central America | 90 migrant smug-glers, 45 farm-workers | Central America to US | -involuntary servitude. -debt bondage. -sexual exploitation | (1) trafficking in US farming is encouraged by employers' ignoring labor laws and regulations; (2) migrant smugglers sometimes are victims; (3) trafficked farmworkers have more agency than believed, concerned about being returned to their country; (4) law enforcement inadequate, leaves farmworkers vulnerable to trafficking |
| Pradhan et al. 2017 | Nepal | 67 victims in shelter homes | Nepal to India | -sexual exploitation. -family exploitation | (1) most trafficking at a young age 11–15 years; (2) majority lured with job proposals; (3) Most trafficked by their own family members, relatives |
| Rocha-Jimenez et al., 2018 | Mexico | 18 workers in domestic sex trade | Mexico | Sex trade. Friends, family acquaintances. - poverty, teen pregnancy, domestic violence, familial instability, background | Involuntary migration based on deception by potential romantic partners or friends who introduced to sex trade; migration led to residential instability and exposure to the sex industry |
| Sarma, 2019 | India | Several female victims | India | Trafficking from agriculture work to domestic servitude in cities | Women lack social status; seen as a means of production; poverty wages paid for tea plucking; most victims from impoverished families; traffickers: "This is my job. I know the Delhi placement agencies are bad but I am caught between the placement agencies and poverty" |
| Stringer et al., 2016 | New Zealand | 293 migrant fishermen | Migrant fishing crew on S. Korean vessels | Labor exploitation | Deceptive, coercive recruitment; exploitative working conditions; coercion at destination involving wages, threats, families |
| Williamson & Prior, 2009 | Midwest, USA | 13 trafficked minors | Domestic | Sex trafficking and finesse pimping: manipulating young girls into situations where they make their own decisions to sell sex and give their money to a trafficker; some cases involved use of force or threats as coercion | Most youth were approached by someone who knew them, or through other friends, acquaintances; many girls were runaways when recruited; most experienced abuse at home; parental drug/alcohol abuse |

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| Author | Location | # victim/offend inter-views | Recruit route | Method Exploitation | Risk Factors |
|---|---|---|---|---|---|
| Zhang, 2011 | Tijuana, Mexico | 92 sex trade facilitators | Mexico-US | Local facilitators connected women with local businesses | Business dominated by Mexican individual entrepreneurs with no evidence of systematic collaborations with either local or foreign criminal organizations; after receiving their referral fees, pimps typically left the sex workers to fend for themselves; although subjected to zoning and regulation, there are no legal barriers for women to enter the business; participation by women is overwhelmingly voluntary due to pay and lack of other opportunities |